

# Bullet proof

**In an exclusive interview carried out in the United States with Professor Bill Lewinski, Bob Graham reports how a single bullet helped to clear the names of the two Met officers involved in the Harry Stanley shooting and its potential repercussions for police officers.**

 For more than six years Met officers Neil Sharman and Kevin Fagan lived under a cloud of suspicion. There was stress, heartache, sleepless nights, anger, frustration, ...and doubt as they were investigated over their actions.

From the time Ch Insp Sharman and PC Fagan, from the Met's CO19 firearms unit, had been involved in the fatal shooting of Harry Stanley in a North London street in 1999 - to the moment they were finally exonerated of any wrongdoing - there had been two judicial reviews, two inquests, a Surrey police inquiry, arrests for murder and three referrals to the Crown Prosecution Service.

Even the final decision on criminal charges against Ch Insp Sharman and PC Fagan, reached last month on October 20, was tainted with political involvement. In a highly unusual step, after the Crown Prosecution Service (CPS) lawyers made their ruling, it was sent to the Attorney General's office 'for consideration'.

Mr Stanley, an unemployed painter and decorator, was mistak-

enly shot in his hand and head after police were given information that a table leg he was carrying inside a plastic bag was a sawn-off shot gun.

In the search for truth, PC Dave Blocksidge, secretary of the Met Constables' Branch Board's firearms sub-group, discovered the work of two psychologists, Professor Bill Lewinski and Dr Alexis Artwohl, into the reactions of officers in critical incidents.

The research would become key in clearing the names of the two officers.

Their work, based at the Force Science Research Center, at Minnesota State University, focused on the movement, actions and reactions of police officers and suspects.

Mr Blocksidge and Mark Williams, a firearms officer and Met federation representative, began conducting their own investigation into what became known as 'The Stanley shooting'.

The officers focused on researching controversial aspects of the incident - which could prove crucial to the outcome of the case. In particular, they tried



**Professor Bill Lewinski: bullet hole was key**

to understand and reconcile apparent discrepancies in the accounts of both officers compared with what appeared to be the forensic evidence in the case.

Mr Blocksidge and Mr Williams examined the psychologists research in the US and realised the potential implications for the case.

### Tragedy

The shooting had taken place shortly before 7.55pm on September 22, 1999, when Ch Insp Sharman and PC Fagan arrived close to the junction of Victoria Park Road and Fremont Street, Hackney, in response to an emergency call. The caller had, mistakenly identified 46-year-old Harry Stanley as "an Irishman carrying what looks like a sawn-off shotgun in a blue plastic bag."

The officers said that they leapt from their police Vauxhall Omega estate car and ran toward Mr Stanley. They were carrying Glock 9mm guns. Both officers stopped around ten-feet behind the suspect.

PC Fagan, standing on the pavement said he shouted, "Armed police, armed police." Ch Insp Sharman, an inspector at the time, stood in the roadway, partially behind a parked car and to the left of his colleague.

According to both officers, Mr Stanley turned to face them and threatened them with what they believed was a sawn-off shotgun, so they each fired a single shot.

However, they could not explain why one bullet passed

through the back of Mr Stanley's head. It was a contradiction which led to an impasse in the minds of both investigators and lawyers.

Such was the doubt of Surrey Police, investigating the shooting, that in June this year, five years and nine months after the original shooting, the two officers involved, were arrested on suspicion of murder, gross negligence, manslaughter and conspiracy to pervert the course of justice.

Mr Blocksidge explained the significance of some the work being carried out by Prof Lewinski and Dr Artwohl.

'Within the police, perceptual distortion has been spoken about for the past seven or eight years and has now found it's way into the ACPO firearms manual. It states that officers involved in a shooting may have difficulty remembering their actions 'post incident'. It does not however expand upon this statement.

'I have assisted officers who have been accused of lying or fabricating accounts of their, or colleagues, actions simply because forensic evidence established that their initial written accounts (position, shots fired, position of colleagues etc) was not accurate.

'The assumption made by solicitors, investigators and senior management is that the officer must have something to hide, therefore misconduct and unlawful actions, must be the reason behind the 'false' account. There has not been an acceptance that the recorded account from the

officers or witnesses may be a factually mistaken one.'

Mr Blocksidge and Mr Williams, supporting the two Met officers, highlighted the research in the US and in May, Paul Roberts, general secretary of the Constables' Branch Board, took the decision to allow a group of constable representatives to go to Minnesota and consider the value of the research for frontline officers.

On the basis of the visit and a series of presentations on the research, Mr Williams persuaded the Federation to hire Prof Lewinski, as part of Ch Insp Sharman and PC Fagan's legal team.

Canadian-born Prof Lewinski has studied more than 1,000 shootings in the US involving police officers and is considered by the FBI to be the country's foremost expert witness in shooting incidents.

