



## A Crime Is a Crime is a Crime

The case of Colin Roach featured in the documentary film 'Injustice' [www.injusticefilm.tv](http://www.injusticefilm.tv)

Within the film the case was mentioned by Graham Smith who was very involved in the Colin Roach campaign.

The following transcript of the full interview made with Graham in 2001 also looks at wider context of policing in Hackney, police crime and related issues. We would like to thank Graham once again for his valuable contribution.

Ken Fero, Director Injustice.

### Ken Fero: How did Hackney Community Defence Association come about?

**Graham Smith:** In January 1987 a young black guy Trevor Monerville was held in Stoke Newington police station and shortly after that he had emergency brain surgery. A campaign was set up by his family and during the course of the following year several cases were reported of other incidents involving Stoke Newington police, so it was decided to set up a more generalized campaign involving individuals and their families that had been attacked by Stoke Newington police. A meeting in April 1988 with members of the Trevor Monerville Campaign, Hackney Anti Fascist Action and several solicitors agreed on the format of the campaign and it was launched in the summer of 1988 at Hackney Town Hall.

It described itself as a self help group of the victims of police crime and it's, as well as giving emotional support to those that had been attacked by the police, it also investigated allegations against the police, supported people in court and developed a strategy of suing the police rather than actually going through the complaint procedure. There were several reasons for this. The primary reason, it wasn't for any legal reason, is that people have been attacked by the police, the last person they want to have any dealings with is another police officer whether that police officer is connected to the case or not and, rather than reporting complaints to the police, we would advise them to approach a solicitor who could then act as a go between them and the police.

**Ken Fero: So what were the main strategies that were developed in terms of dealing with the police attacks?**

**Graham Smith:** Well it's a striking feature of police crime is that the victim is actually charged with a criminal offence so the victim of police crime doesn't even have that luxury of being described as a victim of crime they're criminalized in the first instance and the first problem they have to deal with is actually defending themselves in court against criminal charges. The most common charges were obstructing the police in the execution of their duty or assault police in the execution of their duty but sometimes there are far more serious charges. Assault police itself carries the prospect of a six month prison sentence but some of the charges were affray, violent disorder and these were cases heard in the Crown Court where the victims were seriously looking at prison sentences, so that was the first task really, was to find a good criminal solicitor that had experience in such cases where the victim was, where the person charged was actually a victim of a criminal offence committed by a police officer, and we would actually go out and investigate these cases, we would knock on doors, look for witnesses, stick up posters asking for witnesses to come forward and everything that the police do when they investigate a crime we did as members of the community, and we found witnesses who were willing to come forward to say what the police had actually done.

**Ken Fero: And what does that tell you in terms of the difference between the way people perceive the police investigation?**

**Graham Smith:** Well I think it's difficult for me to say. Certainly people were most willing to help. You have to recognise the particulars of Hackney and Stoke Newington at that time where everybody was aware of the behaviour of the police it was just open for everybody to see. Police would be haring around with their sirens blazing suddenly come to a halt, jump out and people would be assaulted. There was a local pub that was regularly attacked by the police so there was in the community a police by fear and people were willing to come forward with evidence in support of victims of police crime. So it was it was really. In some respects the police were behaving like an army of occupation.

**Ken Fero: How did the Hackney Community Defence Association operate?**

**Graham Smith:** Hackney Community Defence Association began in the summer of 1988, the first case it took up in earnest was in January 1989 and it was running about two cases a week that were reported to the organisation of violence by Stoke Newington or Hackney police officers that's covering two divisions of the Metropolitan Police. So you're talking about two incidents a week which were reported to us. Now we would we worked on the assumption that there were more than that because certainly, it was believed that most of the police intimidation harassment and assault were against youth, and youth do not tend to report these incidents it goes against the macho image, the peer group pressure, and the youth that would come forward it was usually with their mothers, but so we're looking at two a week reported over a period of five years, so that's an indication of the scale.

And as to the sorts of cases we're talking about commonly a low level of violence which is a punch in the face, or arm twisted up behind the back, one kick or something like that, where a police officer may forget himself at best or at worst has actually deliberately assaulted a member of the public.

**Ken Fero: Can you talk a bit more in detail about those deliberate assaults?**

**Graham Smith:** Deliberate assaults varied really. One guy had the police come to his home and insisted that he came to the police station with them. A warrant having been out for his arrest, he said can I just lock the front door, and as he turned he was taken hold of and truncheoned to the head. He had. And truncheoned to the head and his hand, he had a broken bone in his hand and he eventually sued the police and settled out of court. Other cases a young woman who was picked up by a police officer and dropped; she was suffering from Sciatica at the time and caused her a lot of pain. Another incident somebody went in to a police station in order to make a complaint and the police objected to her entering the station she said "OK I'll make a complaint elsewhere at another police station" and she was then set upon by several police officers.

