Comment

- The MPS has been unable to locate or account for the Operation Othona intelligence that existed by the time of the Inquiry in 1998. That is with the exception of what appears to be some of the original intelligence which was found on a hard drive manufactured in 2001. This hard drive was only discovered in mid-November 2013 (after more than a year of the MPS searching) in a cardboard box in the IT department of MPS Directorate of Professional Standards. We have very recently been informed that in 2003 there was ‘mass-shredding’ of the surviving hard copy reports generated by Operation Othona.

It has accordingly not been possible for us to carry out the fairly fundamental task to this Review of checking exactly what intelligence was held by the MPS at the time of the Public Inquiry so as to check exactly what should have been revealed to it.

We have instead had to work on various reports and briefing documents, as well as what is held on the 2001 hard drive, to try to assess what it appears would have been available to the MPS in 1998.

We have been most assisted by three intelligence analyses generated as a result of Deputy Assistant Commissioner John Grieve taking on the investigation of Stephen Lawrence's murder in 1998. These were commissioned as a result of his fear that corruption had played a part in the investigation, despite the findings of the Inquiry.

Comment

- It is a further cause of real concern to us that searches of the MPS database and file system to identify all relevant material for the MPS Corruption Review of 2012, and for our Review, failed to find these reports. We only located one of the reports during a review of material held at the Independent Police Complaints Commission. We received the others via the Senior Investigating Officer in the recent murder investigation, Detective Chief Inspector Clive Driscoll, as a result of his own work.

- If the MPS searches for all relevant material cannot reveal such reports of central significance to the issue of possible corruption in the Stephen Lawrence murder investigation, there must be serious concerns that further relevant material has not been revealed.

Doing the best we can from the limited sources available to us, the intelligence picture that emerges is that the MPS did hold intelligence which suggested that:

a) there was a strong inference that Clifford Norris was a corruptor of police officers and an intimidator of witnesses;

b) a possible link from Clifford Norris to Detective Sergeant John Davidson existed through both “Officer XX” and DS Davidson having a common connection with “Officer B”, another officer suspected of corrupt activity; and

c) there was an enhanced level of suspicion that DS Davidson was corrupt both before and after he worked on the Stephen Lawrence investigation. This was due to:

- the sheer number of other officers to whom he was connected who were also suspected of corruption;
Should more have been revealed by the Metropolitan Police Service to the Stephen Lawrence Inquiry?

Whilst we do not have the original intelligence available in 1998 to CIB3, we do have the recollection of John Yates, who was in effective day-to-day command of the debriefing process of Neil Putnam. Mr Yates told us about the response that he got after asking the intelligence section of CIB3 what they knew about John Davidson in 1998:

“... he had been the subject of intelligence work for years as I understood it... from recollection without doubt somebody that they have been wanting to find something about for a while.”

Findings

- In our view, both the intelligence picture suggesting that John Davidson was a corrupt officer and the content of Neil Putnam’s debriefing relating to Mr Davidson should have been revealed to the Chairman of the Inquiry.
- Anybody who was focused on the vexed issue of the motives behind John Davidson’s involvement in the deficient Lawrence investigation, and who knew that the source of the “new line of enquiry” concerning Mr Davidson was a self-confessed fellow corrupt officer; should have recognised the potential for Mr Davidson to have confided in that officer as to his true motivation in the Lawrence case. It is a source of some concern to us that nobody in the MPS who was aware of the detail of what Neil Putnam was saying about Mr Davidson appears to have thought to ask him about Mr Davidson’s motives in the Lawrence case.
- The absence of contemporaneous records showing exactly what level of information from Neil Putnam’s debriefing regarding John Davidson was passed up the chain of command makes it difficult to identify where any personal criticism is merited. The end result is that nothing more than the letter of 11 September 1998 was revealed to the Inquiry. In our opinion this amounted to a significant failure in the disclosure made by the MPS.

3.2.3 The alleged confession by John Davidson to Neil Putnam that he had a corrupt relationship with Clifford Norris when he worked on the Stephen Lawrence murder investigation

After the Stephen Lawrence Inquiry had reported, and after he had been released from prison in 2000, Neil Putnam alleged that in the summer of 1994, John Davidson had admitted to him that he had a corrupt connection with Clifford Norris at the time that he worked on the Stephen Lawrence investigation.

Mr Putnam also alleged that he had told his debriefers about this in July 1998. They responded by saying that it “would blow the MPS wide apart” but that they would speak to senior officers about it. He had assumed someone would come and see him about it, and thought that what he had said had been noted. However, no one did come to see him.

