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FROM: CHRIS MULLIN MP



August 20

HOUSE OF COMMONS

LONDON SW1A 0AA

As you will be aware, the Chief Constable of the West Midlands has recently disbanded his Serious Crimes Squad and suspended or transferred to non-operational duties 53 officers connected with that squad. My purpose in writing is to draw your attention to the implications of this development for the case of the six men convicted of the Birmingham pub bombings.

At the trial in 1975 the judge, Lord Bridge, made clear in his summing up that the case against the men rested on two main planks:

1. The forensic evidence of Dr. Frank Skuse, which the Appeal Court in its recent judgement agreed to set aside, despite upholding the convictions on other grounds.
2. Confessions signed by four of the six men while in the custody of West Midlands police officers who were mostly members of the West Midlands Serious Crimes Squad.

You will be aware that, from the outset, considerable controversy has surrounded the confessions. The six men have always alleged that, during their two days and nights in the custody of the West Midlands police they were subject to a programme of violence and intimidation which, according to Lord Bridge, would, if true, have amounted to torture.

From the outset it was also apparent that the four confessions were riddled with contradictions and inaccuracies of a most fundamental nature. I list the most obvious:

** the confessions flatly contradicted each other on the number of bombs;

** as to who planted the bombs in which pub;

** as to the location of the bombs;

** and as to the type of containers used -- three of the four confessions specified plastic bags (which is what the police believed at the time) whereas forensic scientists later demonstrated that the bombs had been either in small cases or duffle bags.

Remarkably, the three defendants whose confessions referred to plastic bags made the same error even though they were kept in isolation from each other. These difficulties were never satisfactorily explained and in the end the court was called upon to choose between the defendants' version of how the confessions were obtained and that of the police.

The credibility of the West Midlands Serious Crimes Squad detectives primarily responsible for obtaining the confessions was, therefore, the key issue. Most of the trial was taken up with it. More than twenty police officers, ranging in rank from Detective Constable to Assistant Chief Constable, twice gave evidence. First, before the judge in the absence of the jury, to determine whether confessions were admissible as evidence and, later, before the jury. On each occasion Lord Bridge made no secret of his incredulity at the defence suggestion that so many police officers would conspire to fabricate confessions. He described the allegations made against the police as "of the most bizarre and grotesque character." If the defendants were telling the truth, he said, the police had been involved in a conspiracy "unprecedented in the annals of British criminal history". ("Unprecedented", incidentally, was one of the words that the West Midlands Chief Constable, Geoffrey Dear, recently used to describe his recent decision, to disband the Serious Crimes Squad).

Lord Bridge went on: "It involved giving perjured evidence in which the police must have spent many hours...trying to ensure that their various lies would accord with each other.

"Secondly, consider the scale of the conspiracy in terms of those involved. It ranges, does it not, from detective constables and police constables right up through the police hierarchy to Chief Superintendent Robinson, in charge of the whole CID of the West Midlands."

Lord Bridge concluded: "Consider, lastly, the artistry that has gone into the preparation of these statements, if indeed they are works of fiction. If the evidence of the defendants is true, it shows the police not only to be masters of the vile techniques of cruelty and brutality to suspects. It shows them to have a very lively and inventive imagination."

It is no criticism of Lord Bridge that, in 1975, he was unable to envisage a situation where so many police officers might conspire to pervert the course of justice. Nor is it any criticism of the jury who, in the climate of the times, chose to believe the police version of events over that of the defendants. May I put it to you, however, that in the light of what we now know there must at least be a reasonable doubt about the version of events told by the police officers who gave evidence at the trial.

The pub bombings trial was only the first of many at which grave allegations were made about the interviewing techniques of officers from the West Midlands Serious Crimes Squad. By no means all the allegations are proven, but they have been

sufficiently consistent -- and the names of the same police officers crop up repeatedly -- to arouse concern among persons of all professions and of all political persuasions. In particular I draw your attention to the recent remarks about the West Midlands Serious Crimes Squad made by the retiring chairman of the Police Complaints Authority, Sir Cecil Clothier: "Obviously there is a nucleus of officers who were willing to misbehave in order to secure convictions which they probably think are justified." He added: "I don't know any other place where anything on this scale has happened."

