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Justice Denied: Police Accountability and the Killing of Mark Duggan

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# Introduction

On 4 August 2011, Mark Duggan, a young black man from Tottenham, North London, was shot dead by a police officer from London’s Metropolitan Police Service (MPS). This killing followed a period of surveillance from MPS officers, eventually resulting in a ‘hard stop’ of the taxi cab Mark Duggan was riding in. Shortly after exiting the taxi cab, Mark Duggan was shot twice and died at the scene. In the immediate aftermath of the killing, which took place in broad daylight on a busy Tottenham street, it was reported by mainstream media institutions that a ‘shootout’ had taken place resulting in a police officer being shot and a man being shot dead.1 The source was a spokesperson for the Independent Police Complaints Commission (IPCC). Despite the information being patently false, the image of Mark Duggan as a violent ‘gangster’ soon came to characterise the media framing of the events leading to his death.2 In January 2014 an inquest jury delivered their verdict on the legality of the police shooting.3 The jury found that contrary to the testimony of the police officer responsible, Mark did not have a gun in his hand at the time he was shot. To the dismay of Mark’s family, the jury nonetheless found that he had been ‘lawfully killed’.4 This chapter explores some of the key failures of the police complaints system exposed in the Mark Duggan case, and considers the possibility of radical, community-based alternatives.

# A Crisis of Accountability

The death of Mark Duggan is one of a series of high-profile cases involving police violence and corruption that have raised important questions about the extent to which the IPCC – the main body responsible for overseeing the system of police complaints in England and Wales – operates in the interest of the victims of police wrongdoing. In December 2013 the IPCC was forced to reopen its investigation into the death in police custody of Sean Rigg in August 2008 after an independent report concluded that the Commission ‘committed blunder after blunder’ in the initial investigation. Shortcomings identified in the report included a failure to secure the crime scene, lengthy delays in interviewing police officers and a failure to examine crucial CCTV evidence.5 Just three months later, an independent report led by Mark Ellison QC concluded that the IPCC had failed to properly investigate allegations that the MPS withheld information on police corruption from the Macpherson Inquiry into the murder of black teenager Stephen Lawrence.6 The report triggered an apology from IPCC Chair Dame Ann Owers for the IPCC’s role in prolonging the family’s search for truth.7 Lengthy delays in the publication of reports into police collusion following violent confrontations with striking miners at the Orgreave coking plant in 1984,8 and the fatal shooting in 2012 of Anthony Grainger – an unarmed man shot dead by a Greater Manchester Police officer – have further eroded public confidence in the IPCC’s ability to hold police officers to account.

As noted in the Introduction to this book, the recent crisis in police accountability has arisen in the context of a wider institutional crisis of legitimacy in policing. The institutional corruption exposed in these cases has challenged traditional conceptions of police corruption as an abuse of power and authority by individual officers. As the criminologist Maurice Punch9 puts it, the problem is not simply one of ‘bad apples’, but of ‘bad orchards’.

Scandals of this kind are not new. Indeed, police corruption is as old as the institution of the modern police itself. In stark contrast to nostalgic portrayals of the ‘Great British Bobby’, during the last 50 years the public image of the police has been tarnished by periodic scandals of financial corruption, arbitrary violence and miscarriages of justice.10 In common with earlier periods of crisis, these latest revelations have called into question the legitimacy of official state organisations that ostensibly exist to hold the police to account. With corruption a seemingly pervasive feature of police work in Britain, it is essential to ask – who polices the police?

# The Independent Police Complaints Commission

The IPCC was established under New Labour in the aftermath of the Macpherson Inquiry, which found existing investigative procedures to be wholly inadequate. Established by the Police Reform Act 2002, the IPCC is tasked with investigating the most serious complaints and allegations of misconduct against the police, as well as handling appeals from people who are dissatisfied with the way the police have dealt with their complaint. While the statutory purpose of the IPCC is to increase public confidence in the police complaints system, the organisation has, since its inception, failed to secure public legitimacy. Much of this scepticism reflects doubts that the IPCC constitutes a genuinely ‘independent’ investigative body. According to the IPCC’s latest annual report, seven out of eight senior investigators are former police officers, as are nine out of twenty deputy senior investigators and over a quarter of investigators.11

Moreover, the IPCC only investigates a small proportion of complaints against the police – the overwhelming majority are investigated by each police force’s own professional standards department. Some 130 independent investigations were completed by the IPCC between 2011 and 2012.12 In contrast, 27,157 complaints were finalised by local investigation during the same period, of which only 12 per cent were upheld.13 The IPCC’s record of dealing with corruption complaints is particularly discouraging. Of the 837 corruption cases referred to the IPCC between 2008 and 2011, only 3 per cent were independently investigated by the Commission, and 12 per cent subject to a ‘managed’ investigation.14 The majority of complaints concerned allegations of perverting the course of justice and dishonesty offences. In 2008, members of the Police Action Lawyers Group, a national organisation of lawyers representing complainants against the police, resigned from the IPCC’s advisory board, citing ‘increasing dismay and disillusionment’ at what they described as ‘the consistently poor quality of decision-making at all levels of the IPCC’.15

In the rare occasions that the IPCC conducts a full investigation, its powers to do so are limited. Although regulations introduced under the Police (Complaints and Conduct) Act 2012 enable the IPCC to require a serving police officer to attend an interview as a witness, the powers carry no sanction for refusal to answer questions, nor do they prevent a police officer from reading from a pre-prepared statement. Moreover, the IPCC has no authority to compel a former police officer to attend an interview as a witness, regardless of the seriousness of the complaint investigation.

