

**Press Pack issued at IPCC Press Conference in Nottingham  
on Friday 22 February 2008**

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For release 9.30am Friday 22 February 2008

### **IPCC concludes Stirland investigation**

Statement from Len Jackson, IPCC Commissioner following the conclusion of the IPCC independent investigation into communication between Nottinghamshire and Lincolnshire Police prior to the murder of John and Joan Stirland in Lincolnshire in August 2004:

“Following a referral in December 2004, the Independent Police Complaints Commission (IPCC) conducted an independent investigation into both Nottinghamshire and Lincolnshire Police. This examined communication between these forces prior to the murder of John and Joan Stirland in Lincolnshire in August 2004.

“The scope of this investigation was:

- To examine what intelligence was available - to both Nottinghamshire and Lincolnshire police forces - in the time leading up to the murder of Mr & Mrs Stirland
- How this intelligence was shared between the forces; and
- what, if any, impact this may have had, on the potential risk to the lives of Mr & Mrs Stirland

“This extensive IPCC investigation has spanned the last 3 years, and was also suspended at one stage to grant primacy to a criminal trial into the deaths of Mr & Mrs Stirland. This trial, amongst others, has been widely publicised.

“These criminal proceedings have already detailed much of the information and history

of events which led up to the fatal shooting of Mr & Mrs Stirland.

“A significant amount of criminal activity stemmed from the initial murder of Marvyn Bradshaw in August 2003 which culminated in the murder of Mr & Mrs Stirland in August 2004.

“Our investigation examined evidence available to the police relating to these incidents and the intelligence available to the police in relation to the Nottingham based organised crime group believed to be responsible. The serious criminal activity included two arson attacks on residential property, the non-fatal shooting of a man in a Nottingham street, the movement of firearms around the area and most notably in terms of our investigation, a firearms attack on the home of Mr & Mrs Stirland on 14 September 2003 whilst they were inside.

"I would wish to make it clear from the outset that the people solely responsible for the deaths of Mr and Mrs Stirland stood trial, were convicted by the courts and are serving long prison sentences for the appalling double murder of two innocent people. It is our view, notwithstanding our findings from this lengthy investigation, that if the officers and staff involved from the two police forces had acted differently, even on the day Mr & Mrs Stirland were murdered, the outcome would, in all probability, have been the same. It has been evident throughout that the people responsible for these murders were determined to achieve their aims - and they succeeded.

“As well as examining the available intelligence and communication between the forces, the IPCC investigation also considered a number of separate complaints received from the family of Mr & Mrs Stirland.

“The IPCC investigation substantiated some of these complaints including that:

- Mr & Mrs Stirland were not given adequate protection by Nottinghamshire Police
- The firearms incident at the home of John & Joan Stirland on 14 September 2003 was not appropriately investigated by Nottinghamshire Police
- Following this firearms incident, Mr & Mrs Stirland were not given sufficient protection or help by Nottinghamshire Police; and

- Nottinghamshire Police did not supply Lincolnshire Police with enough information concerning the threat against Mr & Mrs Stirland, or the number of reprisal attacks that had taken place

“Our investigation found no evidence to support the allegations that:

- A named Nottinghamshire police officer disclosed the address of Mrs Stirland to the Gunns in a nightclub; or
- The delay in Nottinghamshire Police contacting Lincolnshire Police on the day of their deaths would have changed the outcome of events.

“The actions of 13 staff from Nottinghamshire, ranging from chief officer level down to police constable, plus members of support staff, were all examined by the IPCC. The actions of a Lincolnshire Inspector and member of support staff were also considered.

“Our investigation found that 7 of the Nottingham officers were in breach of the police conduct regulations relating to performance of duties. Based on these IPCC findings, it is now a matter for the force, as their employer, to determine what action should be taken in relation to these breaches. Neither of the Lincolnshire police staff were found to be in breach of regulations relating to the performance of their duties.

“It is important to note however, that none of the failings identified within this investigation amounted to serious misconduct by any individual officer. These were errors of judgement which, if more robust information sharing had been undertaken across the organisation, may have resulted in different decisions being taken by the officers concerned. That said, I cannot categorically say that even this would have changed the outcome of events on 8 August 2004.

“In addition to some individual conduct issues, there was also evidence of organisational shortcomings. As a result of these, a number of recommendations have been made to both police forces, to provide opportunities for learning and organisational development.

“The investigation concluded the following and made recommendations for Nottinghamshire Police including:

- That there was a lack of intelligence exchange between the various covert operations in Nottinghamshire and between the two forces. The report recommends that there should be improved strategic oversight - which should be firmly embedded when considering covert investigations in the future. In addition, intrusive management should be engaged in all major enquiries - ensuring significant intelligence is appropriately actioned and disseminated
- The failure to define clear terms of reference resulted in an inadequate investigation into a number of serious crimes and it is recommended that there should be careful minuting of management decisions to avoid confusion or ambiguity. Where this involves the tasking of officers, relevant paperwork should be supplied
- It was evident that senior officers were not always aware of significant intelligence and incidents that may have influenced their strategic decisions. It is recommended that senior managers should put measures in place to ensure staff understand what information needs to be brought to their attention, enabling them to formulate and/or review strategy
- All officers in a supervisory role should receive guidance on risk assessments, which must be conducted and documented where there is a risk to life. This should be signed off by an officer of at least Superintendent rank
- There was a failure by Nottinghamshire officers to engage officers with expertise in witness protection in this case. It is recognised that Nottinghamshire Police now have a dedicated Witness Support Unit, however they must ensure that officers refer to the dedicated unit whenever they identify that witness protection or threat to life is an issue.