In our report we have set out in detail the substantial arguments that we believe exist on either side as to the credibility of Mr Putnam’s allegation. We have also explained the reasons why we have found them to be sufficiently balanced to leave us unable to resolve the issue with the powers we have.

Findings

- We believe that there are substantial arguments on either side of the issue of whether John Davidson admitted to Neil Putnam that he was in a corrupt relationship with Clifford Norris at the time that he worked on the Stephen Lawrence murder investigation.
- This is, for us, an unresolved issue.
Findings
- We recognise the extreme operational sensitivity that CIB3 attached to the anti-corruption intelligence, to the content of Neil Putnam’s debriefing and to the notion of him becoming a possible witness at the Inquiry before his allegations had been fully investigated. However, in our judgement, the combination of Mr Putnam’s potential as a witness, taken together with the opportunity for aspects of the intelligence to inform the Inquiry on the subject of John Davidson’s corrupt nature, necessitated that the Inquiry Chairman was fully informed to enable him to make important decisions as to the significance of the material to the outcome of the Inquiry.

- We are naturally reluctant to predict what the outcome would have been in terms of the Inquiry’s findings. However, in our view, it is not impossible to envisage that the Inquiry might have been driven to the conclusion that there must have been more to John Davidson’s failure to develop information and evidence in the Lawrence investigation than simply an inappropriate manner and unfortunate unconscious racism. As the Chairman’s last letter dated 21 September 1998 implied, the Inquiry was clearly very worried about Mr Davidson’s evidence and his motives, indicating that “much may turn” on material going to his credibility.

Term of reference
1. Is there evidence providing reasonable grounds for suspecting that any officer associated with the initial investigation of the murder of Stephen Lawrence acted corruptly?

Findings
- Assuming that Neil Putnam is available and willing to give evidence, the answer must be yes as regards John Davidson. Other than Mr Putnam’s potential evidence, the material available which suggests that Mr Davidson may have been corrupt in the Stephen Lawrence investigation remains ‘intelligence’ and not ‘evidence’.

- In regard to other officers the answer is no. However, there are still some potential lines of enquiry that may be capable of providing such evidence.

Term of reference
2. Are there any further lines of investigation connected to the issue of possible corrupt activity by any officer associated with the initial investigation of the murder of Stephen Lawrence?

Findings
- A number of the lines of enquiry highlighted in the 2000 analysis of the intelligence suggesting that John Davidson may have acted corruptly in the Stephen Lawrence investigation were not fully pursued. This was due to a lack of success following the limited investigation that was undertaken and because of other operational priorities.

- These lines of enquiry therefore remain open. However, it must be recognised that the prospect of them resulting in evidence of a quality capable of supporting a potential finding of corruption will almost certainly have diminished over the 13 intervening years. This prospect is also reduced by the loss of relevant records.
3.3 Have we been able to uncover all material evidence relating to the issue of corruption and, if not, would a Public Inquiry have a greater chance of doing so?

Findings

- We have not been able to uncover all material evidence relating to the issue of corruption. It is clear that there are significant areas where relevant MPS records should exist but cannot be found.

- A graphic example of this problem was demonstrated by the fact that searches of MPS databases and file systems for the purpose of the MPS May 2012 Review, and then for this Review, failed to identify and locate all the 1999–2000 analyses considering the central issue of corruption in the initial Stephen Lawrence murder investigation.

- There is no record of any search of the anti-corruption intelligence in 1998, or the results of any such search, before a decision was taken not to disclose any intelligence to the Inquiry.

- The original anti-corruption intelligence database itself cannot be accounted for.

- There are no comprehensive records of what the MPS did disclose to the Stephen Lawrence Inquiry.

- A significant tranche of potentially relevant informant records cannot be found, including the informant files that were revealed to the Inquiry.

- There are some records confirming the destruction of some relevant files, but no records relating to the destruction or location of other potentially relevant files that cannot be found.

- We have considered whether a further Public Inquiry would have the potential to discover more evidence than we have discovered. Whilst a Public Inquiry would have the power to order the production of documents, require the attendance of witnesses and examine witnesses in a public forum, the potential for it to discover more than we have may well be limited. Fundamentally this is because of the chaotic state of the historical records held by the MPS. There are incomplete records of the moment; files have been destroyed; and the MPS uses a multitude of file-logging systems. In addition, a natural depletion of records will have occurred over time.

- In making a decision as to whether a further Public Inquiry is merited, it may assist if any possible outstanding lines of enquiry are explored first, and also if efforts are made to establish whether or not the review carried out by the Daniel Morgan Independent Panel is likely to touch on the role of John Davidson in that investigation, or of others with whom he was suspected of being involved in corruption.

