

# IN THE MATTER OF THE UNDERCOVER POLICING INQUIRY

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## OPENING STATEMENT ON BEHALF OF BARONESS DOREEN LAWRENCE OF CLARENDON OBE

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1. Sir, Baroness Lawrence is losing confidence, if she has not already lost it, in this Inquiry's ability to get to the truth. The truth as to why she, her family and supporters were spied upon by the police. This Inquiry is not delivering on what she was promised and is not achieving what she expected. To say that Baroness Lawrence is disappointed is to understate her position. Baroness Lawrence is also disappointed by the approach of the Metropolitan Police Service in its Opening Statement with its suggestion that there has been 'widespread and lasting change' in the police. The reality is that there has been very little change. What change there has been was forced upon the MPS. It has never welcomed it or embraced it. This year Ben Bowling, a professor of criminology at Kings College London, said British policing "remains institutionally racist". He has accused the police of failing to deliver on promises to eradicate racism instead allowing "prejudice, thoughtlessness and racial stereotyping" to continue driving unequal treatment. Black and ethnic minority people are still over-policed and under-protected.
2. By way of example, the Home Affairs Select Committee reported in July of this year that young Black men were stopped and searched by police more than 20,000 times in London in April/May of this year – the equivalent of more than a quarter of all Black 15 to 24-year-olds in the capital. More than 80% of these searches resulted in no further action. Ms Yvette Cooper, the Chair of the Committee said that this 'suggests in one month alone, more than one in 10 of young Black men in London were stopped and searched and found to be carrying nothing and found not to be doing anything that required further action'.

3. Baroness Lawrence does not want mealy-mouthed gratitude from the MPS. If the MPS is sincere it must stop churning out platitudes as it has done so at this Inquiry and take immediate action to implement change.
4. The racism which continues to be rife in our police and society was the racism which led to the murder of Stephen Lawrence and which resulted in his killers not being convicted for 18 years. Stephen, born on the 13th September 1974, would now be 46 years' old - he was fatally stabbed aged just 18. His racist murderers, however, are still alive; not a single police officer was disciplined or sacked, rather they were promoted in their careers or are now enjoying their retirement; and many of those that spied upon Baroness Lawrence and her family have, to date, evaded proper scrutiny.
5. For any parent to have to outlive their child is unimaginable – to lose their child in such circumstances is inconceivable; to still be fighting for justice 27 years' on is unacceptable; and for those parents to be fighting for justice while being spied upon by the police, whose very role was to support and protect them, is simply unforgivable. Sir, you will be familiar with the circumstances of Stephen Lawrence's murder which we do not intend to rehearse here save to say that Baroness Lawrence is disappointed that it is not her, as Stephen's mother, who was the first in their Opening Statements to describe the events of that day at this Inquiry.
6. Stephen was certified dead at 23:17 on the 22nd April 1993. Baroness Lawrence mourns the loss of her son every single day. What she could not have foreseen was the sheer scale of the failures by the police in relation to their treatment of Stephen and the subsequent investigation. It would be many years later that Sir William Macpherson, and his advisory panel, would conclude, amongst other things, that the senior investigating officers made a fundamental mistake in failing to arrest named suspects within 48 hours of the murder and that no police officer did anything by way of first aid as Stephen was lying in a pool of his own blood. Baroness Lawrence has previously speculated that perhaps the police officers did not want to get their hands dirtied with a Black man's blood.
7. Sir, the Lawrence Report was published in February 1999. On the 6th March 2012 the Independent newspaper ran an article in which it was said that it had 'uncovered detailed evidence of a detective's criminality that was held back from the public, the Lawrence family's legal team' and Sir William Macpherson's Inquiry. The article alleged that Metropolitan police officers were aware of a corrupt link during the Macpherson Inquiry but held the

information back for fear that it would affect the family's civil claim against the force.

