

THE STOCKWELL INVESTIGATION
FREQUENTLY ASKED QUESTIONS

SUMMARY CHRONOLOGY

7 July 2005	Four bombs explode on the London Transport network
21 July 2005	Four failed bomb attacks on the London Transport network
22 July 2005	Jean Charles de Menezes shot and killed by officers from the Metropolitan Police Service
27 July 2005	IPCC Stockwell 1 investigation begins
19 January 2006	IPCC investigation completed and report submitted to the Crown Prosecution Service (CPS)
14 March 2006	IPCC recommendations submitted
17 July 2006	CPS announce decision to prosecute the Office of the Commissioner of the Metropolis for breach of the 1974 Health and Safety at Work Act
13 December 2006	High Court upholds Coroner's decision to hold the Inquest after the trial
22 January 2007	Application by MPS to have health and safety charges dismissed rejected by court
16/19 February 2007	Provisional memoranda received by IPCC from MPS and MPA about whether any officer should face disciplinary charges
11 May 2007	IPCC rule that 11 front line officers involved should not face disciplinary charges but that decisions on discipline for 4 senior officers should wait until after the trial
1 October 2007	Health and Safety trial begins

OUTSTANDING

Possibly late Spring 2008 Inquest

Date to be determined Discipline decision for senior officers and any proceedings arising from this

What is the IPCC and what are its powers and role?

The Independent Police Complaints Commission was established by the Police Reform Act 2002 and became operational in April 2004. It is independent of the police and interest groups and its decisions are independent of government. IPCC Commissioners are in overall charge of the IPCC and by law cannot have worked for the police service.

The law requires deaths and serious injuries following police contact to be referred to the IPCC. IPCC investigators have all the powers of a police constable in relation to IPCC investigations – they can require access to police premises, seize evidence and interview suspects under caution.

Further information about the IPCC can be found at our website at www.ipcc.gov.uk

How long did the investigation take?

The investigation was completed in six months. It began on 27 July 2005 and the report was submitted to the CPS on 19 January 2006. Since then the IPCC has worked closely with the CPS to provide any further information it requires.

How much did the investigation cost?

The investigation costs incurred by the IPCC to date have been approximately £304,000.

What happens next?

The IPCC now expects an inquest to be held in the late Spring of 2008.

Final recommendations have to be made by the Metropolitan Police Authority (MPA) and Metropolitan Police Service (MPS) to the IPCC about whether any of the four senior officers involved in the incident should have to face a

disciplinary tribunal. The IPCC will then consider the recommendations and make its decision. If required, a discipline tribunal would then be convened.

When will the investigation report be published?

We want to publish our report and recommendations as soon as we can without prejudicing any future disciplinary or legal proceedings. In the light of the substantial material already placed in the public domain at the health and safety trial, we will consult with the coroner and other interested parties to decide when and how the report can be published.

What information has been provided to the family of Jean Charles de Menezes and when?

Detailed verbal briefings on the progress and conclusions of the investigation were given to members of Mr de Menezes' family and their legal representatives on a regular basis. The legal representatives were specifically briefed on the contents of the investigation report on 6 March and 22 March 2006. IPCC personnel have offered to travel to Brazil and brief any member of Mr de Menezes family who resides there. This offer remains open. One member of Mr de Menezes' family and their legal representatives were given a copy of the report before their judicial review of the coroner's decision to delay the inquest until after the trial.

Now that the trial is concluded Mr de Menezes family will receive further copies of the report and the supporting evidence to help them prepare for the inquest.

Why was the start of the investigation delayed?

On 22 July 2005 Sir Ian Blair, the Commissioner of the Metropolitan Police, wrote to Sir John Gieve, the Permanent Secretary at the Home Office to say that he had given instructions that the shooting should not be referred to the IPCC and that the IPCC should not be given access to the scene. This correspondence is available on the Home Office website at <http://www.homeoffice.gov.uk/about-us/freedom-of-information/released-information/foi-archive-crime/1672-stockwell?version=1>. This decision was not accepted and the decision was reversed. The incident was referred to the IPCC on 25 July and an organised handover was completed by 27 July 2005 when the IPCC investigation began.

Who carried out the investigation and what was their background and experience?

Senior Investigator John Cummins led the investigation. He retired from Cambridgeshire Police in 2004 as the Detective Superintendent in charge of the Professional Standards Department. He was formerly a Senior Investigating Officer and had completed 30 years police service.

John Cummins was supported by Steve Reynolds, a Detective Chief Superintendent, and formerly the Head of Essex CID and an experienced SIO. He was seconded to assist the Stockwell investigation prior to retiring from Essex Police on 31 August 2005 following 31 years service. He now works for the IPCC as a Senior Investigator.

John Cummins and Steve Reynolds worked with a team from a variety of police and non-police backgrounds.

Nick Hardwick, IPCC Commissioner and Chair of the Commission, oversaw the investigation.

Why was no individual prosecuted for the death of Jean Charles de Menezes and why was a prosecution brought under the Health and Safety at Work Act?

The law requires the IPCC to advise the CPS of the criminal offences which it believes *may* have been committed. Prosecution decisions are a matter for the CPS alone but the IPCC fully support the decisions the CPS has made.

What decisions have been made about disciplinary action against any of the police officers involved and what decisions have still to be made?

During the IPCC inquiry, 15 officers were warned that the investigation might result in disciplinary charges being brought against them (commonly referred to as 'serving a regulation 9 notice' indicating a possible breach of the police code of conduct regulations).

Once the CPS had made its decision and having considered provisional recommendations from the MPA and MPS, the IPCC decided that disciplinary charges against 11 front line surveillance and firearms officers should be withdrawn. The IPCC concluded that there was no realistic prospect of a disciplinary tribunal upholding charges against these officers.

However, no decision was made about the 4 senior officers involved as the IPCC decided it would be premature to do so before trial has concluded. Consideration will now be given to whether discipline decisions should wait until after the inquest.

What action did the IPCC take in response to the unauthorised disclosure of material from its investigation in August?

Lana Vandenberghe, a member of IPCC administration staff, gave confidential information from the investigation to ITN in August 2005. Ms Vandenberghe's role in the investigation was to type information into the investigation database so it could subsequently be properly disclosed at the trial and inquest.

The IPCC apologised for this breach of its security and asked Bill Taylor, a former HMIC for Scotland to review the overall effectiveness of the IPCC's security arrangements.

Ms Vandenberghe was suspended but resigned from the organisation before disciplinary proceedings could be concluded. The IPCC asked Leicestershire Constabulary to investigate whether any criminal offences had been committed. No criminal charges were brought. Bill Taylor's first report and subsequent review of the IPCC's response is now available on the IPCC website at:

http://www.ipcc.gov.uk/summary_of_bill_taylor_recommendations_final_chart.pdf

The IPCC is confident this was the only unauthorised disclosure from the investigation for which it or any members of its staff was responsible.