

The Case of M's Son

The murder of M's son, in May 2000, was the culmination of two years of attacks on many people by the killer, who lived locally, and was described by Police intelligence as "paranoid" and "schizophrenic". A man well known to Police, they had ignored over 50 complaints about his violence, and did not liaise with the local Council, who were also well aware of the situation. An opportunity was lost simply because mental health personnel were not in possession of his previous history. **Confidentiality is a killer in itself.** Prior to the killing, he had informed a friend of his intention and on the night of the homicide, he had visited M's son's flat, kicking in the door. Police were summoned, and warned him not to visit the flat again; the victim's father asked the aggressor to return home, instead, he stalked the son. The potential killer then returned through the back entrance of the flats, and stabbed the victim several times, in front of M's son's father. Although it was a cold night, to avoid detection the aggressor had removed his upper clothing, then dressed and phoned the Police, claimed that there had been a fight, and that M's son had been wounded. The victim's father, who was with his son earlier that evening, had telephoned Police on three occasions, because he was terrified of the escalating situation, but was told no one was available. A Police presence should have been apparent because the situation had deteriorated further. Police failed to acknowledge they were in the locality, and did not respond to repeated requests for help.

M and her family were excluded from any pre-trial hearing. M wonders why - as interested parties - the family were not informed? What happened at the trial was extremely distressing, M felt as though her life had been nullified. Police officers present on the night of the killing were not called to give evidence. Also neighbours who were victims of the killer were not even informed by police. It was clear at the trial that the Police had failed to investigate thoroughly. **An advocate for the victim's family would have been extremely helpful.** There was no site visit, despite the fact that much of the evidence was observed from the windows of nearby blocks of flats on the estate. The court, instead, relied on photographs. The defence counsel proceeded to degrade M's son, and M knows Police did not tell the truth. M asks why are defence counsels permitted to lie about the dead? Also, the evidence of a convicted paedophile, who hated M's family because the victim's brother was instigative in the man receiving a prison sentence for his abuse of two small boys, was used. This man was not present to be questioned. Meanwhile, the prosecutor said little. A defence witness from Barnet Council appeared, minus the case file, but still the trial proceeded. M would have expected the court to be adjourned while the file was brought, but this was not done, so the evidence was never heard. M questions this. **An advocate could have intervened.**

M and her family were devastated when the verdict returned was manslaughter, and not the obvious one of pre-meditated murder. A sentence of just ten years was later cut on appeal to eight. M wonders why? There is no right of appeal for victims' families. The irony is that M's solicitor has discovered that a mistake in sentencing was made by the Court of Appeal, whereby the killer's appeal against sentence should not have been granted. The Judge's summing up noted that the killer had raised a plea of self-defence, but the Judge directed the jury to consider provocation. This infuriated a disempowered victim's family. In contrast, the Appeal Court judges say that he "ran a defence of provocation... he was vindicated by the jury's verdict." M is surprised that an error made by the Court of Appeal cannot be overturned. If a defendant has an unresolved issue, he

is allowed to raise it again and again - it is disappointing that victims do not have the same rights. A family with no rights and no voice watches a trial unfold with dismay.

The victim's mother has found that the criminal justice system is heavily loaded in favour of the criminal; the errors are highlighted in this landmark case, which M has been fighting for 5 years. It has now reached the House of Lords. **The killer has confidentiality; the victim's family have none.** There was no protection for M's son; a dangerous man was allowed to kill. This case illustrates the need for rights and fairness for the victim's family and emphasises the necessity for an advocate.

After an investigation which, strangely, did not include the events surrounding M's son's death, the Police Complaints Authority concluded there was no case to answer. M was not surprised at this lack of commitment surrounding the tragedy. Since the inception of the Independent Police Complaints Commission (IPCC), M has struggled to get a positive reaction. After further investigation, the deficiencies in this case were finally exposed at the High Court. The IPCC have finally proposed that an outside force investigate.

This case involves mental health issues; a man with a severe personality disorder was still at liberty to kill. Police **did not have** control. This cost a life. **The police should have stronger powers of detention.**

The killer could be paroled 2006, and released in 2008. The family feel this man will kill again, and should not be released.

M and her solicitor are disappointed with the lack of a satisfactory response from the CPS, as they have now been corresponding with them for 5 years. It was not until a newspaper carried the story that they **even** admitted something was wrong. M wishes to see a more **accountable** CPS, in order to prevent secondary wounding.

Since the tragedy M has fought to get the inquest into her son's death re-opened, so that the conduct of the Authorities may be examined in open court. The problem has been obstruction from the Coroner, who continues to insist that the issues raised by M's family had been dealt with at the criminal trial. He consistently refuses to re-convene the inquest. M feels coroners are a law unto them, and would like to see this situation rectified. Campaigners seek accountability and a change in coronial law. This case is ongoing 1.1.06; and is now at the House of Lords. There is an opportunity here to create a fairer justice system for all. M fervently hopes this will be the outcome.