Incidents of that nature, that's the general nature of violence, more serious cases where people were beaten unconscious - that on one case had actually happened outside the person's pub, and it was done quite deliberately in order to humiliate him in front of his friends.

So you have whole range really of cases from low level violence to right through to very serious assaults, where person's lost consciences, in another case a person was rushed directly to Whitechapel hospital having been beaten unconscious by police officers.

**Ken Fero: Can we deal now with the issue deaths in custody as an extreme form of police violence within Stoke Newington?**

**Graham Smith:** Well its certainly the deaths in custody which tend to be the incidents that attract national attention the media attention and, Stoke Newington since 1971 there's been half a dozen deaths in police custody, and but the point about deaths in custody which the Hackney Community Defence Association also recognised is that, rather than being the rare incidents it's what is surprising is that more deaths did not occur because there is this very general low level of violence and if somebody is vulnerable and is assaulted by police officers, certainly it seems when the adrenaline is pumping in the officers after a chase for example, that there aren't more deaths in custody, and certainly at Stoke Newington with so many deaths that we always were surprised that these injuries weren't more serious.

Certainly the police officers themselves didn't know what they were doing, once they would release these onslaughts on members of the public.

**Ken Fero: Can you just describe f those deaths, and to see if there is any pattern in the way the police dealt with them.**

**Graham Smith:** The first point about most incidents was that the individuals concerned were known to the police. They had previous convictions. In several of the cases certainly Colin Roach. If we take Trevor Monerville as it was very lucky that Trevor Monerville didn't die in police custody, he had surgery to remove a blood clot from the surface of his brain. Three incidents that happened 1983, 1987, well one in 1983 and two in 1987 that's Colin Roach, Trevor Monerville and Tunny Hassan. All had been released from prison shortly before they were assaulted by the police, in each case the police immediately released information saying that they either had mental health problems or had particular difficulties, and in each well it's difficult to say, they were very different incidents one was shot, another we don't know actually what happened and another one was drug overdose....

**Ken Fero: Can you go into more detail about Colin Roach?**

**Graham Smith:** Well Colin Roach was shot dead in the foyer of Stoke Newington police station in January 1993 and there was the community response was immediate, and I think you can look at the campaign as one of the most co-ordinated organised community campaigns that there's probably ever been in this country in that it was led by the family member of the community and the council, trade unions other organisations supported that campaign and a measure of its success is that, although there was an inquest in to Colin's death, it's never been accepted in the community that he committed suicide, which was the inquest's verdict and to this day people believed believe that something untoward happened and that he was the victim of crime.

I'm not saying that police officers committed that crime but it's my view that he was murdered and to hide the embarrassment of not being able to solve a murder that occurred within the environs of the police station. It was claimed by the police that he committed suicide and a maybe a conspiracy was put in to effect to conceal the fact that he was murdered. It was really in recognition of that, the nature of that campaign really that the name of Colin Roach was adopted by Hackney Community Defence Association and other organisations namely the local trade union support unit, as the name for a local community centre, a political community centre which was to continue independent campaigning in the borough in the mid 1990s.

**Ken Fero: What lessons were learned in terms of community defence?**

**Graham Smith:** The idea of community defence was that if the police aren't actually protecting members of the public then the community has to protect itself and community defence ideal was that it was the police, the police were the perpetrators of attacks against individual members of the community, therefore the community would have to rally round in order to defend its own members and in order to develop this idea in the community it was decided to hold annual commemorations of those that had suffered and died in the police stations in Hackney and Stoke Newington, and those commemorations would commence at Hackney police station, march through borough ending at Stoke Newington police station laying wreaths there in memory of all those that had suffered and died.

So, it was this community, defence was the general consciousness of, if the police are not going to protect us then we will have to do it ourselves and it's very important in that context to remember that, it's often assumed that the police are have a monopoly of concern for crime and certainly it was our view in Hackney and Stoke Newington that it's the community that are the most concerned about crime because we live and work here and so if there is going to be crime we are going to be the victims of crime, whether it's committed by citizens who are members of the public or police officers, and where you have police officers that do an eight hour day and then go home their job of work is finished, whereas for us living in the community we are still concerned about crime.