“We have also made recommendations to Lincolnshire Police to review:

- Their intelligence system - to ensure it is fit for purpose and compliant with the National Intelligence Model; and
- Incident allocation procedures to ensure a more robust system is in place, plus reinforcement of the message to all officers and staff that warning markers placed on addresses for the protection of officers and the public are adhered to.

“The implementation of the recommendations outlined here will help to ensure that the errors of judgement made in this case should not be repeated, were a similar situation to occur in the future.

“I have already met with both Chief Constable Steve Green of Nottinghamshire Police and Deputy Chief Constable Richard Crompton from Lincolnshire Police to share with them our detailed findings and we have discussed next steps. As part of my guardianship role, I will continue to monitor the implementation of our recommendations with both Nottinghamshire and Lincolnshire Police - both of whom, I am pleased to say, cooperated fully with this IPCC investigation.

“Our report has of course been sent to the families of both Mr & Mrs Stirland, who have had to endure a difficult and distressing time since the death of their parents. I hope that the findings of this completely independent investigation will provide them with some of the answers they have been searching for.”

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### **Notes to Editors**

- The IPCC has overall responsibility for the police complaints system. Since April 2006 it has taken on responsibility for similar, serious complaints against HM Revenue and Customs and the Serious Organised Crime Agency in England and Wales
- The IPCC has the task of increasing public confidence in the complaint systems and aims to make investigations more open, timely, proportionate and fair
- The 15 Commissioners who run the IPCC guarantee its independence and by law can never have served as police officers. No Commissioner has worked for

HM Revenue and Customs. They are supported by more than more than 200 independent IPCC investigators, casework managers and other specialists

- Since April 1 2004 the IPCC has used its powers to begin 189 independent and 567 managed investigations into the most serious complaints against the police. It has set new standards for police forces to improve the way the public's complaints are handled. The Commission also handles appeals by the public about the way their complaint was dealt with by the local force
- The IPCC is committed to getting closer to the communities it serves. Its Commissioners and staff are based in IPCC regional offices in Cardiff, Coalville, London and Sale plus a sub office in Wakefield
- The IPCC web site is constantly updated at [www.ipcc.gov.uk](http://www.ipcc.gov.uk) or members of the public can contact the IPCC on 08453 002 002

**For Further Information Contact:**

Ash Bower, IPCC Regional Communications Officer on 01530 258774 or 07717 851320. Outside office hours please contact the duty press officer on 07717 851157.



## **Len Jackson, IPCC Commissioner - Biography**

Len Jackson is a sales and marketing professional with over 30 years experience in the food industry and has been managing director of a number of household name companies, including Pork Farms here in Nottingham.

From 1999 to 2001, Len was a member of the Regional Development Agency Board, where he helped to develop a new economic strategy for the East Midlands.

For his contribution as chair to a number of government and voluntary sector initiatives during the 1990s, Len received an OBE in the 2002 New Years Honours list.

Len is also chairman of the East Midlands Regional Sports Board.

Len is IPCC Commissioner with responsibility for Cambridgeshire, Lincolnshire, Norfolk, Nottinghamshire, Suffolk, Cambridge University and Port of Felixstowe police forces.

The 15 Commissioners who run the IPCC guarantee its independence and by law can never have served as police officers. No Commissioner has worked for HM Revenue and Customs. They are supported by more than more than 200 independent IPCC investigators, casework managers and other specialists.

## **IPCC STIRLAND INVESTIGATION – SCOPE OF INVESTIGATION**

The IPCC independent investigation undertook to examine the management of intelligence, the assessment of that intelligence and the police response to it, both within Nottinghamshire Police and Lincolnshire Police, together with the manner in which that intelligence was shared between the two forces.

It also undertook to ascertain how effectively the intelligence was managed and communicated and to determine what impact, if any, this had on the safety of John and Joan Stirland.

The investigation examined:-

- Relevant incidents between 30th August 2003 and 8th August 2004.
- Relevant intelligence data bases held by Nottinghamshire and Lincolnshire.
- Relevant aspects of other operations being undertaken by Nottinghamshire Police and determine areas of commonality and identify policy decisions made in relation to these.
- Policy decisions made in relation to the welfare of John and Joan Stirland and any risk assessment undertaken in respect of these.
- Determine the extent to which intelligence was communicated and shared between Nottinghamshire and Lincolnshire, and any other force, and how that was dealt with.
- The manner in which the coordination of the various overt and covert operations was managed and how strategic and tactical decisions may have impacted upon the safety of the Stirlands.

## IPCC STIRLAND INVESTIGATION – COMPLAINTS MADE BY FAMILY

The IPCC received a number of complaints made by the family of the Stirlands, the findings of which were explored by the IPCC independent investigation into events leading up to the death of John & Joan Stirland. These included that:

- Mr & Mrs Stirland were not given adequate protection by Nottinghamshire police. This complaint was **substantiated** by the IPCC.
- Following the shooting incident at their home on 14 September 2003, Mr & Mrs Stirland were not given protection or help by Nottingham police and they fled in fear. This complaint was **substantiated** by the IPCC.
- On 8 August 2004 Joan Stirland called a Nottinghamshire police officer at 11am and spoke to a second Nottinghamshire officer at 2pm in relation to a prowler incident the night before. The second officer took an hour to pass on the information by fax to Lincolnshire police. The family believe that the telephone calls made by Mrs Stirland were not acted on promptly enough and the death of Mr & Mrs Stirland could have been prevented, had the first call been handled more promptly and with more concern. This was **unsubstantiated** by the IPCC.
- The family believed that a named police officer disclosed the address of Mrs Stirland to the Gunns in a nightclub, which resulted in John & Joan Stirland's murders. This complaint was **unsubstantiated** by the IPCC.
- The firearm attack at Mrs Stirland's house, 151 Southview Road, Nottingham in September 2003 was not properly investigated, despite

rumours were circulating about who was responsible. This complaint was **substantiated** by the IPCC.