3.4 The Metropolitan Police Service Review of 31 May 2012

In our view this Metropolitan Police Service (MPS) Review contained errors and inaccurate phrasing. However, we accept that the inability of MPS system searches to reveal relevant material, and the short timescales allowed by the MPS for the review, may have been significant contributing factors in these errors.

The following matters within the review report have caused us concern:

- a) When dealing with Operation Othona, the review failed to indicate that none of the intelligence generated by the Operation could be located or accounted for at the time
of the review. That reality was reported internally within an MPS summary as follows: 
"... it is impossible to say whether Ray Adams, Davidson or other officers related to the
Stephen Lawrence Inquiry actually appear within the auspices of the operation in their
right." However, the published version of the report referred to difficulties in identifying the
operations that the intelligence had led to retrospectively, and suggested that any files which
had been generated only referred to finance and administration and not subjects.

b) In so far as we have been able to ascertain, the review was incorrect in stating that the
MPS legal team and/or the Inquiry legal team had reviewed all the “intelligence” and that a
decision had been made to disclose any “intelligence” relevant to the possible corruption
issue. Jason Beer QC informed us that he was unaware of the existence of an anti-corruption
intelligence initiative, and he was never told about the material it generated. Commander Roy
Clark, the Head of CIB3 at the time of the Inquiry, appears to confirm that the matter was
dealt with between the MPS and the Chairman of the Inquiry without any intelligence being
disclosed. Anesta Weekes QC, Junior Counsel for the Inquiry, has also confirmed that no
more than what was stated in the two letters from Deputy Commissioner John Stevens in
June and September 1998 was said by the MPS about the anti-corruption intelligence it held
and the “new line of enquiry” that related to John Davidson.

c) The review stated that John Davidson had been a handler of David Norris (deceased), when
he was not.

d) If the author of the 2012 MPS Review had considered the 1999–2000 MPS intelligence
reports and the details of Neil Putnam’s debriefing relating to John Davidson in July 1998,
as we believe he should have, the author should have realised their combined potential to
inform the Inquiry further on the issue of a possible corrupt motive behind John Davidson’s
deficiencies in the murder investigation. The author should not have written: “The MPS
disclosed all material in relation to adverse information held regarding the three officers
of concern.” Given that he was aware that the intelligence could not be located, it was
impossible to say whether or not it implicated those officers. In our assessment this was, in
any event, a somewhat reckless statement.

e) Neil Putnam implicated John Davidson in July 1998, whilst Part One of the Inquiry was still
on-going. This did not occur “late in 1998” as suggested in the review.

Findings

- The result was that the 2012 MPS Review was another example of the MPS providing
misleading reassurance to the family and to the public. In effect, the review claimed, “It’s all right,
we’ve looked at it all again, there is nothing new, and there is no material indicating possible
corruption that was not revealed to the Public Inquiry.”

- In our assessment, there were clear defects in the level of information that the MPS
revealed to the Public Inquiry. The MPS held material of some potential importance to the
determination of the true motives behind John Davidson’s deficient investigative work on the
Stephen Lawrence murder investigation and had not revealed it.

- We would add that although the author of the report deserves some criticism in these
respects, we find that the MPS decision to commission such a wide-ranging and significant
review over such a tight timescale was unrealistic and ill-judged.
Special Demonstration Squad undercover deployment at the time of the Stephen Lawrence Inquiry

Findings

- In mid-August 1998 the SDS arranged for an undercover officer, N81 (who was deployed into one of the groups seeking to influence, and to some extent succeeding in influencing, the Lawrence family campaign), to meet an ex-Special Branch officer, acting Detective Inspector Richard Walton, who had been seconded to the MPS Lawrence Review Team. This was the MPS team that was involved in drafting the final written submissions to be made on behalf of the Commissioner of the MPS to the Stephen Lawrence Inquiry.

Bob Lambert, who was N81’s Detective Inspector at the time, arranged the meeting, which took place on 14 August 1998 in a garden in North London. Mr Lambert has told us that he did so at the request of his senior management and that he was told that the purpose of the meeting was so that DI Walton could fully brief the Commissioner. When Operation Herne interviewed Mr Lambert, he told them that N81 had probably been the best placed SDS officer to help the Commissioner with what was happening in the groups that were seeking to influence the Lawrence family campaign.

Mr Lambert made a file note (dated 18 August 1998) of the meeting for his senior managers, the content of which we have set out in detail in our report.