And this is a myth really about policing in areas, inner city areas in particular, because what happens is that police officers go home and forget about it and one thing that certainly in the wake of Stephen Lawrence and this call for more black police officers in many respects the issue is not black police officers, it's police officers that live in the community, understand the community and don't turn their back on the community once they receive a higher salary, and they can then afford to move out to Romford and then start adopting the culture which looks down on places like Stoke Newington and Hackney.

**Ken Fero: You are coming down to the question of police accountability really?**

**Graham Smith:** Well first of all there's lots of names used by the media and the police for police wrongdoing. Corruption is a favourite. It's sexy, it's talking about police making lots of money and it grabs the imagination. Corruption to you and me is crime. There's also talk about police racism if a police officer assaults a black person that's an incident of police racism. That is a crime, it's a criminal offence, and most of these incidents where police officers commit wrongs they are actually committing criminal offences and we in the Hackney Community Defence Association always put it in terms of crime, we didn't want anybody to be under any illusion that these were criminal acts committed by police officers, it's a...

**Ken Fero: Why is it important to look at it in terms of crime?**

**Graham Smith:** It's important to consider police wrong doing as criminal because then it is deserving of the criminal sanction, why aren't these citizens because police officer are also citizens, why aren't they pursued through the criminal courts and convicted the same as you and I would be convicted if we did the same, and end up serving a prison sentence and, and that's what we as members of the Defence Association, as individuals that have actually been assaulted by police officers we wanted to see police officers held to account, the same way that we would be held to account if we'd assaulted a police officer.

And that's very important because for the individual that has been a victim of crime it's important to realise that your, your needs your interests are being protected in society otherwise what we're faced with a situation, those persons with whom we've entrusted our care, our security are actually responsible for our fear, and that fear can be such that we are too frightened to go out of the house, or that if we see a blue uniform we shrink away from it, and are frightened, so it's it was very important for all those people who have been attacked by the police to actually look at ourselves as victims of crime.

**Ken Fero: Can you just go through some of the local successes?**

**Graham Smith:** Well yes the thing if. If you were to ask me what is the major success of Hackney Community Defence Association and it's something that I take a great deal of pride in is that this community is a safer place to be in now. That is that is the only real measure of success is that since Hackney Community Defence Association exposed what was happening in the area, since it actually started challenging the police both in the courts by the victims of police crime suing the police and also in the media by informing the public what was happening the police belatedly have actually done something about it. There's completely new management been installed in the station and the sirens don't blare, this road is a through road and every five minutes you used to have police sirens. We haven't had one all the time we've been talking here so there's that sort of improvement you don't see people actually being beaten up on the streets, and the police do now try to understand what is happening.

Now I'm saying it's improved what you have to now in Stoke Newington Hackney is a problem area the same as any other inner city area where there are difficulties between the police and the community but the police do not behave as an army of occupation any longer, so that has to be the meaningful success. But on the way you there are probably something like seventy to one hundred individuals who've been assaulted by the police, who've actually taken out civil actions against the police and have been compensated in some form for what they suffered. I'm not saying it made good what happened to them because it should've never happened in the first place, those people also still will have for the rest of their lives the trauma of having been assaulted by somebody they trusted, but there are those sort of indications of success, but the main one is that there's been an improvement in policing.

### **Ken Fero: What about Operation Jackpot?**

**Graham Smith:** Well Operation Jackpot is a media creation in some respects a media creation by the police, again corruption is something that the media's very much interested in. Its also, unfortunately, the police are more interested in corruption than with police wrong doing against members of the public and, when it was discovered that Stoke Newington, or allegations had been made against Stoke Newington police, that they were actually running a large part of the drug trade in Hackney and Stoke Newington, the media jumped on it and came to Hackney Community Defence Association for information about Stoke Newington police.

Throughout the media attention we maintained that the real issue was the violence that was being perpetrated against local people and in many respects what was happening concerning drugs was a police issue with the drug dealers and it didn't affect so many people in Hackney and Stoke Newington. So it was it was a secondary issue really to the issue of general police crime against the community, having said that though it was as a result of our Hackney Community Defence Association's investigations for the previous four to five years that because of our credibility in the community people very quickly came forward and informed us of other incidents involving the drug squad and in the very short period of time there was something like one hundred cases known to HCDA, involving allegations against the drug squad, mainly where drugs had been planted against individuals, but certainly in our view we would say that Operation Jackpot or the drug dealing by Stoke Newington officers was exaggerated because of the media attention.

One major issue has always been the violence and that's also been illustrated by the deaths in custody.