8. As a result of this news Baroness Lawrence wrote to the then Home Secretary Theresa May stating that 'the fact appears to be that material which was highly pertinent to the issues being investigated in the Inquiry was suppressed by the Metropolitan Police Service in order to protect its own reputation.' Accordingly, Baroness Lawrence asked the Home Secretary for a public inquiry. That request for a public inquiry was supported by Boris Johnson and Yvette Cooper amongst many others. A meeting with the Home Secretary took place on the 14th May 2012 which led, not to a public inquiry at that stage, but an Independent Review by Mark Ellison QC and Ms Alison Morgan.
9. Mark Ellison QC started his review in October 2012. Unbeknownst to him, the Lawrence family and the general public, they were already being woefully misled by the MPS. The MPS review on 31st May 2012 weaved a web of deceit by stating that they had disclosed all available material relating to officers of concern (in the murder investigation) to the Macpherson Inquiry. A barefaced lie. Yet the never-ending capacity of the MPS to deceive those that they were entrusted to serve – was soon to be further evidenced. Before Mark Ellison QC could complete his review, an article appeared in the Guardian newspaper on the 24th June 2013 which revealed that between 1993 and 1997 the MPS sought to obtain information with a view to investigating and potentially undermining the credibility of the Lawrence family's campaign for justice. A letter was written on behalf of Baroness Lawrence to the then Commissioner of the Metropolitan Police Sir Bernard Hogan-Howe about this and a response sought as to whether the allegations were true. On the 8th July 2013 the Commissioner wrote that 'there are records that indicate undercover officers were deployed into supporters and campaigns surrounding the murder of Stephen Lawrence. Specifically we are aware of three officers including Francis'.
10. Francis was, of course, Peter Francis. In the Channel 4 Dispatches interview in 2013 Peter Francis disclosed that his superiors in the SDS had wanted to prevent the advancement of the campaign for a better investigation into the murder of Stephen Lawrence. His superiors had, in the period shortly after his murder, wanted him to find 'dirt' and 'disinformation' that could be used to discredit members of the Lawrence family and their supporters. He also said he was one of four undercover officers who were required to feedback intelligence about the campaigns for justice over the death of Stephen Lawrence. Peter Francis revealed that as neither he nor the other (three)

undercover officers were able to find anything 'concrete' with which to discredit the Lawrence family, intelligence, if one can call it that, would be passed on to their superiors based upon 'hearsay' and 'tittle tattle'. It was a desperate and utterly baseless attempt to smear the Lawrence name. Of course, there was no such intelligence. The Lawrence family were, and always have been, a law-abiding family.

11. A fellow undercover officer, HN78 (now N78), was interviewed for the Ellison Review. He said he was deployed until 'late 1995' and 'picked up intelligence about the Lawrence family campaign through indirect means and by knowing people who were close to the family'. The Ellison Review also noted that N78 referred to possible racism exhibited by HN86 (such racist views were confirmed by Mr Francis). From 1993 to 1995 HN86, now N86, was Peter Francis' immediate superior.
12. In the absence of any 'dirt' on the Lawrence family, Peter Francis was ordered to collate evidence against others again with a view to discrediting the Lawrence justice campaign. According to Mr Francis N86 tasked him to find such evidence. He was asked to gather intelligence against other visitors to the household – from names passed on by the 'supposed' family liaison officers: DC John Bevan and DC Linda Holden, both of whom were criticised by Sir William Macpherson for the failure to treat Baroness Lawrence and Neville Lawrence as they should have been. Sir William concluded that the failure of family liaison was 'one of the saddest and most deplorable aspects of the case'.
13. As a result of the Guardian article and the Channel 4 Dispatches programme a letter was written on behalf of Baroness Lawrence to the Home Secretary in these terms:

'We write further to the meeting that we had with you at the Home Office and the meeting with the Commissioner of the Metropolitan Police as well as the meeting with Mr Mark Ellison QC....

As you will appreciate, when The Guardian reported its allegations last Monday, Mrs Lawrence's reaction was one of restraint. There was no immediate call for a public inquiry. Instead, ...[a letter was sent] to the Commissioner seeking answers to thirteen questions. Despite his best endeavours, the Commissioner was unable properly to answer the majority of the questions raised at our meeting with him. This is despite

public assurances that he would be able to and that there was no need for a public inquiry.

It is self-evident that the new revelations of police surveillance....have caused them, and the wider public, genuine shock and outrage. The Prime Minister, yourself and former Home Secretaries, current and former Commissioners of the Metropolitan Police have all publicly condemned such activity if it occurred and expressed their outrage.