In our view, Mr Lambert’s file note clearly conveys that:

a) DI Walton presented himself at the meeting as being currently engaged with the MPS Lawrence Review Team, not least as it states that DI Walton said at the meeting that he “continued to prepare a draft submission to the inquiry on behalf of the Commissioner”.

b) N81 and DI Walton had discussed the Stephen Lawrence Inquiry at the meeting from their own perspectives. It had been a “fascinating and valuable exchange on an issue that DI Walton had said continued to dominate the Commissioner’s agenda on a daily basis”; and their “in-depth discussion enabled [DI Walton] to increase his understanding of the Lawrences relationship with the various campaigning groups... of great value as he continued to prepare a draft submission to the inquiry on behalf of the Commissioner”.

On the SDS side of the meeting, it therefore seems clear enough that the meeting was arranged to allow an MPS officer on the Lawrence Review Team working on the presentation of the Commissioner’s case to the Stephen Lawrence Inquiry to have an in-depth discussion with an officer who was deployed undercover in an activist group that was part of the Lawrence family’s wider camp at the time of the Stephen Lawrence Inquiry. That undercover officer had reported back to the SDS personal information about the family, as well as other ‘tactical intelligence’ around the Inquiry.

It is difficult for us to discern precisely what N81 conveyed to DI Walton as regards N81’s proximity to the Lawrence family camp and the influence that N81’s group had achieved upon it. It seems to us that in arranging this meeting, the SDS side, who knew most of the detail about what N81 had reported back, were certainly not doing so on the basis that there were any boundaries as to what N81 could and could not discuss with DI Walton.

Findings

- We find the opening of such a channel of communication at that time to have been ‘wrong-headed’ and inappropriate.

- The reality was that N81 was, at the time, an MPS spy in the Lawrence family camp during the course of judicial proceedings in which the family was the primary party in opposition to the MPS.
Our findings on undercover policing

DCI N86 has denied tasking Mr Francis to obtain intelligence of this type and that there was any pressure to obtain intelligence relating to the family campaign.

Mr Potter told us that he was unaware of any desire within the Metropolitan Police Service (MPS) to gather intelligence to undermine the Lawrence family campaign. He described any such request as “totally improper”.

**Comment**

- The thrust of the response to Mr Francis’ claim from his fellow SDS officers at the time has been a strong affirmation that such tasking lay outside the remit and ethos of the squad. By this time the squad was moving towards reporting on and seeking to prevent the subversive or potentially criminal plans of politically active groups who sought to influence campaigns such as that of the Lawrence family, rather than focusing on the campaigns themselves.

Nevertheless, we find the following aspects of the material that we have considered of some concern when evaluating the veracity of Mr Francis’ claim that he was asked by his then DCI, N86, to gather such intelligence:

a) There is clear evidence of a strong feeling of indignation and a degree of hostility in the autumn of 1993 towards what was perceived in some senior MPS quarters as unjustified and untruthful statements by or on behalf of the family as to the incompetence and lack of effort being made by the murder investigation. This feeling was therefore directed at the family campaign rather than the politically active groups that sought to latch onto the campaign. Such feelings clearly had the potential to have been converted into a desire to obtain material that might be used to rebalance public opinion in favour of the MPS.

b) There is also clear evidence that the Lawrence family campaign was perceived by senior quarters of the MPS and the SDS to be something of a torch for other ‘black justice’ campaigns to follow. It attracted a wide range of politically active groups who sought to use it to pursue their own aims. The result was that it was assessed as posing a threat of potential serious public disorder on the scale of that following the incident involving Rodney King in Los Angeles.

c) The combined effect of the two points above suggests that senior quarters of the MPS appeared to view the Lawrence family campaign as promulgating falsities which had the potential to foment very serious public disorder by the political groups that followed and supported it. In that context, we find Mr Francis’ allegations that there may have been a desire to gather ‘corrective’ intelligence more believable than his fellow SDS officers now state. However, we recognise that they do all state that no such thing did occur, or could have occurred.

d) The additional element of Mr Francis’ claim, as clarified to us, was that the tasking came primarily from his DCI, N86, who he alleges also exhibited apparent racism. This allegation has some degree of potential support from N78’s description of witnessing a possibly racially motivated incident involving N86. DCI N86 vehemently denies those allegations and we are unable to make any conclusive finding on the point.

e) In 1998, the SDS was a squad in which managers felt it was appropriate to share intelligence that was being generated by undercover deployment in groups that had become part of the wider Lawrence campaign camp with an officer involved in preparing the MPS submissions.
4.4 Was information regarding undercover policing withheld from the Inquiry?

Findings

- Yes, information regarding undercover policing was withheld from the Public Inquiry.