I also draw your attention to a number of recent cases that are of direct relevance to the pub bombing convictions:

1. In November 1983, three West Midlands detectives were sent to prison for assaulting a suspect with a view to obtaining a confession. One of them was Detective Sergeant Brian Morton. As a Detective Constable, Mr. Morton, was present at Queen's Road police station for all or part of the time that the six men convicted of the pub bombings were interrogated there. He had taken a photograph of one of the defendants, Paddy Hill, and at the trial he testified that Hill bore no sign of injury. I vividly recall that when I interviewed Mr Morton in 1985 he reserved his indignation, not for the suggestion that the pub bombings defendants had been subject to violence, but that, even if they had, any of his colleagues would have told me about it.

2. In December 1984 Mr Derek Gordon was released after eight months in Winson Green Prison, Birmingham, awaiting trial on a charge of murder. While in the custody of West Midlands detectives, Mr Gordon had signed a confession describing how he had committed the murder. He was later awarded £20,000 compensation. According to a parliamentary answer (Hansard, July 5, col 192) two of the officers involved in the Derek Gordon case were involved in questioning those convicted of the pub bombings). In answer to a subsequent question, the minister declined to name the two officers, but no doubt their names will emerge in due course.

3. In June this year Mr Ronald Bolden was acquitted of two armed robberies after defence allegations that detectives from the West Midlands Serious Crimes Squad had fabricated his confession. I understand (Hansard, July 5, col 191) that one of the officers involved in the Bolden case was also involved in the interrogation of the men convicted of the pub bombings. Your department has so far declined to name the officer.

By August this year, nineteen cases brought by officers of the West Midlands Serious Crimes Square had collapsed. Many more are said to be in the pipeline. Most involve allegations of fabricated confessions and of police misconduct at least as outrageous as that which Lord Bridge had such difficulty in believing at the pub bombings trial.

It has become apparent that juries are no longer willing to convict on the evidence of officers of the West Midlands

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Serious Crimes Squad. Faced with this situation the Chief Constable recently decided to disband the entire squad. In doing so he has chosen to pretend that the allegations of serious misconduct go back only as far as the introduction of the Police and Criminal Evidence Act in 1986. Manifestly, this is not the case.

Of the 53 officers who have been either suspended or transferred to non-operational duties, only about a dozen senior officers have been named. Of the names so far released, two were involved in the pub bombings case -- Detective Chief Inspector Raymond Bennett and Detective Inspector Peter Higgins. Mr. Bennett is the officer who, as a detective sergeant, was responsible for the extremely controversial interview with the pub bombings defendant, Paddy Hill. Mr. Higgins was one of the officers who obtained a confession from Hugh Callaghan.

Among the officers not so far named, I confidently expect to find Detective Sergeant Michael Hornby, whose name has featured prominently in recent allegations. Mr. Hornby was another of the officers who obtained Hugh Callaghan's confession.

I hope I have said enough for you to realise that the recent developments in the West Midlands police force have a direct bearing on the pub bombings convictions. I ought to make clear, however, that it is not in my view necessary to demonstrate that many of the same personnel have been involved in subsequent controversies of a very similar nature to the original allegations. Inevitably, fifteen years after the event, many of the officers responsible for the convictions have moved on, although the overlap is sufficient to be worthy of note.

Above all, however, I draw your attention to the fact that the pub bombings convictions were obtained primarily by officers of the same specialist unit that has now been so comprehensively discredited. No doubt they were operating by methods that have been refined over many years. No doubt they were encouraged by many years of official indifference to the many claims that have been made about their activities. Further, the issue which has brought the Serious Crimes Squad to grief is the very one that was a central feature of the pub bombings trial. Namely, the alleged fabrication of confessions.

I put it to you again: if the jury at the pub bombings trial had known what we know today, there is at least a reasonable chance that they would have rejected the police evidence. This being so I respectfully request that you again refer this case back to the Court of Appeal.

In view of the exceptional public interest in this case I am taking the liberty of making it available to the media.