Allegations against Stoke Newington police officers that they were involved in the drugs trade and of general corruption and the Operation Jackpot investigation came to light in January 1992. The investigation had been running for some nine months previously and as soon as it was revealed there was this investigation the media descended on Hackney and Stoke Newington thinking that this was an outrage, whereas in the community defence association it was not the major concern to us. It was sexy for the media to come and look at these issues, it also of major concern to the Metropolitan Police Service where officers are alleged to have been involved in crimes of that magnitude, unfortunately it is not of such concern to the Metropolitan Police Service where police officers assault members of the public and police the community in such an oppressive way and that's, and because of that we were much more concerned in the violence the violent acts committed by the police than we were with the corruption.

In some respect respects that was something that affected a small number of people in Hackney, it didn't affect the general community, and there were individuals that were caught up in this web of corruption but throughout that the defence association's main concern was with violence, police violence.

Having said that because of the credibility and the respect the association had built up during the previous four or five years, people very quickly came forward to report incidents involving the drug squad and we were able to highlight the extent of the problem in Stoke Newington, but all the while we were trying to talk about the violence and the fact that police officers were getting away with this the media were not that interested with these stories and were wanting to concentrate on sensational stories of police involvement in drug dealing.

Those individuals that had been planted with drugs were eventually to go on and have convictions quashed and to sue the police and received vast sums of money in compensation. But really it is a measure of the failure of Operation Jackpot that not one officer was convicted of a drugs offence, and the problem of violence continued after Operation Jackpot concluded. It wasn't until later that a local complaint investigation officer took seriously the complaints being made, that something was done about Stoke Newington.

Operation Jackpot was to all intents and purposes a whitewash a failure which resulted in nothing, it certainly didn't result in a change in culture and it didn't result in any change in the management at Stoke Newington, that came later in spite of Operation Jackpot. In some respects Operation Jackpot became much more of a public relations exercise it would seem with the need to show that all was OK at the police station, and it was subsequently that it was demonstrated that all was not OK and since then many officers have been required to resign or quietly got rid of.

**Ken Fero: How was that done then?**

**Graham Smith:** It's difficult to know why there was a change of heart at the top, and it must have been at the top, there must have been at Commissioner or Assistant Commissioner level, there was all of a sudden a decision that there was a big problem at Stoke Newington. In some respects it may have been the amount of money that it was costing them in civil actions, the number that were progressing through the courts and the variety the extreme violence, the low level of violence, whether there was a settlement for ten thousand pounds here or an award in the courts for of a hundred and fifty thousand as was in one case. So it may have been the expense that Stoke Newington, of Stoke Newington, but after Operation Jackpot concluded there was a sea change and there was a determined effort by higher police management, I don't know whether it was within the station or at an area level to actually sort out policing in the area...maybe you should interview their commissioner.

**Ken Fero: What were the We Remember marches all about?**

**Graham Smith:** The We Remember marches were organised to show that the community took notice of what the police were doing to individual members of the community and that it was of significance, far greater significance than those individuals, that there was a history to it which dated back to the 1970's that people had died in police custody over a period of time something like half a dozen and that those people, in every occasion that there has been a death in police custody in Stoke Newington there has been a community response, there have been campaigns, demonstrations and certainly after the death of Colin Roach where demonstration was called after demonstration and achieved very little, in calling organising a We Remember commemoration.

We wanted to do something different much more meaningful where it's a it's a as well as a remembrance it's a celebration of resistance, and saying no we will not be subdued by this form of policing.

**Ken Fero: What other impact did the campaigning have?**

**Graham Smith:** There is one other point which is important is that in November 1991 we picketed the offices of the Royal Commission on Criminal Justice, saying that they should come to Hackney and visit members of the public that had been assaulted by police officers. They were looking in to miscarriages of justice and examining policing and we felt it was only right that they come to Stoke Newington and speak to people that had been assaulted by the police, and two members of the Royal Commission to their credit did come, and attended a very powerful meeting where there was something like forty people in attendance and, a dozen people gave evidence to them of their treatment at the hands of the police and we compiled a report called "A crime is a crime is a crime" on these incidents.

Michael Zanda who was a member of the Royal Commission was so concerned by what he heard that evening that he asked to forward a copy of that report to the then Commission who was Sir Peter Imbert and, unbeknown to us at the time the Operation Jackpot scandal was just beginning to unfold and so just when the Met was deciding was recognising there was something happening at Stoke Newington they received the report by community organisation detailing I think some two hundred cases of police wrong doing in the area, and what you actually had, what's maybe the most significant thing about the Operation Jackpot investigation was that a parallel investigation was being conducted by the community and that's probably why, if you actually consider scandals so much attention was paid to the Stoke Newington scandal, if you compare it to for example with the West Midlands Serious Crime Squad.