It is, therefore, in the interests of not only the victims of such alleged police misconduct, but also the police themselves and the public authorities involved, that the scale of .....concern (shared by the public) about this issue is addressed in the most authoritative, public, transparent and legally robust framework possible. Only a judge-led public inquiry can perform that task.

14. Baroness Lawrence met with the Home Secretary on the 16th July 2013. The Home Secretary stated that she would not order a public inquiry at that stage but indicated that if Mark Ellison QC considered that it was appropriate for there to be a public inquiry after he had provided his report then the Home Secretary would undertake to order one at that point.
15. Baroness Lawrence was very much aware of the limitations inherent in either a review or a police-led investigation (such as Operation Herne). On 27th February 2014 Baroness Lawrence said:

“In my view a public inquiry is the only effective way to address mine, and the public’s concerns over these issues. The problem with the investigation by Chief Constable Creedon in Operation Herne or the Review by Mark Ellison QC is that, even if it is for the right reason that sensitive material is withheld from the public, the concern will remain that the police (or a prosecuting barrister) are shielding the police from public scrutiny.”
16. Mark Ellison QC himself acknowledged the limitations stating: “A Public Inquiry that can see and hear the evidence being tested, and which also considers the wider potential SDS issues raised...might be better placed to make definitive findings.”
17. As we know Mark Ellison QC’s report did conclude that he was ‘unable to reject’ the claims Peter Francis made in relation to the ‘smearing’ of the

Lawrence family which led to the words spoken and promises made by Theresa May in the House of Commons on 6th March 2014:

“Given the gravity of what has now been uncovered, I have decided that a public inquiry, led by a judge, is necessary to investigate undercover policing and the operation of the SDS. Only a public inquiry will be able to get to the full truth behind the matters of huge concern contained in Mark Ellison’s report.

Stephen Lawrence was murdered more than 20 years ago and it is deplorable that his family have had to wait so many years for the truth to emerge. Indeed, it is still emerging....the findings I have set out today are profoundly disturbing. For the sake of Doreen Lawrence, Neville Lawrence, their family and the British public, we must act now to redress these wrongs”

18. The speech was later repeated in the House of Lords the same day by The Parliamentary Under-Secretary of State for the Home Office Lord Taylor of Holbeach who added that there could be no hiding place for people who had done wrong. The irony of this statement is not lost on NSCPs as the undercover officers now hide from public view; hide behind false names; and hide behind redacted evidence.

19. Speaking at the same session, Baroness Lawrence addressed her fellow peers and said:

“It has been 21 years of struggle and no family should have to go through that. It is the job of the justice system and the police service to give service to the whole community, not just to one section. That is what I have been campaigning on for the past 21 years. We were not asking for anything special, just for something that we should have had, just like any other citizen of this country”

20. By letter dated 27th March 2014 Sir Bernard Hogan-Howe apologised for the conduct of the MPS and made what Baroness Lawrence thought to be a firm commitment to her, he said: ‘I undertake to ensure that we release all material requested by the Inquiry in our possession or control and to be as transparent and honest in our duty of disclosure....I am committed to transparency.’”

21. That was promised in 2014. Baroness Lawrence is still waiting to receive material which might throw more light on the allegations made by Peter Francis and has seen or heard nothing in relation to the involvement of N81, N78 and N86. Baroness Lawrence considers it an utter disgrace that over 6 years after the Commissioner of Police made those commitments, she is none the wiser as to why she and her family and supporters were spied upon. What she cannot fathom is who is ultimately at fault. If it is the Metropolitan Police, then she calls on the Commissioner of the Metropolitan Police today, Cressida Dick, to honour the commitment made by her predecessor to act with honesty, transparency and integrity and immediately provide her with the material she should have. If it is the Inquiry, then Sir, she asks that you do the same. Baroness Lawrence reminds you that you made a similar commitment in November 2017. Sir, you said:

“How and why groups supporting the campaign of the parents of Stephen Lawrence came to be infiltrated by undercover officers and what was done with information acquired by them is one of the central issues which the Inquiry must investigate. The deployments occurred nearly 20 years ago. They have already been the subject of three separate investigations. Despite that, a definitive judgement about them has not yet been made. It is not difficult to understand that this has compounded the anguish already caused to them by the racist murder of their son and the manner in which it was investigated by the police. Tools available to the Inquiry, which were not available to previous investigators, may permit me to make that judgement.”