- Nottinghamshire police did not supply Lincolnshire police with enough information concerning the threat against Mr O'Brien's family and about the number of reprisal attacks that had taken place. This complaint was **substantiated** by the IPCC.
- The police response to Mrs Stirland's call to Nottinghamshire police officers on 8 August 2004 was delayed and unsatisfactory. There should have been an early visit irrespective of her wishes. This complaint was **substantiated** by the IPCC.

## IPCC STIRLAND INVESTIGATION - CHRONOLOGY OF EVENTS

Detailed below is a chronology of the events and information available to both Nottinghamshire and Lincolnshire Police in the period leading up to the deaths of Joan & John Stirland in August 2004, as established by the IPCC independent investigation:

- 31.08.03 Murder of Marvyn Bradshaw at the Sporting Chance Pub. Marvyn Bradshaw was shot dead in his car. Jamie Gunn was sat beside him at the time and witnessed his murder.
- 03.09.03 Intelligence available to Nottinghamshire Police that the Gunns are seeking retribution on those believed to be responsible for the death of Bradshaw, namely O'Brien, Salmon or their family and friends
- 07.09.03 Arson attack on the home address of one of Salmon's ex-girlfriends
- 07.09.03 Dummy hand grenade is thrown through the window of an address on Brooklyn Drive, the home of Gary Salmon
- 08.09.03 A known associate of O'Brien and Salmon is shot in the leg in Rawson Street, Nottingham. A motorcycle pulls alongside his car and the pillion rider fires a shot into the car. The associate and another in the car run away and they shoot after them. He is hit in the buttock.
- 08.09.03 The police in Nottingham link these attacks and recognise them as possible retribution for the murder of Marvyn Bradshaw.
- 09.09.03 O'Brien is arrested and subsequently charged with the murder of Marvyn Bradshaw.
- 14.09.03 A second arson attack at the same address of Salmon's ex-girlfriend (which was attacked previously on 07.09.03).
- 14.09.03 Shots fired through the window of John & Joan Stirland's home address. Two men ride up on a motorcycle, walk up the drive and shoot through the windows. John and Joan Stirland are in the house and have to dive for cover. Nottinghamshire Police advise them they can go into witness protection, if Joan makes a statement about O'Brien and his involvement in the murder of Marvyn Bradshaw. She refuses and does not want to be constrained by a full witness protection programme.

- 14.09.03 A man on a motorcycle is seen riding in a street in Nottingham where another ex girlfriend of Salmon lives and points a shotgun at an address. It is believed that she was the target of this action (although it appears the wrong house was targeted).
- 15.09.03 Nottingham Police link all the attacks detailed above as retribution for the murder of Marvyn Bradshaw.
- 15.09.03 John & Joan Stirland make the decision to leave Nottingham and go to a hotel in Bridlington. Nottinghamshire Police do not know where they have gone until they contact the police the next day.
- 16.09.03 Intelligence available to Nottinghamshire Police that Colin Gunn has put a contract on O'Briens mother (Joan Stirland) in retribution for the murder of Bradshaw.
- 26.09.03 A decision is taken by Nottinghamshire Police that the investigation of the retribution attacks will be overseen by a Detective Chief Inspector
- 16.09.03 O'Brien's sister goes to the local police and expresses concerns for her safety following the attack at the Nottingham home of her mother, Joan Stirland. Officers liaise with the murder team investigating the death of Marvyn Bradshaw, who confirm the attack at her mothers address but don't tell them about the threats and all of the other attacks. O'Brien's sister moves in with a friend.
- 16.09.03 Nottinghamshire Police meet the Stirlands in Bridlington and repeat the offer of witness protection, dependent upon Joan making a statement. She refuses and Nottinghamshire Police agree to help with securing a house for them in the area. They eventually move in to council accommodation in Goole, with the help and support of Nottinghamshire Police. The Stirlands ask that Humberside Police are not advised of their presence in the area, as they are concerned the Gunn organised crime group have contacts in the police and their whereabouts may be leaked. Based on this request Nottinghamshire Police did not advise Humberside Police.
- The murder investigation team remain in contact with the Stirlands and take some responsibility for their welfare, offering advice.
- 13.12.03 Members of the Gunn organised crime group are involved in a shooting at Sutton on Sea, very near to Trusthorpe
- 15.12.03 The Stirlands tell Nottinghamshire Police they have moved to Trusthorpe in Lincolnshire. At the request of Joan Stirland, Lincolnshire Police are not advised of their presence in the county.
- 07.07.04 Colin Gunn attends O'Brien's trial and there is a confrontation between him and O'Brien from the dock. Gunn leaves and is advised not to return.
- 13.07.04 O'Brien makes defamatory comment from the dock to Mr Bradshaw's family

when he is sentenced.