The those people that suffered at the hands of Stoke Newington police have probably had more redress in terms of compensation than those than victims of police misconduct anywhere else.

**Ken Fero: What's the philosophy behind a crime is a crime is a crime?**

**Graham Smith:** The origin of the expression a crime is a crime is a crime was taken directly from Margaret Thatcher in her comments on the IRA hunger strike where she said these are criminals and should be treated as such. Our view was of the police officers that committed these offences they are criminals and they should be treated as such, it was a direct parallel.

**Ken Fero: What's your general feeling about the resistance shown by the community?**

**Graham Smith:** Well there's several comments that can be made about the whole Stoke Newington and Hackney Community Defence Association experience. The first point is that it was taken up on the question of the police, instead of highlighting the victims we decided to highlight the perpetrators of these attacks, and we wanted to shift the focus away from victims on to onto the attackers, so that's the first point. In doing that the second point is that Hackney Stoke Newington police were pretty indiscriminate in that in who they attacked, and the issue of race was not to the fore in our campaign. Many of the cases taken up by the association were involved white people and that there was common cause there between black and white in terms of challenging that oppression in the form of the police, so in many respects whereas other areas have become synonymous with race, police racism I think you'll find that that's not the case in Hackney and Stoke Newington, at issue has been either police corruption if people have taken note of the media or police violence and I think in that respect there was much more unity in the community because it was seen as a common problem which affected everybody.

So in terms of successes of the community defence association the success was that those people that had been attacked had some form of redress and that policing is better today than it was five years ago, it's not perfect but there will always be a tension between the police and community. It can also be looked in terms of failure and it's a great sadness to me that despite our successes and despite the existence of campaigns and organisations across London, nobody every came to us for advice and to actually adopt the strategies that we developed.

**Ken Fero: Can you run through those strategies?**

**Graham Smith:** Well for example there was a case of a man who was who died after having been pursued by police officers in Hoxton, and he climbed out of a window on the ninth floor of a tower block in order to avoid the police, he was petrified and he fell to his death. At that time about, or after his death about a dozen members of the association went down there, in to Hoxton and knocked on doors.

We drew a plan of the area. We looked. We looked out of the window from where he fell to see where we should look for witnesses. We did over a period of four days door to door inquiries. We found witnesses to his death which the police hadn't found and we had a very good picture of what happened and wrote a report for the family on what happened. And it's that, the community does have the power to investigate itself and if the police fail to do their job then the community will have to do it themselves.

It's possible with for example the death of Stephen Lawrence, if members of the community had immediately responded and gone out door to door then those witnesses that the police had failed to trace could have been traced and, it doesn't matter whether it's a failure of the police to investigate a crime as a result of racism or a failure of police to investigate a crime because it's been committed by a police officer the same principles hold and the community. The police are unable to police without the support and involvement of the community, therefore if the police fail to do it then the community is able to do it themselves. Now I'm not talking about vigilantism on this point. I am not in favour of vigilantes because the police are there and have a responsibility we have to ensure the police fulfill their responsibilities in an accountable manner.

With vigilantism there is no accountability. If local authorities start to take up policing, or this privatisation of policing, then that accountability is lost. But if there is a failure of the authorities to actually perform the police function then the community is right to actually undertake it themselves. And in Hackney and Stoke Newington we showed that that could be done with considerable success.

**Ken Fero: Can you just outline...the two functions of the police.**

**Graham Smith:** Well there are at law two responsibilities of the police, two police functions if you like. There's firstly maintenance of the peace and there's secondly law enforcement, that's how they would be referred to in law, and the primary function of the police is actually keeping the peace, and law enforcement is a secondary issue which is obviously seen as part of that, that if the law is broken then the peace may be lost. But it's quite clear that keeping the peace is the primary function of the police. Now after the Brixton riots and Lord Scarman's inquiry in to the disorders in 1981 he proposed, which is in full accordance with the constitutional convention, that if there is a choice between forcing enforcing the law and keeping the peace, then the police should prioritise keeping the peace, and it may be in order to keep the peace they do not enforce the law.

If the community is so outraged for example at the police enforcing laws which are not a priority to the community. And the importance of Scarman's findings there was that the police have to be aware of the community's concerns, and if there is no communication between police and community then there can be a breakdown of the type witnessed in 1981, and therefore there are these two responsibilities of police but it should be clear that it's keeping the peace that is more important than enforcing the law.

In saying that I'm not saying that the police should fail to enforce the law because crime is very much an issue for working class poor people and really at the end of the day the police there are there in the interests of poor and working class people. So I'm not saying that they should not enforce the law but they should have a proper regard to the balance between law enforcement and keeping the peace, and keeping the peace in terms of the community's interest not in terms of some declared will of government.