It is perhaps no surprise, therefore, that the IPCC has in recent years reported a significant reduction in the number of people making complaints against the police.16 Figures collected by the Crime Survey for England and Wales show that only 10 per cent of those who recall being ‘really annoyed’ with the actions of a police officer in the last five years went on to make a complaint. The main reason for not complaining was that there was seen to be no benefit or point in doing so.17 Of those who did, three-quarters reported being dissatisfied with the way their complaint was handled.

Significantly, research commissioned by the IPCC found that those most likely to bear the brunt of corrupt policing practices – young people, ethnic minority groups and those from a low socio-economic background – are also those that are most sceptical of the system and least inclined to complain, with a significant proportion (some 40 per cent of individuals from ethnic minority groups) fearing police harassment if they do.18

# Unanswered Questions: the Killing of Mark Duggan

The multiple flaws in the police complaints system were brought into sharp focus in the aftermath of the killing of Mark Duggan and the subsequent investigation and inquest into his death. In August 2011 long-term community campaigner and Tottenham resident Stafford Scott left his role as a member of the IPCC’s Community Reference Group in protest at the IPCC’s handling of the fatal shooting. Writing in the *Guardian* newspaper, Scott alleged that the IPCC investigation was flawed from the very outset, with misleading and inaccurate information being released to the public, and obvious opportunities for evidence collection not pursued.19 Although the IPCC released a defensive statement in response to this article, attempting to challenge what they regarded as inaccuracies that may undermine the investigation,20 these questions remained unanswered for Scott, who repeated them after the inquest verdict in January 2014.21 Specifically, Scott questioned why the IPCC authorised the removal of the taxi cab from the scene prior to forensic examination, and furthermore, why evidence from two independent witnesses who reported seeing police officers remove a gun from the cab was not pursued.

The IPCC investigation was also strongly condemned by coroner Keith Cutler who, in an official report into the killing, described a failure by the IPCC to prevent police officers from conferring when writing statements as creating ‘a perception of collusion’ in the eyes of the public.22 In response to these concerns, the IPCC issued an apology to the Duggan family and in March 2014 published draft statutory guidelines suggesting that police witnesses should be kept separate after incidents and stating that conferring has the potential to undermine public confidence.23 However, these guidelines provide no specific sanctions or penalties for police officers failing to cooperate, with only a warning that the IPCC would make a note of their lack of cooperation in its investigation reports. The plans were condemned by police chiefs including Neil Basu, Scotland Yard’s head of armed policing, who argued that half of all armed officers would stop carrying firearms if this amendment to current protocol was forced through.24

As Adam Elliot-Cooper noted in *Ceasefire Magazine,*25 sitting together for hours in an office writing statements did not prevent police officers from delivering contradictory evidence at the Mark Duggan inquest. Indeed, police officers contradicted one another over the most contested elements of the case, such as where the gun was found, how it got there and who secured it. It is no surprise, therefore, that Mark Duggan’s family have rejected the inquest verdict. Appearing at the High Court in July 2014, the family argued that the coroner should have directed the jury to reach a different conclusion on the basis that they reached a majority decision that he was unarmed. The appeal decision is expected some time in late 2014.

# Radical Alternatives

The renewed crisis of legitimacy in policing has highlighted the need to look beyond official state mechanisms for holding corrupt police officers to account. Rather than providing a much-needed service to the victims of police wrongdoing, the IPCC has at critical times served as a barrier to achieving justice. More recently, following the ‘plebgate’ scandal that resulted in the criminal conviction of one police officer and allegations of misconduct upheld against others, home secretary Theresa May vowed to strengthen the IPCC.26 However, the promise of additional resources does little to address the deep-rooted institutional failures exposed in the Mark Duggan case, and thus gives little ground for optimism.

A radical alternative is the establishment of independent police monitoring groups to investigate instances of police deviance and hold corrupt police forces to account. The recent creation of the Northern Police Monitoring Project (NPMP) suggests that such spaces of resistance can be found. Launched following a vibrant meeting in Moss Side, Manchester in October 2012, the NPMP acts as a forum from which individuals, groups and communities can collectively challenge corrupt policing practices and monitor instances of police violence and harassment.

Inspired by similar initiatives that arose out of the anti-racism struggles of the 1970s and 1980s, the NPMP works in communities experiencing some of the most repressive styles of policing, providing advice, advocacy and access to specialist legal assistance, and supporting emerging campaigns as and when they are established. The NPMP aims to provide a genuine challenge to the official narrative on crime and policing. It therefore operates entirely independently from the police and other official state agencies.

The NPMP emerged from the successes of ‘Justice4Bolton’ – a defence campaign launched in response to the arrest of 55 anti-fascist protesters at a demonstration against the far-right English Defence League in Bolton in March 2010. Following a high-profile public campaign and the systematic gathering of footage and witness testimony, charges were dropped or not pursued against 54 of the arrested protesters. Two police officers were subsequently charged with perverting the course of justice after footage emerged of an officer assaulting a 63-year-old man, who himself went on to be arrested on suspicion of a public order offence.

As numerous campaigns have demonstrated, justice for the victims of police corruption is not something that will be handed down from above, but must be fought for from below. These examples, from the family of Stephen Lawrence, to the families of the victims of the Hillsborough disaster (see Chapter 5), serve as a powerful reminder of the dangers of relying on institutions of the state to self-regulate. The campaigns for justice by the families of those killed or wronged by the police receive little if any media attention, and many struggle for decades searching for answers, seeking to hold corrupt police officers and police practices to account. What unites these campaigns is a deep and ingrained sense of injustice; that the state and its institutions have failed to offer accountability and the opportunity for justice. In the absence of effective official mechanisms of holding police officers to account, vibrant community-led campaigns and radical independent police monitoring groups continue to play an essential role in seeking justice.

# Notes

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