- 14.07.04 Joan Stirland reports to Nottinghamshire Police she has been told by her daughter that she and her mother are under threat by the Gunn organised crime group, as a result of the comments made by O'Brien when sentenced in court on 13.07.03.
- 14.07.04 Nottinghamshire Police contact Lincolnshire Police and advise them for the first time the Stirlands are living in Lincolnshire. There is an exchange of information but not all intelligence available to Nottinghamshire Police is passed to Lincolnshire Police.
- 20.07.04 Intelligence available to Nottinghamshire Police that a firearm has been sent to the Lincoln area by the Gunn organised crime group, so a shooting can be carried out.
- 02.08.04 Jamie Gunn dies and it is believed that Colin Gunn blames O'Brien for the death, due to Jamie never recovering from witnessing the shooting of Marvyn Bradshaw, and Gunn wants revenge. Nottinghamshire Police advise the Stirlands of the danger but do not notify Lincolnshire Police.
- 05.08.04 Intelligence in Nottingham indicates a member of the Gunn organised crime group is about to do something, believed to be a shooting.
- 07.08.04 A neighbour of the Stirland's observes 2 men leaving the Stirland's garden at about 2300hrs.
- 08.08.04 At approx 1105hrs the neighbour tells Joan Stirland of the intruders, and Joan rings Nottinghamshire Police. Nottinghamshire Police arrange for a member of the duty team for the Bradshaw murder to deal with it. This Notts officer phones Joan Stirland at about 1358hrs and then phones Lincolnshire Police at 1408hrs and agrees to send a fax, which he does at approx 1503hrs. A Lincolnshire police officer goes to the house at 2124hrs and finds them both dead. It is believed that they were shot dead in the house at just after 1400hrs.
- Aug 2004 At the request of the Chief Constables of Nottinghamshire and Lincolnshire Police, the then ACC of Derbyshire Constabulary, Mick Creedon, conducted a review of the handling of intelligence between the forces (Operation Melody I).
- 20.12.04 Following the findings of Melody I, both Nottinghamshire and Lincolnshire Police refer the matter to the IPCC. IPCC Commissioner Len Jackson confirms that an independent investigation would be undertaken into the handling of information between Nottingham & Lincolnshire Police in the time leading up to the death of the Stirlands.
- May 2005 The IPCC investigation is suspended pending the criminal trial for the murder of Joan & John Stirland.

- Jun 2006 Following the conviction of 3 men for conspiracy to murder, the IPCC investigation was recommenced.
- May 2007 IPCC investigation file passed to CPS.
- Aug 2007 CPS confirmed no criminal charges for any police officer in relation to the Stirland investigation.
- Feb 2008 Conclusion of IPCC investigation. Recommendations and conclusions passed to all interested parties and publication of outcomes.

## IPCC Stirland Investigation – Conclusions & Recommendations

1. The report has identified occasions when the performance of a small number of officers fell below an acceptable standard and where officers made errors of judgement. In addition the report has identified a number of organisational weaknesses that are referred to in the previous section.
2. In addition to the specific issues mentioned in the previous paragraph the investigation has drawn the following conclusion:

3. 

The investigation is satisfied that there was a reluctance on the part of John and Joan Stirland to be bound by a full witness protection programme and that there was considerable determination on the part of the Gunn OCG to seek revenge. Against such a background the investigation concludes that even though there were opportunities missed by both forces to provide a better protective service for John & Joan Stirland during the weeks and months leading up to their murder on 8 August 2008, it is not possible to determine whether a better protective service would have guaranteed their safety against such a determined threat.

### Consideration of the Specific Complaints and Conclusions

4. A number of the complaints made by members of John & Joan Stirland's family are either identical or fall into the same general category. To avoid unnecessary duplication, such complaints have been considered together and to avoid confusion the complainant is identified in each instance.

5. **Complaint: Daughter C, Daughter B, Daughter A, Son A and Michael O'Brien**

- Mr & Mrs Stirland were not given adequate protection by Nottinghamshire police
- Following the shooting incident at their home on 14 September 2003, Mr & Mrs Stirland were not given protection or help by Nottingham police and they fled in fear.

6. The report has concluded that the protection provided to Mr & Mrs Stirland by Nottinghamshire police was below an acceptable level. They did not receive any professional advice on witness protection and their care was left to untrained officers. It is accepted that the protection afforded to them on the night of the shooting at their home was good and that the advice to move house was also sound. However, it was ill conceived to allow them to leave Nottingham when their destination was unknown. There is evidence that Joan Stirland was confused at the time and didn't know what to do, the police should have closely managed their movements at that vulnerable time by taking some form of structured action to reflect their vulnerability and provide a degree of immediate support and protection e.g. by accompanying them to a hotel or place of refuge.

7. It was unacceptable that Nottinghamshire police did not inform Humberside police when the Stirlands moved into their area, yet they did inform the Housing Department. Likewise their failure to advise Lincolnshire police that they had moved to Trusthorpe in December 2003 was unacceptable.

8. There is no evidence of a proper risk assessment being carried out at the Trusthorpe address at any stage. A risk assessment would have included a visit to the premises and advice on suitability and security.

**Complaint Conclusion**

It is concluded that these complaints are upheld.

9. **Complaint: Daughter C, Daughter B, Daughter A and Son A.**

- On 8 August 2004 their mother called a Nottinghamshire police officer at 11am and spoke to another Nottinghamshire officer at 2pm in relation to a prowler incident the night before. The second officer took an hour to pass on the information by fax to Lincolnshire police. They believe that the telephone calls made by their mother were not acted on promptly enough and that the death of Mr & Mrs Stirland could have been prevented, had the first call been handled more promptly and with more concern.
10. The report has identified that the delay in passing on the information from Nottinghamshire officers to Lincolnshire police is not acceptable. The delay in Lincolnshire to send an officer to the house further exacerbates the situation, however it is accepted that by the time Lincolnshire received the information Mr & Mrs Stirland had been murdered.
11. It is not possible to determine whether an immediate response to Joan Stirland's first call to Nottinghamshire officers at 11.00am would have prevented the murders. If a police officer had visited the address within an hour of the call there is no evidence that the assailants would have been aware of the police interest or would have been deterred from their mission.