5-

Yours sincerely,

CHRIS MULLIN MP

Rt Hon Douglas Hurd,
Home Secretary,
The Home Office,
Queen Anne's Gate,
London SW1.

FROM R.T.E. LONDON

8.15.1989 10:41

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WEST MIDLANDS POLICE NEWSDISTRIBUTION TEL. 0121 207 1111

MIKE: This is the complete text of what the CC said...it's yours.
Am I over a drink?
(AGW)

ATTENTION: SHARAD CHADHA

WEST MIDLANDS POLICE SERIOUS CRIME SQUAD

Doubts about the integrity of the Serious Crime Squad (SCS) were first raised during the proceedings that were taken against Paul Dandy in November 1987.

I authorised an immediate review into the Squad in the knowledge that evidence in other cases then yet to be heard, was likely to be challenged. Action was taken as early as Autumn 1988, which was outlined in a Paper, subsequently presented to the Police Authority on 29 June 1989.*

I reported that, in my opinion, some officers in the SQS during 1986 and 1987 had been cavalier and sloppy in their approach to the Police and Criminal Evidence Act (which came into effect in 1986). I was satisfied that their actions were not criminal and was reinforced in that view by the fact that the Director of Public Prosecutions had reviewed cases and instructed that criminal proceedings should not be taken against officers who had been the subject of complaint.

* attached at Appendix 'A'.

RECEIVED FROM 021 208 1249

8.14.1989 17:30

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FROM R.T.E. LONDON

8.15.1989 10:42

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Some officers appeared before me on disciplinary charges arising from those cases which resulted in punishments of reprimand, fine and reduction in rank being variously awarded.

I emphasise that nothing has happened since to produce evidence of criminal actions by these police officers.

BUT, on Friday 11.8.89, it came to my notice that in the course of enquiries conducted by officers of this Force into other complaints levelled against Serious Crime Squad members, evidence had come to light that original documents essential to the investigation had been removed from Case Papers on file in the very recent past.

I take the gravest possible view of these developments.

What appears to have happened is bound to seriously shake the public confidence in the detective function of the Force, sadly at a time when standards and morale are higher than they have ever been.

RECEIVED FROM 021 200 1249

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FROM R.T.E. LONDON

8.15.1989 10:42

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The situation demands determined and swift action.

I have taken it. It is, on several counts, unprecedented.

VIZ:-

- a. Two officers have been suspended.
- b. The entire CID operational command structure has been dismantled and all officers with responsibility for the Serious Crime Squad, during the years 1986, 1987 and 1988 have been moved out of CID to non-operational administrative duties (this involves 1 Detective Chief Superintendent, 4 Detective Superintendents, 2 Detective Chief Inspectors and 2 Detective Inspectors).
- c. All Serious Crime Squad officers who have worked in the Squad during the same three years are currently being moved out of the CID to non-operational duty.
- d. I have asked the Police Complaints Authority to become involved and to supervise an inquiry to be conducted by Mr Donald Shaw QPM LLB, Assistant Chief Constable, West

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Yorkshire Police, who will conduct a far reaching investigation into the work and practices of the West Midlands SCS. He will be assisted by Detective Chief Superintendent Robinson of the West Yorkshire Force.

Mr Shaw is very experienced in large scale enquiries - particularly, he assisted Mr Colin Sampson (then Chief Constable, West Yorkshire Constabulary) in his investigation into the RUC ("The Stalker/Sampson Inquiry").

Inevitably, a large number of my officers involved will feel distressed and aggrieved at this action but in any radical pruning exercise, it is essential that cuts are made into good wood. In this case, those cuts are deep.

My determination to see a thorough Inquiry into those matters is unswerving and quite ruthless. Thousands of uniformed West Midlands police officers, over 800 operational detectives, the Police Service in general, and the general public in particular, will be similarly shocked and saddened at the implications of what has happened. All of them will rightly demand the truth and I am determined

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8.16.1989 17:13

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* FROM R.T.E. LONDON

8.15.1989 10:43

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that every step should be taken to uncover it. I have
already made a full verbal report to the Chairman of my
Police Authority and will be closely involved with Mr Roland
Moyle of the Police Complaints Authority to draw up precise
terms of reference for the investigating officer.
Confidently, it may be expected that these will be far
reaching and all encompassing.