**Ken Fero: Can you go in to that in a bit more detail in terms of the differences on a practical level.**

**Graham Smith:** Well for example if it's very difficult to actually talk about keeping the peace in a neutral sense because the police have decided of their own accord to interpret keeping the peace in terms of a state defined keeping the peace.

For example, if there is a strike the strikers are a threat to the peace not the factory owner or the mine owner or what have you. For example I would like to take. What if the British National Party were to march through Stoke Newington? I would say there that the police's responsibility in keeping the peace would be to ban that march. Now that would not be how the police would see it, they would see it in terms of, in order to protect the rights of the racists to come through Stoke Newington they would have a profile, I would not like to say whether it would it would be the same it was years ago, but that it's more likely that they would protect the rights of the racists to march through a black community.

**Ken Fero: What does that actually mean I mean keeping the peace and law enforcement in simple terms?**

**Graham Smith:** Well the point about the government on the loony right government of Michael Howard and he actually said the principle job of the police is to catch criminals which is not the case. It's never been the job of the police to catch or the principle job has never been to catch criminals and what Michael Howard was trying to do there was to redefine the police constitutionally. The primary function of the police has always been to keep the peace it's been described as the Queen's peace, but in constitutional terms there again the Queen's peace is that every person living in England is able to go about their lawful business without fear of intimidation.

**Ken Fero: Moving on now to the whole issue of police crime as a phenomenon. What's the historical route to police crime?**

**Graham Smith:** **Police** crime has always been a problem. Police wrong doing, call it, the different levels of police misconduct and it's has to be remembered the police have not been around that long, they weren't formed until 1829 and the Metropolitan Police with the first modern civil police force in the world, and right from the outset they faced problems of winning acceptance in the community and as when first formed the police had very few powers to separate them from other members of the public and it was felt that this was necessary because of the threat the police posed to a democracy and it also was the case that police officers weren't regularly called before the Magistrate's and prosecuted for criminal offences and convicted. It was also the case that right up until the turn of the century that misconduct by a police officer was a criminal offence, and was dealt with by the Magistrates.

What's happened is that as the police became more professional and as they assumed greater responsibility for law enforcement for prosecution of offenders and also for investigation of crime because the police when informed weren't allowed to investigate. It was still the old Bow street runners that had responsibility and similar organisations like that. But as the police assumed more powers it came that police officers were prosecuted less and less and were dealt with by administrative procedures through the internal discipline process, and it but it wasn't actually until 1920 - 21 that the police discipline code was established.

**Ken Fero: Could you just outline the process that the way the situation developed whereby the police have asked for or been given more powers or have simply just taken them?**

**Graham Smith:** Well when the police were first created in 1829 they had very few powers, and immediately the commissioners of the Metropolitan Police started to lobby for more powers. Having been formed in 1829. There was a second Metropolitan police act in 1839 which granted many more powers to Metropolitan police officers at the request of the two first commissioners of the police. In addition to that the police in their everyday practice started pushing out the boundaries if you like of policing and assumed responsibility for many tasks which they hadn't been granted, for example investigation of crime.

The first detectives were actually set up were created 1842 that's some thirteen years after the Met was formed, and the CID was established in 1877 and these responsibilities for criminal investigation were really assumed by the police and also prosecution, the, when the police were formed private prosecutions were undertaken by the victims of crime or somebody that happened to be a witness of a crime, and the police set about challenging these procedures and there was much resistance from the legal profession to the police having responsibility for prosecutions, and it must be said that the police perfected a system of bringing offenders to justice and it was it must be said to the general good of the community, and there was a professionalisation of policing responsibilities, and after some time the legal profession dropped it's opposition to the police having these responsibilities and the police had the responsibility for criminal prosecutions right up until 1986 when the Prosecution of Offences Act 1985 created the Crown Prosecution Service and the police lost that responsibility.

So it on the one hand in the early days the police actually assumed powers usurping if you like responsibilities from other professionals. More recently, certainly since the 1980s the tendency has been for the government to legitimise existing police practices where the police may have acted illegally under the Police and Criminal Evidence Act, those unlawful powers were legitimised by the government creating special powers for police officers. And that has been more the recent practice, that the police have broken the law and retrospectively the government have legitimised those practices.