**Complaint Conclusion**

Whilst it is accepted that the delay in passing on the information from Nottinghamshire officers to Lincolnshire police was unacceptable, there is no evidence that had it been handled more promptly the death of Mr & Mrs Stirland could have been prevented. The complaint is not upheld.

12. **Complaint: Daughter C and Daughter B**

- They believe that a named police officer disclosed their mother's address to the Gunns in a nightclub, which resulted in their murders.
13. The investigation into the murder of the John & Joan Stirland identified who supplied Colin Gunn with their address and that person has been convicted of criminal offences in connection with supplying the information. It was not a

police officer and there is no evidence that the former police officer named in the complaint passed on this information. The named individual had been off work for a prolonged period of time with no access to police premises or records.

### **Complaint Conclusion**

It is concluded that this complaint is not upheld

#### **14. Complaint: Michael O'Brien**

- There was a firearm attack at his mother's house 151, Southview Road, Nottingham in September 2003 and it was not properly investigated, although the word was that everyone knew who was responsible.

15. It is well documented within the report that the investigation into the shooting at 151 Southview Road is considered to have fallen below an acceptable standard.

### **Complaint Conclusion**

It is concluded that this complaint is upheld

#### **16. Complaint: Michael O'Brien**

- Nottinghamshire police did not supply Lincolnshire police with enough information concerning the threat against Mr O'Brien's family and about the number of reprisal attacks.

17. The report has highlighted that whilst there was some passing of intelligence from Nottinghamshire officers to Lincolnshire officers, it was not comprehensive. The Nottinghamshire officers who provided the information to Lincolnshire did not pass on the details of all the threats and retribution attacks, nor were they aware of all of the intelligence that existed within their own organisation. The most senior officer to have contact with Lincolnshire during the exchange of intelligence was a Chief Inspector and even he did not have all of the Nottinghamshire intelligence available to him.

## Complaint Conclusion

It is concluded that this complaint is upheld

### 18. **Complaint: Michael O'Brien**

- The police response to Mrs Stirland's call to Nottinghamshire police officers on 8 August 2004 was delayed and unsatisfactory. There should have been an early visit irrespective of what she said to them.

19. The question of a delay in the response to Mr Stirland's call is dealt with earlier in this section of the report. It is agreed that the delay was unacceptable and that an earlier visit by a police officer was required. There is no evidence that Mrs Stirland did not want a police response to her call on 8 August 2004, her request was that the police do not alert her neighbours to the historical background.

## Complaint Conclusion

It is concluded that this complaint is upheld

## Other Considerations

20. It would be remiss if this report did not comment on the commendable work by Lincolnshire Police who brought to justice those who conspired to murder John and Joan Stirland. The co-operation and assistance given by Nottinghamshire Police to the murder investigation was also significant.
21. Following the death of John and Joan Stirland, Nottinghamshire Police and Lincolnshire Police have reviewed their protective services and a number of changes have now taken place. Most notably, both now have a dedicated unit that specifically deals with witness protection issues and a life at risk policy has been introduced.

22. The police service in general has an overarching responsibility to protect life and property. This will include not only those who are providing assistance to the police as witnesses but also those whose lives may be at risk for other reasons.
23. Where life is at risk the police must take reasonable steps to ensure those at risk are receiving protective service and the risks are minimised.
24. The subject of witness protection is complex and requires full co-operation and compliance from those who enter the scheme. Police officers offering advice and assistance need to be specifically dedicated trained investigators with experience in risk assessment, negotiation etc with a thorough knowledge of the full range of options and alternatives that are available.
25. For many smaller forces, providing the protective service can be demanding. To date there has been no consistent approach with a lack of written protocol and communication between police forces. At present within the East Midlands, only Nottinghamshire Police and Lincolnshire Police have dedicated teams which solely provide this service.
26. The IPCC welcome the work presently being undertaken by the East Midlands Collaboration Planning Team (comprising of Derbyshire, Leicestershire, Lincolnshire, Northamptonshire and Nottinghamshire) who have commissioned a project specifically to examine the issue of witness protection.
27. The project will scope the work required and begin to develop across the five forces a standardised series of products that supports better interoperability and collaboration, and to outline options for enhancing existing force resources or the creation of a joint regional Protected Persons Unit.
28. It is pleasing to note that the East Midlands Collaboration Planning Team recognises the importance of witness protection, under the umbrella of protective services.

## **Recommendation**

It is recommended that the Senior Responsible Officer for the East Midlands Collaboration Planning Team receive a full briefing on the findings and lessons learned in this investigation with a view to them being incorporated into their project.

The following section is a summary of the conclusions and recommendations.

## Summary of Conclusions and Recommendations

### Nottinghamshire Police Officers

#### Officer A

29. In respect of his overall performance as Officer in overall Command of Project Starburst and how it impacted on the matters which are the subject of this investigation (page 68, paragraph 216):

It is concluded that Officer A had no knowledge of the threat to John and Joan Stirland and the significant intelligence that was available. Officer A was not in breach of Code 5, Police (Conduct) Regulations 2004 relating to performance of duties.