22. Baroness Lawrence is exhausted by the number of times that she has been given reassurances and promises. Each appears to have been as hollow as the next and some appear downright hypocritical. Peter Francis revealed in the Channel 4 documentary that he had reason to suspect that the intelligence collected by undercover officers regarding the Lawrence family was delivered to, and possibly compelled by, senior officers at the very heart of the MPS. He recalled, in particular, Sir Paul Condon, had on one occasion paid him and others a visit to thank them for their work with a bottle of whisky. This was the same Sir Paul Condon who, amongst heckles from the public, sought to apologise to the Lawrence family at the Macpherson Inquiry on the 1st October 1998. The extent to which Sir Paul Condon knew and/or authorised the spying must be examined. Indeed, it must not stop at Commissioner level because, of course, policing was, until recently, the responsibility of the Home Secretary, which may explain why shortly after the Public Inquiry was announced a former

Home Secretary met with Baroness Lawrence denying any knowledge or involvement in the issue.

23. In this Inquiry Baroness Lawrence was looking forward to the Opening Statement of the MPS and for a renewal of the apology that Sir Bernard Hogan-Howe had given to her in 2014. Not only was there no apology, but worse still, there was a wholesale denial that 'SDS personnel did not infiltrate or target justice campaigns (including the Lawrences)'. If that is the case what was Sir Bernard apologising for in 2014. Was that apology yet another lie and simply a public relations exercise? Baroness Lawrence seeks an urgent explanation from Commissioner Cressida Dick, the present head of the MPS.
24. In March 2014 Sir Bernard also stated that he was implementing measures which were 'part of a series of actions ...which will also address culture and leadership in the Metropolitan Police Service'. Baroness Lawrence is very aware that culture and leadership are key issues when it comes to institutions. The so-called 'canteen culture' of the police service has been held responsible for miscarriages of justice and cover ups of misconduct. It certainly plays its part in covering up racism and other sorts of discrimination. So when, in 2014 Sir Bernard stated that he would address this issue, it was a welcome move forward. Yet again, however, what is said by the MPS publicly is mixed heavily with hypocrisy because Baroness Lawrence was disappointed to learn that the one man who had had the courage to come forward and expose the wrongdoing of the police, still faced the threat of legal action and prison for doing so.
25. There is no doubt that Peter Francis' conduct on spying on Baroness Lawrence and her family was reprehensible. It would be difficult for Baroness Lawrence to ever forgive him for what he did. However, he deserves credit for what he has now done. What is, though discreditable and even more reprehensible, is the conduct of the MPS, presumably at its highest level, to prevent Peter Francis from giving a true account of his actions. The MPS's attempt at gagging Peter Francis is precisely the sort of action which encourages and supports the canteen culture: the attitude that we must all stick together through thick and thin. This is a regressive step and one that Baroness Lawrence finds incomprehensible from a police service which seeks to suggest it is progressive, forward looking and trustworthy. Baroness Lawrence considers that it is imperative that the Commissioner provides whatever undertaking or commitment is needed by Peter Francis to give him the opportunity to freely, and without risk of prosecution, give his honest account to this Inquiry. Not to

do so would be yet another in a long line of failures by the MPS of Baroness Lawrence's family.