Following their visit, he twice travelled to London – to visit the scene of the shooting, to carry out microscopic measurements and to interview both officers.

In a computerised reconstruction he was able to determine precisely what had taken place on the evening of the shooting.

According to the reconstruction, Mr Stanley, who was carrying the wrapped table leg in his right hand, turned his body to his left in response to the officers' verbal challenge. To the officers it appeared he was turning to challenge them.

The table leg, wrapped in a blue plastic bag and being carried

in his right hand swivelled and was held close to his hip, pointing almost directly at Ch Insp Sharman.

Both policemen believed he was about to fire a shot-gun. First PC Fagan fired – his vision had been drawn to where Mr Stanley carried the table leg. His bullet grazed a middle finger and struck his ring finger. Mr Stanley's hand flew into the air and his head which had been turning toward both officers, suddenly flew back to the right again.

The motion that catapulted Mr Stanley's left hand into the air – an instinctive reaction to being shot in the hand – also creating a crumpling of his jacket, around his shoulders and neck.

Almost simultaneously, Ch Insp Sharman fired – and the bullet struck on the left side of the head, just above the ear, and exited out of the right temple. Critically it also passed through the shoulder of the jacket before striking his head.

From Prof Lewinski's measurements, the angle of the bullet strike also indicated the position of his body, in a classic boxer's stance, side-on to Ch Insp Sharman.

It was this bullet that was to cause virtually all of the controversy. And until Lewinski's research, its passage was never fully known or understood. Now, through a process called 'bio-dynamic and forensic examination', which looks at human reaction to critical incidents which can be recreated in a computer recon-



struction, he determined that as the arm was flung into the air, creating the pucker in the jacket, it could be used to plot the trajectory of the bullet.

Prof Lewinski explained: 'The position of the jacket and the bullet hole in it and the passage of the bullet into Mr Stanley's head help us plot its path and measure precisely what Mr Stanley's body was doing.'

The entire sequence of events was measured at between 0.13 seconds and 0.17 seconds.

He added: 'The bullet hole was missed during the original forensic examination and investigation and it is so, so important. The positioning of the hole matches and reveals the hand and arm reaction, followed by the head reaction.'

'The entire issue is whether or not the two officers were lying about what they said faced them. In all the evidence I have seen and measured I'm of the conclusion that what they have said took place is accurate and very explainable.'

'If you have not been able to measure and understand the sequence of events, as I have based on all the research into shootings, then all other options are open and viable, including that Harry Stanley was first shot in the hand then from the rear. However, my research is able to support fully the two officers and

therefore show they were telling the truth.'

Prof Lewinski was also adamant that without the evidence from the jacket it was possible both officers would be charged with murder.

'It was vital in the reconstruction,' he added.

The Professor, who has given evidence in more than 100 US Grand Jury murder trials involving guns, is scathing about the knowledge of lawyers and their understanding of the bio-mechanics and dynamics of shooting incidents.

He said: 'Attorneys and lawyers are trained in shooting incidents by one institute - and that's Hollywood. They have no other experience to judge shootings, other than what they know from watching the movies. Prosecuting lawyers have Hollywood as their foundation for understanding what they think has taken place and the problem is it's complex stuff.'

Met federation representatives who travelled to the US learned quickly the valuable implications for all aspects of 'contact policing.'

Mr Roberts explained: 'We realised that everyone who had been out to Minnesota had seen applications for this research in other facets of policing. It was not just about police firearms situations, the principles can be

applied to public order, drug-related gang violence, use of illegal weapons, pursuit driving and a host of other critical incidents that make up modern policing.'

The Constables' Branch Board's executive decided to invite Lewinski and Artwohl over to London last month for two two-day seminars on Critical Incident Policing.

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Mr Williams explained the value of the newly-discovered research: 'I was personally stunned by his work and research, I have had the privilege of representing many firearms officers involved in shootings over the past five years, eight of them fatal and 20-plus others.'

'Bill's research assisted me to understand details of these incidents that I really could not make

sense of. For example: everything takes time, and people do move during these critical incidents and it appeared investigators were not taking these facts into account.'

'During our time in the US, I was able to spend a day with Bill on my own talking about the 'Stanley case', and explaining how the two officers and their families had suffered so much over the past five and a half years, and were still awaiting a final outcome.'

'I will never forget the day as long as I live, we were having a cup of tea in Bill's kitchen, I was explaining the details of the 'Stanley' shooting, Bill just smiled and then demonstrated to me what he felt had happened...having had only snippets of the events.'

Mr Roberts said: 'This should not be seen as an attempt to in some way excuse mistakes made by officers but as a search for the truth when incidents occur.'

'We are surprised that the research and work of Bill Lewinski and Alexis Artwohl has not been seen in the UK before, we are also surprised that it falls to us as a representative organisation to fund these seminars and future research in the UK, but we are happy to do so in order that we can bring about improvements in the way our members are treated when involved in such incidents.'

