

CPCG for Lambeth Response

CPS Decision on Jean Charles de Menezes Shooting

Speaking today shortly after the announcement of the CPS's decision not to bring charges against any of the officers involved in the shooting of Jean Charles de Menezes, Anna Tapsell, Chair of CPCG for Lambeth said:

“There are many in Lambeth who feel that, if half the leaks and briefings in the media over the past year are true, then there must be a case to be tested in open court before a jury. There have been other high profile cases, such as that of Damiola Taylor, where the CPS has stated that it is not its job to prejudge a case, but rather to assess whether there is a sufficient case to go before a court. It is hard to imagine this is not so here”

“After almost a year of so little official information in this case, it is now vital that the IPCC make as full a disclosure as possible of their investigation and that the CPS give public account of their decision, to our communities in Lambeth. We have offered them both the opportunity to that later this week, an invitation which (so far) the Chair of the IPCC has accepted. Above all, people need to hear just what went wrong and what has now been changed to prevent a re-occurrence. In all the rounds of leaks, briefings, counter-briefings and politicking in high places, this is precisely what we have not heard. We've now waited long enough”

“We have a largely unarmed police service in this country and, on the scores of occasions when armed officers are deployed each week to face armed suspects, overwhelming no injury results to either suspects, the public or police officers. Public confidence can only be sustained if, when operations do go as horribly wrong as they did in Stockwell, transparency and accountability are central to the authorities’ response”

Referring to the CPS decision to bring a charge against the MPS corporately, under Health and Safety Legislation, Anna added “Some have dismissed this charge as minor, akin to leaving a wet floor unsigned. We would like to take time to understand better the legislation, but our initially reaction is that it is damning, suggesting that, on this occasion, the MPS failed in its primary, core duty, which is the safety of all Londoners.”

ENDS

Notes to editors:

CPCG for Lambeth is a community led forum for an open and accessible dialogue between the police and communities in Lambeth. Details can be found at www.lambethcpcg.org.uk.

Over the past year, together with the Latin Front, the Muslim Safety Forum and the Refugee Council, CPCG has formed a Community Reference Group for the IPPC Stockwell investigations.

CPCG officers, who are volunteers and may have work commitments, can be made available for interview by contacting the number below,

CPS Announcement

CPS statement: Charging decision on the fatal shooting of Jean Charles de Menezes

17 July 2006

Following the completion of the review into the circumstances surrounding the death of Jean Charles de Menezes, Stephen O'Doherty, senior lawyer from the CPS Special Crime Division, said today:

"I wish first to take this opportunity to express my condolences to the family and friends of Jean Charles de Menezes, and my gratitude to them for the patience and understanding they have shown whilst I have considered the evidence in this tragic case.

I have now completed my review into the circumstances surrounding the death of Jean Charles de Menezes.

Following the investigation by the Independent Police Complaints Commission, their report and supporting evidence was sent to me. I asked them to carry out some additional enquiries which they have done and I am now satisfied that I have sufficient evidence to reach a decision in this matter. The offences I considered included murder, manslaughter, forgery, and breaches of health and safety legislation.

All cases are considered in accordance with the principles in the Code for Crown Prosecutors which states that before a prosecution can commence, there must be a realistic prospect of conviction. If there is not sufficient evidence then a case cannot proceed no matter how important or serious it may be.

After the most careful consideration I have concluded that there is insufficient evidence to provide a realistic prospect of conviction against any individual police officer.

But I am satisfied that there is sufficient evidence to prosecute the Office of Commissioner of Police for an offence under sections 3 and 33 of the Health and Safety at Work Act 1974 of failing to provide for the health, safety and welfare of Jean Charles de Menezes on 22nd July 2005.

The two officers who fired the fatal shots did so because they thought that Mr de Menezes had been identified to them as a suicide bomber and that if they did not shoot him, he would blow up the train, killing many people.