**Ken Fero: You started talking about resistance in the community to police. Can you just run through that from a historical point of view?**

**Graham Smith:** Resistance to police as a general issue has been on going. Opposition to the police was so intense, there were riots against the police in the early days and it didn't take them a very long time to actually win some public support, which they did. The whole ethos of policing by consent is evidence of that although it's not so much consent and commentators have preferred to talk really about a negotiated agreement between police and community and I think what you will always have is some sort of tension because nobody willingly agrees to being coerced and at the end of the day the police are a coercive force. So policing by consent is rather a utopian ideal, which has never ever existed in this country. There've there's always been opposition by a members of different communities at different times to the way they have been policed.

What is probably significant about Stoke Newington is that without any provocation in the form of example a strike, a riot or an incident that the police have dealt with the community in such an oppressive way and that is quite remarkable I don't think, certainly to my knowledge there's no other community in this country that has been policed in such in such a way. That may be because of the history of Hackney Stoke Newington as a very radical area. It seems to attract radical individuals and the police also with the refugee communities in Stoke Newington that are overtly political, and that's the police have found that threatening and have wanted to tame those people.

I think it's, it's a matter of conjecture as to why the police have behaved the way that they have in this area, but one thing is quite clear is there's not been that an incident or community action which one could say has provoked the police to be oppressive.

**Ken Fero: Can you talk about accountability now, in terms of the current crisis?**

**Graham Smith:** When one talks about accountability the idea of political accountability tends to spring to mind, that "Who has responsibility over the police"? Is it the Home Secretary, is it the local authority, is it the municipal authority when the Greater London Council was around. I prefer to talk about of accountability in terms of accountability to the law as a starting point because what we have in this country is quite a unique type of police force where they are accountable to the law. Whereas in America for example, the, police officers are local government offices or alternatively in France where they are civil servants, in this country the police are independent of all other authorities and when the courts consider the accountability of the police in their responsibilities for law enforcement and keeping the peace their accountability is to the law.

Therefore if the police are accountable to the law, if they commit a wrong they should be accountable to the law the same as any other member of the public is accountable to the law, and it's patently obvious that police officers are not accountable to the law the same as you and I. One in that they do not tend to be prosecuted for criminal offences when there is evidence that they have committed criminal offences they're not even investigated in the same as the citizen. There's, there's a very good example of that on the 1st April new procedures have been introduced for investigating police officers under the disciplinary process and it's the case that police officers are prosecuted under different statutes than the citizen.

With regard to accountability to the law, I think the crisis in police accountability that is emerging is that the police are not accountable to the law the same as the citizen which is going to undermine the whole political accountability of the police. If they are not accountable to the law to whom are they accountable and I see a very real danger of the creation of a ministry of justice where you're going to have political control over the police, which will be very similar to the French system, and I think that sort of new system is going to be created by default, which is the English way really of bumbling along and fending off a crisis so that all of a sudden something very serious has to be done, and at the moment the danger is that there will be a ministry of justice created which some people may think that's better than the present situation where the police appear to be a law unto themselves.

But if for example Michael Howard was ever to be responsible for policing and to be I don't know a 'police supremo' I think this country would be in very serious danger of becoming a police state.

**Ken Fero: Do you think that, from the political point of view, there is an acceptable level of violence that's perpetrated by police officers?**

**Graham Smith:** We all look to the police for our security there's nobody else that we can turn to. They are responsible for the security of the citizen.

Everybody recognises that the police have an extremely difficult job to do and I think most people certainly responsible people recognise that most police officers do try to do a good job, and that in their daily work they are dealing with some people that do not show respect for other citizens and that those individuals may lash out, may assault a police officer try and avoid arrest, and that in doing their difficult job police officers will occasionally resort to unnecessary force, will lose their temper with somebody that they know has committed an offence or caused another person to fear for their own personal safety. Under those circumstances when the police do lash out and do perhaps assault a member of the public, the general public will accept that as a mistake, as an error of judgment or whatever and what that leads to is what can only be described as an acceptable level of police violence.

Now when it happens under those circumstances one can perhaps have sympathy for the police officer. However for the person that is going about their business with respect to other members of the public, has not committed a wrong for them then to suffer police violence, their first task is to convince their family that they have done nothing wrong and then their friends that they have done nothing wrong and they have got no chance of convincing the public that they have done nothing wrong unless the media takes up their case and that is what can be described as an acceptable level of police crime, where the general public would rather turn a blind eye to these criminal offences committed by police officers, for the sake of their own sense of security.

People do not want to believe that police officers behave in this manner, and it's even the case that those that have suffered themselves from police crime do not want to not believe that when someone else has suffered the same as them that the police would behave in that manner, and I know cases where those that have suffered police violence have been asked to support others that have similarly suffered and

they've not wanted to believe the police are capable of such harm to another citizen, and it's that really that it's an acceptable level of police crime which is a social problem which has to be taken up politically and communities that have to take up because it's communities as we found in Hackney we have to do it ourselves when it reaches such a stage where the acceptable level of violence just went higher and higher and higher.