#### Officer B

30. In respect of his overall performance as Officer in Overall Command of Operation Starburst and how it impacted on the matters which are the subject of this investigation (page 70, paragraph 224):

It is concluded that Officer B was not in breach of Code 5 Police (Conduct) Regulations 2004 relating to performance of duties

#### Officer C (retired)

31. In respect of his overall performance as Deputy Officer in Overall Command of Project Starburst and how it impacted on the matters which are the subject of this investigation (page 74, paragraph 238):

It is concluded that there is no evidence that the performance of Officer C fell below an acceptable standard.

### **Officer D (retired):**

32. In respect to his role as Principal SIO in Project Starburst, his management responsibility in relation to Operation Utah and how it impacted on the matters which are the subject of this investigation (page 80, paragraph 260):

Officer D cannot avail himself of the defence that if he was unaware then he was not responsible. Officer D was vague on occasions in relation to intelligence that he had knowledge of and places responsibility on the SIO, Officer E (retired). There is no evidence however that he was offering appropriate guidance and due to the lack of activity (in relation to the significant intelligence) he could not effectively report back to senior command structure.

Officer D is no longer a serving officer, however it is concluded that this was a failure in his management, which is a breach of code 5 (Performance of Duties) of the Police (Conduct) Regulations 2004, Codes of Conduct.

### **Officer E (retired)**

33. In respect of his role as SIO of Operation Utah and how it impacted on the matters which are the subject of this investigation (page 83, paragraph 270):

It is concluded that significant intelligence was not acted upon or shared with Lincolnshire and this was a failure of Officer E in carrying out his role of Senior Investigating Officer. Officer E is no longer a serving officer but in the absence of any explanation the investigation concludes that his performance of duty fell below an acceptable standard, in respect of the issues highlighted above. This is in breach of Code 5 (Performance of Duties) of the Police (conduct) Regulations 2004, Codes of Conduct.

### **Officer F**

34. In respect of his role as initial Senior Investigating Officer of the shooting incident at 151 Southview Road, Nottingham and how it impacted on the matters which are the subject of this investigation (page 86, paragraph 282):

Even taking into consideration the lack of resources, this investigation merited a more thorough approach and it is concluded that Officer F's performance as SIO of the initial investigation was below an acceptable standard and was a breach of Code 5 (Performance of Duties) of the Police (Conduct) Regulations 2004, Codes of Conduct.

35. In respect of his role in the providing care for the Stirlands following the shooting incident at 151 Southview Road (page 87, paragraph 283):

The investigation accepts that there was probably confusion surrounding who had primacy in the care of Mr & Mrs Stirland immediately after the shooting at their home. Officer F did put measures in place to cover the night of the 14th but when their short and long term care was being discussed with them the following day, he was the senior officer on the scene and directly involved in dealing with the couple. It is totally unacceptable that they ended up leaving Nottingham with no police support, when there is evidence from Officer L that Joan Stirland was frightened and confused. Following a disagreement between Joan Stirland and Officer L about the care the police were offering, it was Officer F who went to see the Stirlands with Officer M of Operation Ozone. After this meeting the Stirlands went to Bridlington and found a hotel, without the police knowing where they were going or putting any measures in place for their care. It is concluded that as the senior officer on the scene Officer F failed to ensure that Mr & Mrs Stirland's safety and welfare was adequately catered for at this time, which is a breach of Code 5 (Performance of Duties) of the Police (Conduct) Regulations 2004, Codes of Conduct.

36. In respect of his role when contacted by Joan Stirland on 13 July 2004 (page 88, paragraph 284):

It is concluded that Officer F took appropriate action during the evening of 13th July 2004 and it was for others to pursue the intelligence with vigour the following day.

37. In respect of his role when contacted by Joan Stirland on 8 August 2004 (page 89, paragraph 286):

It is concluded that Officer F was sufficiently concerned that he took appropriate action and received assurances that the incident would be investigated.

## **Officer G**

38. In respect of his role as Senior Investigation Officer for Operation Stealth and his actions in relation to the investigation of the shooting incident at 151 Southview road, Nottingham (page 95, paragraph 307):

It is accepted that there was an exceptionally heavy workload in Operation Stealth at that time, however it is concluded that Officer G should have ensured that the shooting at 151 Southview Road was properly investigated and he failed to do so, which is a breach of Code 5 (Performance of Duties) of the Police (Conduct) Regulations 2004, Code of Conduct.

## **Officer H**

39. In respect of his role in Operation Stealth and his actions in relation to the investigation of the shooting incident at 151 Southview Road, Nottingham (page 97, paragraph 315):

It is concluded that Officer H's performance was appropriate in the circumstances.

## **Officer I**

40. In respect of his role as Senior Investigation Officer in Operation Ozone and in relation to whether the Stirlands were properly advised of the threats against them following the murder of Marvyn Bradshaw (page 101, paragraph 328):

It is concluded that (between 03/09/2003 and 14/09/2003) there was a failing by the Operation Ozone senior investigating officers (Officer I and Officer J) to advise John and Joan Stirland they were at risk not only from O'Brien but from others as well. Whilst it may be argued that they did not want to give them specific information because it could jeopardise the source, there is absolutely no reason why they could not have been advised without giving specific details. They appear to have failed to have recognised the danger to the Stirlands despite the intelligence and subsequent attacks and therefore failed to provide the appropriate level of protection. The failure to conduct risk assessments and evaluate the intelligence also heighten the risk to the safety of police officers who continued to visit during this time. This was a breach of

Code 5 (Performance of Duties) of the police (Conduct) Regulations 2004, Code of Conduct.