RECEIVED FROM 021 200 1249

8.14.1989 1713

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* FROM R.T.E. LONDON

8.15.1989 10:44

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WEST MIDLANDS POLICE NEWS BUREAU TEL: 0121 222 1111

APPENDIX 'A'

EXTRACT FROM CHIEF CONSTABLE'S OPERATIONAL REPORT TO POLICE AUTHORITY -
29 JUNE 1989

4. SERIOUS CRIME SQUAD

You will have read in the Press reports relating to the acquittal at Birmingham Crown Court of a man charged with robbery who had been arrested by officers of the West Midlands Police Serious Crime Squad. You should be aware that I subsequently issued the following statement:-

"The Chief Constable reflects much of the concern received from a variety of sources in his area and beyond concerning the direction, supervision, and working practice of the Serious Crime Squad.

This has been called into sharp focus following a recent case at Birmingham Crown Court. The Chief Constable recognises that the highest professional standards must be achieved by all officers in the Force and that all actions must be, and must be seen to be, within the law.

It is pertinent to point out in the present debate that by definition the Serious Crime Squad exists solely to deal with serious crime. In excess of seventy per cent of all their cases brought to Crown Court result in guilty pleas. Many of those contested are convicted with no doubts being cast on the evidence produced. A long serving member of the Serious Crime Squad was recently decorated by H M Queen for distinguished service. The squad have an outstanding record over many years for professionalism.

Nevertheless, it was recognised some months ago that a root and branch review was necessary in order to allay doubts that took place before protection afforded by the effect of PACE had been clarified by cases stated. Those cases which have already raised concern have been referred to the PCA and the DPP and no criminal proceedings have been undertaken. Only one case remains unresolved. Some cases have resulted in internal discipline and have been dealt with by the Chief Constable. The following changes were put into train:-

- (a) Tape recording facilities for interviews were introduced in the West Midlands last year and are still being introduced on a planned programme.
- (b) Video tape recordings will commence soon.

Cont

* FROM R.T.E. LONDON

8.15.1989 10:44

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11.00.00 11.02 10.010 1.01

- 2

- (c) Decisions were taken to change fundamentally the organisation and structure of the Serious Crime Squad. This will take place in the late summer when building requirements have been met. The quality of supervision and leadership they receive will be greatly enhanced.
- (d) Effectively, the squad will be reduced by five officers.
- (e) The result will be that their present unique management structure will disappear and they will be dispersed in the Force to work alongside the Drug Squad and the Stolen Vehicle Squad.
- (f) Finally there have been substantial changes of the personnel of the Serious Crime Squad over the last twelve months."

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8.14.1989 17:12

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* FROM R.T.E. LONDON

8.15.1989 10:45

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Suspended officers are:

Det. Constable Roger Clifford

Det. Constable David Woodleigh

Senior Officers moved are:

Det. Ch. Supt. Jim Byrne

Det. Supts : Stan Beechey
Bob Morris
John Brown
Roger Corbett

Det. Ch. Insps: Ray Bennett
Bob Goudchild

Det. Insps: Terry Mills
Peter Higgins

All those officers have been moved out of CID to non-operational administrative duties.

A further 39 officers who served on the Serious Crime Squad in 1986, 1987 and 1988 are currently being moved out of the CID to non-operational duties.

(This information relates to Page 2, Paragraphs a, b and c: Chief Constable's statement).

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8.14.1989 17:33

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PARLIAMENTARY QUESTION FOR ORDINARY WRITTEN ANSWER
ON FRIDAY 28TH JULY 1989

QUESTION

426

MR CHRIS MULLIN: To ask Mr Attorney General, how many West Midlands police officers are or have been the subject of reports referred to the Director of Public Prosecutions within the last 12 months.

28 JUL 1989

MEMBER'S CONSTITUENCY: SUNDERLAND SOUTH (LAB)

ANSWER

SOLICITOR GENERAL: The information requested is not readily available. However, a total of 150 reports relating to allegations concerning one or more West Midlands police officers were received by the Director of Public Prosecutions office in the period 1 July 1988 to 26 July 1989.