**Ken Fero: Does the state also have a role in the violence?**

**Graham Smith:** The thing is the state can be looked as an oppressive force subjugating a people or the state can be considered as a neutral arbiter that mediates between competing interests. Certainly at the present time we have a state that has been enforcing a system which is unacceptable certainly in areas like Hackney and Stoke Newington and the police have been seen, through their own conduct as local agents of the state, and so there it's not been possible really to differentiate between state and police because of the way the police has behaved. If the police had behaved in a way, which had sympathy for the communities in the area then than, we might say that the police was there to defend the people against the state, and that's not impossibility.

For example if there was a threat of a fascist regime in this country theoretically the police would guard the people against a fascist regime because they are independent of government, and that is something to be upheld as an ideal system and I certainly don't have any difficulties in principle with the idea of an independent police force. I think it is if anything it is more of a utopia than the Communist manifesto.

**Ken Fero: Can you talk about the myth of the British police of the 'Bobby on the Beat'?**

**Graham Smith:** A police officer can go out in the morning on his duty and he comes across an old aged pensioner who is mugged and is very kind and helpful to that old aged pensioner and two hours later assaults somebody, a young person who that police officer believes has committed a criminal offence wrongly. It's the same officer that is both good and bad and the same officer can be good or bad to the same person on different days. It's not and if it's not possible to actually knock the one officer in comparative terms I don't think it possible to look at the police forces in comparative terms and I do see deaths in custody as exceptions, and I don't I think

the main concern is the low level of police violence which gets out of hand occasionally and leads to a death in custody, but deaths in custody are just the tip of the iceberg and they should always be seen as that and they rather than being the occasional accident are the occasion when that unfortunately regular level of violence goes over the top, and until deaths in custody are looked in that way then the then the real problem is missed.

**Ken Fero: What difference is it going to make if officers began to be charged with manslaughter or even murder?**

**Graham Smith:** Well I think I think again it has to be across the board. Now the thing is it's also the case that if the way the criminal law proceeds is that it doesn't matter in many respects whether the offence is serious or minor. There is still the criminal process that has to be adhered to and it should apply to police officers the same as it does to other members of the public. Now the police argument or the official argument for non prosecution of police officers is of the tendency for juries to acquit or the courts to acquit police officers when they are charged therefore it's better to deal with them internally, and where there is a higher chance of action being taken by senior police officers.

But if more police officers were brought before the courts and if the public became more conscious of this problem of police crime then when they sit on juries they will be more likely to convict if there is that general recognition of the problem, and I think that's what's been seen with civil actions against the police which have increased over the last ten years and also where in 1996 there was a whole spate of cases where record damages were awarded and there was much publicity about these awards. And once the public gets to know what the police are doing, what they're capable of, then people will be much more willing to do something about it. At the moment what it is hidden crime and it's like domestic violence is a hidden crime, everybody knows it's there but nobody wants to talk about it, child abuse and police crime is the same.

**Ken Fero: Would more prosecutions in terms of deaths lead to a better understanding in terms of the role of the police as a controlling force?**

**Graham Smith:** I would say that there has to be more prosecutions of police officers per say for the small incidents where they may momentarily lose control in a very tense situation for example road rage that's where people lose control in a tense

situation. Nobody's saying that those motorists should not be prosecuted for being violent. So it should be that police officers that momentarily lose control should be held accountable through the courts. The courts should deal with every case of police violence, which is of a criminal nature, which is unnecessary unreasonable force. That includes manslaughter and that includes common assault. And while we're on the subject why not murder.

**Ken Fero: Why not murder?**

**Graham Smith:** Because you've got to have intent for murder and the thing is with manslaughter whose to say that there hasn't been intent it's just that using a restraint technique knowing that it can cause deaths is intent, or can be intent. I don't agree with your focus on deaths in custody I never have I've always been of the view that they are the tip of the iceberg and that I'm not criticising tackling it tackling deaths in custody not at all but I've I think we have to be very careful not to focus on deaths in custody.

**Ken Fero: Not just as isolated cases?**

**Graham Smith:** I think it's probably more important to make examples of the low level violence.

Ken Fero: And surely important to put the two together?

Graham Smith: Yes but the thing is if it wasn't accepted for a police officer to lose his temper and strike out, then it would be less acceptable for them to kill. So I'm starting from the bottom if you like and the generalized problem and working up to the deaths in custody. But it's also that's accepting that the death in custody is the gravest concern.