26. Empty promises and bland assurances are not needed at this Inquiry. To serve any real purpose, for it to effect long-awaited, far-reaching change – and for it to provide any semblance of justice to Baroness Lawrence, full and frank disclosure must be given now to her and her family. Baroness Lawrence cannot wait any longer. As you know Sir, it took 18 long years before two of those responsible for the murder of her son were convicted at the Old Bailey. You may not know but 27 years after their involvement in the investigation into Stephen's murder, Mr Bullock, Mr Crampton, Mr Weeden and Mr Ilsley (all of whom were in senior roles at various times during the first few weeks of the investigation) have very recently been referred to the CPS to ascertain whether their well-documented failings may give rise to criminal offences, including misconduct in public office. Such delays as these must not be repeated by this Inquiry.
27. Sir, Baroness Lawrence not only requires confidence in the MPS but also in the Inquiry, and in you. Her restraint in not immediately calling for a public inquiry when the revelations first surfaced was not because such an inquiry was not necessary but because she had confidence in Mr Ellison's integrity and independence in coming to his own conclusions in his review. He had, after all, with the assistance of Clive Driscoll, then the SIO of the murder investigation, secured the convictions of David Norris and Gary Dobson in 2012 and he had acted with complete transparency by updating Baroness Lawrence during the course of the Review. Baroness Lawrence's experience with institutions and authorities has not been a good one and it takes a great deal to earn her confidence and trust. Mr Ellison did so. Mr Driscoll did so. So did Theresa May when she was Home Secretary. The steps that she took and the assurances she was given by those that she trusted meant that Baroness Lawrence had extremely high hopes for this Inquiry. When she stated that only a judge-led inquiry could achieve the task, she had in mind a fully transparent and accountable process, rigorous in its pursuit of the truth. She remained confident that such a process would serve to reassure her that the full facts would be brought to light; that culpable and discreditable conduct would be exposed and brought to the public's notice; that there would be accountability from the very top to the bottom. That finally lessons would be learned.
28. That was her understanding. It is a source of great shame and concern that what she was promised has not been delivered. What was expected has not been

achieved. What Baroness Lawrence believes is actually happening is a 'secret' inquiry in which officer after officer is hiding behind a pseudonym and a screen. Not only does she not know who most of them are, but neither does the public. This is not what she asked Theresa May for. This is certainly not what she expected. Baroness Lawrence has been through a public inquiry. She knows what it is supposed to be like. Baroness Lawrence firmly believes that she, and the public, should be able to see every police officer who was involved in spying on her. It is they who were supposedly involved in discreditable conduct, not her. They had a choice to spy and chose to do it. They were given orders which they could have ignored. Why should they be allowed to hide from public gaze and public scrutiny? In the decades since her son's murder, Baroness Lawrence wasn't allowed to do so. She didn't choose to lose her son or to campaign for justice. And when she made (perfectly valid) criticisms of the police investigation, she did so in the full glare of the public, when it was well known that police officers and others were extremely hostile towards her. She didn't have the luxury of changing her name, moving house or hiding behind a screen. If she could not do so, neither should any police officer. The fact that the MPS and the individual officers have made applications for anonymity and, more importantly, that they have been granted, is a travesty and goes against everything that a public inquiry stands for and what Baroness Lawrence expected. It appears to her that this Inquiry is more interested in protecting the alleged perpetrators than the victims. This cannot be right. Baroness Lawrence urges you, Sir, and the MPS to reconsider the present approach so that she might have confidence in this process. Baroness Lawrence wants to see every officer and ask questions through her lawyers of him or her.

29. Baroness Lawrence recalls with clarity that when the Lawrence Inquiry commenced, the Metropolitan Police had hoped that their narrative of a difficult Black family and a world class police investigation would prevail. It was only because of the public nature of the Inquiry and the ability of Baroness Lawrence's lawyers to directly ask questions that this did not happen, and the reality of an investigation marred by incompetence and racism became widely known. That experience specifically, and Baroness Lawrence's knowledge since, has shown that the Metropolitan Police will, unless forced to do so, seek to avoid scrutiny, create false narratives and deliberately conceal material which might be critical of it. It is, therefore, risible to think that the Inquiry can rely on the MPS itself to offer up the truth and provide proper and relevant disclosure.

30. Sir, you will appreciate that Baroness Lawrence and her family had grave reservations about the appointment of Sir William Macpherson to Chair an Inquiry which had to deal, at its heart, with the issue of racism, of which a privileged white male knew little about. It is a matter of record that it was only as a result of the assistance of his advisers – Bishop John Sentamu and Dr Richard Stone – that Sir William came to the conclusions that he did. Baroness Lawrence is confident that had that assistance not been given, the conclusions in the Report would have been very different and society the poorer without them. It is, therefore, absolutely vital that this Inquiry has advisers who can assist you throughout the proceedings starting from now. Anything less will not do. The Macpherson Report identified institutional racism as underpinning the failures in the murder investigation but that was just one part of the story. Baroness Lawrence's treatment at the hands of the MPS, through the use of undercover policing, as well as the targeting of countless Black justice campaigns, has to be considered in the context of the racism that Macpherson identified as existing at the time. The simple fact is that discrimination on the basis of a person's skin colour is not a single act of prejudice but is deeply impactful and affects every aspect of the individual's life. It is an existential issue which cannot be compartmentalised and viewed in isolation. And it is certainly not a case of being 'colour blind' but of being 'colour conscious'. And Sir, if either this makes no sense to you or you do not consider it relevant to this Inquiry, the point that Baroness Lawrence makes is proven: you need a Panel of Advisers and you need it now. The conduct of the SDS, from the individual officer who carried out the surveillance all the way up to those who gave the orders to do so must be subject to scrutiny of racism by those who sufficiently understand and have expertise in identifying it. Therefore, a Panel of Advisers who have such knowledge must be immediately appointed.