- In our assessment both the details of relevant Special Demonstration Squad (SDS) undercover officer deployment into groups privy to tactical aspects of the Lawrence family campaign and the fact that a channel of communication had been opened between an undercover officer so employed and a member of the Metropolitan Police Service (MPS) team working on the final submissions to the Inquiry should have been disclosed to the Inquiry Chairman. They were not.

- We have found no clear evidence that a positive decision not to disclose the extent of undercover policing was made by the MPS. There was simply a culture whereby no disclosure was made relating to the undercover work of the SDS. In this regard, the SDS seems to have operated, and been considered to be, outside the sphere of evidence and the MPS's disclosure duties. This seems to have been permitted by the MPS senior management.

In so far as we have been able to ascertain, those involved in the MPS Lawrence Review Team (other than DI Walton), or representing the MPS at the Stephen Lawrence Inquiry, had no knowledge of the undercover deployment of N81 into a group close to the Lawrence family campaign, or the opening of a channel of communication between N81 and a member of the MPS Lawrence Review Team.

Anesta Weekes QC (then Junior Counsel to the Inquiry) has also confirmed that no information regarding undercover deployments was revealed to the Inquiry team.

Mr Francis claims that at the time of the Inquiry he pushed for disclosure of SDS undercover deployments that had touched on the Lawrence family campaign to be made to the Public Inquiry. His senior officers responded to the effect that if the public were to find out about it, there would be battling in the streets for a year to come.

We have found no records to support this claim by Mr Francis, and we are not aware of any individual who confirms it.

However, in our opinion, if Mr Francis had made such an enquiry of his senior officers at that time, we would expect the reaction to have been of a similar tenor to that which he claims he received.

We believe that the assurance of total secrecy in relation to the undercover work of the SDS may have become part of the justification for carrying it on. This was notwithstanding the level of intrusion and collateral damage it sometimes caused. In our opinion this is a classic danger associated with inadequate supervision of covert surveillance, and the reason for the growth in oversight that has been put in place as the years have passed.

We were concerned, in this regard, to discover that leading up to, and after, the implementation of the Regulation of Investigatory Powers Act 2000, SDS undercover officers were apparently authorised in very brief file entries under their pseudonyms in such a way that an inspection of the file did not reveal who they were or give any detail about what they were doing.
Although our terms of reference are limited to the role of undercover policing in the context of the Lawrence case, we feel bound to indicate that from the material that we have seen, it would be wrong to assume that undercover policing by the Special Demonstration Squad (SDS) (which involved deployment into a wide range of groups that presented a public disorder potential) may only present problems in the Lawrence case.

In essence, the wider potential problems that appear to us to be likely to exist all flow from the extraordinary level of secrecy observed as to any disclosure that might carry the risk of exposing that an undercover officer was, or had previously been, deployed.

Whilst that level of secrecy was largely enforced within the processes and procedures adopted by the SDS itself, the wider MPS must take responsibility for allowing a situation to develop over the years whereby the SDS operated as if it was exempt from the developing duty of proper disclosure required of the MPS in legal proceedings, and particularly in criminal prosecutions.

Instead, what appears to have been the default position is that acknowledged by the 2009 SO15 report, namely that the SDS appeared to have:

“relied on their ‘intelligence only’ doctrine of never giving evidence in order to suggest their activity did not impact upon criminal proceedings, no matter how accurate that was”.

The extent of the wider problems flows from identifying the broad range of SDS activity of potential relevance to issues arising in criminal proceedings where there was a duty of proper disclosure.

The SDS had, over many years, placed undercover officers inside a wide range of activist groups, targeted principally around the groups’ potential for committing, fomenting or providing intelligence on public disorder. A long-term undercover officer deployed into such a group had, necessarily, to play the convincing role of a genuine activist.

When the group concerned got involved in planning or committing potentially illegal activity, the undercover officer had to maintain cover. The concept of an undercover officer getting involved in criminal activity in one way or another was, it appears, approached ‘flexibly’ by some SDS officers.

The potential for an undercover officer to have been viewed by another group member as having approved, encouraged or participated in criminal activity is inevitable.

The undercover officer may well have ended up being arrested. The SDS records show that sometimes that was dealt with by the officer going through the investigation and the court process in their undercover name. This inevitably entailed deception of the arresting officers and courts, and also the legal advisers who represented a number of activists arrested at the same time, all of which had to be dealt with in a manner consistent with their undercover role.

It is also clear from the material that we have seen that sometimes an undercover officer who had been present at a riot or other disorder where arrests had been made and criminal proceedings had been brought knew that aspects of the prosecution case being advanced through police witnesses were false.

In short, it is inevitable that the interaction between an undercover officer and members of an activist group, taken together with the detailed records of intelligence reported back by them into the MPS