41. In respect of the advice and protection given to the Stirlands by his team following the shooting incident at 151 Southview Road, Nottingham (page 105, paragraph 341):

Taking into consideration that the Stirlands refused to be bound by the restrictions of the witness protection programme, the arrangements that Officer I's team made were perfectly reasonable except that Officer I should have ensured that the Stirlands did not leave Nottingham without police supervision and that the local force knew that people under such a real threat were living on their area. Advice could have been obtained from Special Branch, who have responsibility for such matters but Officer I left the arrangements to members of his team who had limited experience in the field. An opportunity was missed to put the care of the Stirlands on a structured footing with proper risk assessments and the maximum measures put in place, within the confines of what they would be bound by. The same opportunity was missed again when they moved to Trusthorpe in December 2003. This was a breach of Code 5 (Performance of Duties) of the police (Conduct) Regulations 2004, Code of Conduct.

#### **Officer J**

42. In respect of his role as Deputy Senior Investigation Officer in Operation Ozone and in relation to whether the Stirlands were properly advised of the threats against them following the murder of Marvyn Bradshaw (page 109, paragraph 348):

It is concluded that (between 31/08/2003 and 14/09/2003) there was a failing by the Operation Ozone senior investigating officers (Officer I and Officer J) to advise John and Joan Stirland they were at risk not only from O'Brien but from others as well. Whilst it may be argued that they did not want to give them specific information because it could jeopardise the source, there is absolutely no reason why they could not have been advised without giving specifics. They appear to have failed to have recognised the danger to the Stirlands, despite the intelligence and subsequent attacks and therefore failed to provide the appropriate level of protection. This was a breach of Code 5 (Performance of Duties) of the police (Conduct) Regulations 2004,

Code of Conduct.

43. In respect of his actions when advised of Joan Stirland's concerns on 8 August 2004 (page 113, paragraph 361):

Despite the fact that Officer J was not privy to all of the intelligence held by Operation Utah, it is concluded that on the information he had available, failing to recognise the requirement for an urgent police response was an error of judgement. This was a breach of Code 5 (Performance of Duties) of the police (Conduct) Regulations 2004, Code of Conduct.

#### **Officer K**

44. In respect of his role as an officer in Operation Ozone who had contact with the Stirlands and in relation to risk assessments (page 120, paragraph 391):

It is concluded that any risk assessments conducted by Officer K were flawed. However, he was unaware of all the intelligence available and there was no formal means of scoring the risk available to him, in force at this time. These were not failings of Officer K but were organisational failings which will be subject of further comment in this report.

45. In respect of his actions on 8 August 2004 when advised of Joan Stirland's concerns (page 120, paragraph 391):

It is concluded that the lack of urgency in relation to the incident on the 8th August 2004 was an error of judgement by Officer K. The method of communication and the failure to establish what action was being taken was unsatisfactory and Officer K's performance was below an acceptable standard. This was a breach of Code 5 (Performance of Duties) of the police (Conduct) Regulations 2004, Code of Conduct.

#### **Officer L**

46. In respect of his role as an officer in Operation Ozone who had contact with the Stirlands and how it impacted on the matters subject of this investigation (page 125, paragraph 410):

It is concluded, from the evidence available, that Officer L acted appropriately in

difficult circumstances and his performance of duty was of a high standard.

### **Officer M**

47. In respect of his role as an officer in Operation Ozone who had contact with the Stirlands and how it impacted on the matters subject of this investigation (page 129, paragraph 423):

It is concluded that Officer M conducted his role satisfactorily.

### **Lincolnshire Police officers and staff**

#### **Officer N (retired)**

48. In respect of his role as operational Inspector and his actions in relation to Lincolnshire Police Incident 7 on 14 July 2004 (page 132, paragraph 433):

Officer N is now retired and no longer subject to police misconduct, however the investigation has found that his performance in relation to these matters was of an acceptable standard.

#### **Officer O**

49. In respect of his role regarding the information passed to Lincolnshire Police by Nottinghamshire Police on 8 August 2004 (page 135, paragraph 443):

It is concluded that Officers O's performance was of an acceptable standard.

### **Nottinghamshire Police Organisational Issues**

50. In respect of the handling and sharing of intelligence and how it impacted on the matters which are the subject of this investigation:

**Conclusion:** It is concluded that the lack of intelligence exchange between the various covert operations in Nottinghamshire contributed to a lack of understanding of the emerging picture of a clear determined threat against John and Joan Stirland, which resulted in a false sense of security in relation to their safety. This was a clear organisational failing.

**Conclusion:** It is concluded that the lack of intelligence exchange between various

covert operations in Nottinghamshire led to a failure to properly assess the threat to the lives of John and Joan Stirland and was an organisational failing. This organisational failing by Nottinghamshire Police contributed significantly to a lack of meaningful exchange of intelligence with Lincolnshire Police prior to the murder of John and Joan Stirland.

**Conclusion:** It is apparent that the secrecy surrounding Operation Utah was paramount, which in the right circumstances is appropriate. However, there is no doubt that such a situation inhibited those who had taken responsibility for the care of the Stirlands, when assessing the risks and necessary measures to counter the threats and attacks.

**Recommendation:** Such a situation was avoidable and the force must ensure that strategic oversight is firmly embedded when considering covert investigations in the future and that they do not allow the need for secrecy and the goals set for the original investigation to prevent them from meaningful review as new situations develop.

**Conclusion:** The lack of dissemination of intelligence coupled with the lack of intrusive management is viewed as an organisational failing by Nottinghamshire Police.