In order to prosecute those officers, we would have to prove, beyond reasonable doubt, that they did not honestly and genuinely hold those beliefs. In fact, the evidence supports their claim that they genuinely believed that Mr

de Menezes was a suicide bomber and therefore, as we cannot disprove that claim, we cannot prosecute them for murder or any other related offence.

Mr de Menezes was not a suicide bomber. I therefore considered the actions of all those involved in the operation to see how it was that an innocent man came to be mistaken for a suicide bomber. I concluded that while a number of individuals had made errors in planning and communication, and the cumulative result was the tragic death of Mr de Menezes, no individual had been culpable to the degree necessary for a criminal offence.

A log book of events was submitted for forensic examination to see if it had been altered and, if so, by whom. Two experts examined the relevant passage but they could not agree to the required standard whether there had been an alteration or, if there had been one, who may have done it. This meant there could be no prosecution of any individual in relation to the log book.

However I have concluded that the operational errors indicate that there had been a breach of the duties owed to non employees under the Health and Safety at Work Act 1974, by the Office of Commissioner of Police and I have authorised a prosecution under that Act.

I must stress that this is not a prosecution of Sir Ian Blair in his personal capacity, but will be a prosecution of the Office of Commissioner, as the deemed employer of the Metropolitan Police officers involved in the death of Mr de Menezes.

I have today provided a detailed explanation to those representing the de Menezes family and I have offered to meet with them to answer their questions."

Notes to Editors

1. CPS received the IPCC file made up of a report and eight lever arch files of evidence on 19 January 2006.
2. The parties notified at 11:00 am this morning are solicitors acting for the de Menezes family, solicitors acting for the Metropolitan Police officers involved, the IPCC, Brazilian government officials and the Coroner's Office.
3. Final advice from Counsel was received on 5 July 2006 and the reviewing lawyer made his decision on 9 July 2006.
4. Mr O'Doherty met with members of the de Menezes family in early March 2006 and again in early April 2006 in line with the Attorney General's guidelines.
5. Attorney General's guidelines into prosecuting death in custody cases can be found at www.lslo.gov.uk.
6. The decision in this case was agreed and approved by the Director of Public Prosecutions.

7. As proceedings will now commence CPS will not be providing specific details about any of the evidence in this case and will not be making further statements.
 8. Stephen O'Doherty has over 30 years experience as a Crown Prosecutor.
 9. All enquiries to CPS press office on 020 7796 8127 or 8102.
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IPCC Press Statement

17/07/2006

For Immediate Release

Health & Safety Prosecution to Follow Stockwell Shooting

The Crown Prosecution Service (CPS) has today said that it will commence proceedings against the office of the Commissioner of Police of the Metropolis for an offence under sections 3 and 33 of the Health and Safety at Work, etc. Act 1974 of failing to provide for the health, safety and welfare of Jean Charles de Menezes on 22 July 2005.

The CPS has also informed the Independent Police Complaints Commission (IPCC) that there is insufficient evidence to bring prosecutions against any individual officer.

The IPCC is now in the process of obtaining and serving a summons on the office of the Commissioner of Police of the Metropolis.

Senior IPCC Investigator, John Cummins, led the investigation into the circumstances surrounding Mr de Menezes' death and submitted a file of evidence to the CPS on 19 January. That file and the accompanying report addressed the individual actions of fifteen officers, whether any of these fifteen officers may have committed a criminal offence, and the question of whether there had been a breach of section 3 of the 1974 Act.

Questions of whether disciplinary action should be taken against any officer will be considered in due course and in accordance with the provisions of the Police Reform Act 2002.

HM Coroner, John Sampson, will now be likely to consider the future conduct of the inquest into Mr de Menezes' death. The next inquest hearing is currently scheduled for 7 September 2006 at Southwark Coroner's Court, London.

The IPCC will publish the report of its investigation as soon as legal considerations allow.

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Issued by: Rachael Collins, IPCC Press Officer on 020 7166 3142 / 07717 851157.