31. Sir, the suggestion made by the designated lawyer office group that the SDS was an undercover police unit which operated lawfully, effectively and in the public interest does not pass muster in any circumstance, let alone in Baroness Lawrence's case. There was no justified reason for spying on Baroness Lawrence nor any campaign she chaired and in which she was involved. The statement of purpose of the SDS was somewhat generously described in the Operation Herne report as 'aspirational' and one that "evolved over time and can best be described as.....organic". The 1998 statement of purpose, according to the Herne report detailed their objective as "providing quality service in the gathering and dissemination of high grade intelligence concerning terrorism, public order events, the activities of groups involved in politically motivated crime.... To achieve this, they infiltrated groups assessed as being capable of

violent protest". None of this was even remotely applicable to Baroness Lawrence and her family.

32. Chair, Baroness Lawrence must have the truth from this Inquiry. In order to do so, searching questions must be asked and answered in public, including:

- a. Which individuals authorised surveillance of her family, her home and those supporting her in 1993?
- b. Who was aware of such surveillance?
- c. Did the Home Office knowingly fund such surveillance?
- d. Did anyone oppose such surveillance?
- e. What was the true motive for authorising such surveillance?
- f. Was the sole motivation for deployment of undercover officers, during 1993, the self-interest of the MPS?
- g. What are the names of the other three officers that Peter Francis worked undercover with?
- h. What are the real names of N81, N78 and N86?
- i. Who are the three officers referred to by Sir Bernard Hogan-Howe?
- j. As there was clearly no criminality on the part of Baroness Lawrence and her family, why was surveillance continued?
- k. Even though there was clearly no criminality was Baroness Lawrence spied upon because she was considered a political and social justice campaigner?
- l. Who authorised, and who was aware, of the decision to withhold relevant evidence from the Macpherson Inquiry?
- m. Who authorised destruction of documents regarding the Lawrence family?
- n. Are there any documents not disclosed still in existence – if so, why haven't they been disclosed?
- o. Did the MPS consider protecting its own officers and senior officials more important than being honest and transparent before the Inquiry and the public?

33. Sir, I end with Baroness Lawrence's own words:

'I am Stephen's mother. I am not the person I was on the day that Stephen was murdered. On the 22nd April 1993 I was a happily married woman with three gorgeous children. Now I have lost a son and I am divorced from my husband. But that is only a tiny part of what has changed in the years since Stephen died. I now lead a completely

different life – one that I never imagined I would have or wanted. For years I have felt like an only soul in a sea of millions. Whilst I understood why so many around me wanted to help me and support me, their presence only highlighted my own loneliness and sadness. I don't blame them – it is just that unless you have lost a child in circumstances such as these no-one, but no-one, can truly understand the sheer depth of the heartache I have felt. Many have thought that I have courted press attention and profited from it – the reality is that I long for anonymity and would give up all that I have just to go back to the seconds before Stephen's death and prevent it. I am just an ordinary person. I have nothing special that deserves public attention or acclaim. I simply ask for justice.'

34. Sir, you have the opportunity to provide the justice that Baroness Lawrence richly deserves by ensuring that the Inquiry the Home Secretary ordered over 6 years ago is the one that takes place now. Anything less will be yet another failure that Baroness Lawrence has had to endure. Accordingly, you now have the choice of either being one of those in the long line of those that failed Baroness Lawrence or those very few that did not.

**Imran Khan QC**  
**Imran Khan and Partners**  
**Solicitors**

**Chloe Gardner**  
**Nexus Chambers**

**9<sup>th</sup> November 2020**