**Recommendation:** Nottinghamshire Police to ensure that in all major enquiries intrusive management is in place, thereby ensuring significant intelligence is actioned and disseminated appropriately and senior investigators are receiving adequate support.

51. In respect of the management of major crime and the impact on the investigation into the shooting incident at 151 Southview Road, Nottingham:

**Conclusion:** The failure to define clear terms of reference is viewed as an organisational failing and resulted in an inadequate investigation into a number of serious crimes, including firearms discharged into the home of John and Joan Stirland whilst they were in the house.

**Recommendation:** Nottinghamshire Police should ensure that all decisions taken by senior management are carefully minuted in order to avoid any confusion or ambiguity. Where this involves the tasking of officers then individuals should be

supplied with terms of reference or the appropriate section of the minutes.

52. In respect of setting strategy and the information available to Senior Officers:

**Conclusion:** Significant intelligence could and should have been considered when deciding strategy and senior officers should have been made aware in order to give them the opportunity to include such consideration.

**Recommendation:** The senior managers should put measures in place to ensure that their staff understand what information needs to be brought to their attention to enable them to formulate and /or review strategy

53. In respect of risk assessments involving a threat to life:

**Conclusion:** The lack of guidance and direction given to those who should have been conducting risk assessments is viewed as an organisational failing and resulted in the danger to John and Joan Stirland not being properly assessed.

**Recommendation:** Nottinghamshire Police to ensure that all officers in a supervisory role receive guidance on risk assessments. Risk assessments must be conducted and documented in all instances where there is a threat to life. All risk assessments involving a risk to life should be checked and agreed by an officer of at least Superintendent rank.

54. In respect of witness protection and how it impacted on the care of the Stirlands:

**Conclusion:** The failure to engage officers with expertise in witness protection and to inform Humberside and Lincolnshire Police of the Stirland's move is viewed as an organisational failing, resulting in John and Joan Stirland not being offered the best protective service.

**Recommendation:** It is recognised that Nottinghamshire Police now have a dedicated Witness Support Unit, however they must ensure that officers refer to the dedicated unit whenever they identify that witness protection or threat to life is an issue.

### **Lincolnshire Police Organisational Issues**

55. In respect the handling of intelligence:

**Conclusion:** The absence of the force having a more effective intelligence handling system in place at the time of these incidents was an organisational failing.

**Recommendation:** Lincolnshire police to review their intelligence system to ensure it is fit for purpose and complying with the National Intelligence Model.

56. In respect of control procedures:

**Conclusion:** It is accepted that the delay in Lincolnshire was post the murder of John and Joan Stirland and that when the original facsimile was received at 1515hrs John and Joan Stirland had already been murdered.

**Recommendation:** Lincolnshire Police should review their incident allocation procedures to ensure that a more robust system is in place. They must also reinforce the message to all officers and staff that warning markers that have been placed on addresses for the protection of the officers and the public are adhered to.

### Specific Complaints

57. Complaint:

- Mr & Mrs Stirland were not given adequate protection by Nottinghamshire police
- Following the shooting incident at their home on 14 September 2003, Mr & Mrs Stirland were not given protection or help by Nottingham police and they fled in fear.

It is concluded that these complaints are upheld.

58. Complaint:

- On 8 August 2004 their mother called a Nottinghamshire police officer at 11am and spoke to another Nottinghamshire officer at 2pm in relation to a prowler incident the night before. The second officer took an hour to pass on the information by fax to Lincolnshire police. They believe that the telephone calls made by their mother were not acted on promptly enough and that the death of Mr & Mrs Stirland could have been prevented, had the first call been handled more promptly and with more concern.

**Conclusion:** Whilst it is accepted that the delay in passing on the information from Nottinghamshire officers to Lincolnshire police was unacceptable, there is no evidence that had it been handled more promptly the death of Mr & Mrs Stirland could have been prevented. The complaint is not upheld.

59. Complaint:

- They believe that a named police officer disclosed their mother's address to the Gunns in a nightclub, which resulted in their murders

It is concluded that this complaint is not upheld.

60. Complaint:

- There was a firearm attack at his mother's house 151, Southview Road, Nottingham in September 2003 and it was not properly investigated, although the word was that everyone knew who was responsible.

It is concluded that this complaint is upheld.

61. Complaint:

- Nottinghamshire police did not supply Lincolnshire police with enough information concerning the threat against Mr O'Brien's family and about the number of reprisal attacks.

It is concluded that this complaint is upheld.

62. Complaint:

- The police response to Mrs Stirland's call to Nottinghamshire police officers on 8 August 2004 was delayed and unsatisfactory. There should have been an early visit irrespective of what she said to them.

It is concluded that this complaint is upheld.

### **Other Considerations**

63. In respect of whether the police could have guaranteed the safety of the Stirlands:

**Conclusion:** The investigation is satisfied that there was a reluctance on the part of

John and Joan Stirland to be bound by a full witness protection programme and that there was considerable determination on the part of the Gunn OCG to seek revenge. Against such a background, the investigation concludes that even though there were opportunities missed by both forces to provide a better protective service for John & Joan Stirland during the weeks and months leading up to their murder on 8 August 2004, it is not possible to determine whether a better protective service would have guaranteed their safety against such a determined threat.

64. In respect of the work being undertaken by the East Midlands Collaboration Planning Team:

**Recommendation:** It is recommended that the Senior Responsible Officer for the East Midlands Collaboration Planning Team receive a full briefing on the findings and lessons learned in this investigation with a view to them being incorporated into their project.