

TRANSCRIPT OF "FILE ON 4" – "DANGEROUS CRIMINALS"

CURRENT AFFAIRS GROUP

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URRY: Last month shocking details emerged of failings in the criminal justice system which led to the murders of two French students in London. Violent offender, Dano Sonnex, should have been behind bars, not free to kill. Justice Secretary, Jack Straw, made a public apology.

STRAW: There's no question that Dano Sonnex should have been in prison. I have seen the families of these two French students on two occasions, I have apologised to them personally on behalf of the British Government for these failures.

URRY: The level of detail which emerged from the Sonnex case is unusual. Although the Government claims Britain's system of public protection is among the best in the world, others are concerned there isn't enough public scrutiny to ensure accountability and the learning of lessons. Even families of those who've been murdered can't find out what went wrong.

WASMUTH: It's not open for public viewing. That's the phrase that keeps coming up. It's not open for public viewing. I dispute that. I'm not public, because I was the victim's family.

URRY: In a week in which public disquiet has been heightened by official figures showing nearly one thousand offenders who should have been returned to jail remain at large, File on 4 investigates other murder cases in which there were serious failings. How come a killer let out of jail on life licence murdered again, despite warnings to police and the supervision of the Probation Service? What went wrong when a man who'd already raped his victim wasn't locked up and went on to beat her to death? Why can't we be told about the mistakes which led up to these crimes?

MAN: These are matters about public protection and the public ought to be made aware of the detail of what's actually gone wrong.

SIGNATURE TUNE

WILSON: He just asked us if we wanted a drink and we said no, and he asked Donna what she did and all this sort of thing, and Donna told him what she was, you know, a carer, and he said, 'Oh, nice to have met you,' blah blah, and off he went.

URRY: Joan Wilson remembers the day she and her daughter Donna met a man called Shaun Clarke at a pub in their home town of Burton on Trent.

WILSON: A very nice person, you know, there was no alarm buttons going off. He was just a perfect, very nice friendly man. You know, you just didn't think anything of it. And then Donna did go out with him a couple of times.

URRY: What Joan and her daughter didn't know was that Clarke was a convicted murderer. He'd served sixteen years for killing his former partner after she ended their relationship, and had been released from jail three years prior to their encounter with him in Burton. After a brief affair, Donna had finished with Clarke, but now he was following them.

WILSON: We'd be walking through town, shopping, and you'd turn round and he'd be there with one of his friends. And then we'd come to the other end of the town, near the market, and you'd turn around and he'd be there again. We liked car boots,

URRY: Well, why would he do that?

MCGRATH: We never received an explanation for that and it was never made clear to us where that date of birth had come from. Had he inputted the correct details for Clarke, then PNC would have identified him as a man with a conviction for murder. And at the inquest a senior officer said that had the police at that point known that Clarke was who he was, then it would have been one of the force's highest priorities to ensure his arrest.

URRY: Instead of which, they thought he was another Shaun Clarke, who was a much more low level criminal, is that right?

MCGRATH: That's correct, yes.

URRY: They really needed to know one key fact, didn't they? That this was a man who had previously served a life sentence for murder.

MCGRATH: That would have wholly altered the way in which the police responded to Donna's accusation, yes.

URRY: Under public protection arrangements, information about dangerous offenders is supposed to be shared among agencies such as the police and the Probation Service. Failure to do so has led to other catastrophic events in the past. According to solicitor Kevin McGrath, this played a part in the confusion about Shaun Clarke.

MCGRATH: Clarke moved between four different addresses in the three years that he was on licence, initially to a probation hostel, and thereafter he had three further addresses, one further hostel and two private residences. The inquest focused to a degree on the sharing of information between the police and the Probation Service in relation to Clarke's address. But what nobody was able to find was a copy of the letter that Probation should have written to the police, and certainly there was nothing on the police systems to suggest that if they'd received the letter, they'd ever acted upon it to enter the information onto their systems. After that, plainly there were three moves of address, Probation knew of two of those, and it would appear that the police were never notified of those changes of address.

URRY: That seems like a bureaucratic issue, but actually it's quite important, isn't it?

MCGRATH: Well, it's just as important to know where a lifer is living after their release than it is to know where they're living on their release. There didn't appear to be any effective system in place to ensure that the police were notified of the change of address at that time.

URRY: All this would have been bad enough, but it wasn't as though Staffordshire Police were unaware of the need to know the whereabouts of prisoners released on life licence in their county.

MCGRATH: There had been a murder sometime earlier, I think in the middle of 2006, as a result of which the failure of intelligence and in particular the sharing of intelligence between the police and the Probation Service had been highlighted, and that led to a review which was called the Craigie Review. The exact details of that review were not disclosed to us at the inquest, but it was made clear to us that, as part of that review, Probation were tasked to provide Staffordshire Police with a complete and up to date list of lifers who are on their patch and their current addresses. And in fact, the Probation Service had provided that list to Staffordshire Police some three months before Donna died. What also came out, regrettably, at the inquest was that the police had not acted expeditiously to update their systems with regard to that information.

URRY: Because this is how lessons are supposed to be learned, isn't it? That people, getting to the bottom of why this wasn't done, is a lesson for other forces to learn, as well as the one that's made the mistake.

MCGRATH: Well that is a real concern and I know that is the concern of Mrs Wilson, because the reality is that following the Craigie murder, assurances were given that lessons would be learnt and things would be sorted out. Plainly, some time later, those lessons still hadn't been learnt.

URRY: So the police did have Shaun Clarke's details all along, they just hadn't put them into their intelligence systems. No-one from Staffordshire Police would be interviewed for this programme. We were told that they'd accepted all the recommendations from the Independent Police Complaints Commission inquiry and that:

READER IN STUDIO: A wide-ranging review of the force's public protection role was completed earlier this year, resulting in a number of significant improvements. The force's public protection units were re-structured to give stronger management and consistency throughout Staffordshire. Links and working procedures with other agencies, including the Probation Service, have also strengthened significantly.

URRY: But that's what they said the last time. Disciplinary action was taken against two junior officers. The Acting Chief Constable wrote to the family of Donna Wilson, admitting failings and offering an unreserved apology. But her mother Joan says it's not enough.

WILSON: Sorry doesn't bring my daughter back and it doesn't make anything right. Sorry's an easy word, you know, we all sorry for bumping into you, sorry for, sorry is just a word bandied around so easily and sorry will never ever ever do for me. Never. I don't want their kindness and sympathy, I wanted them to do their job and that's what they didn't do.

URRY: Two officers were disciplined, weren't they?

WILSON: Well yes, one had a written warning, the constable. The other officer had a verbal warning. Well it has to go higher up, surely? The police never take responsibility for what they've done.

URRY: It's difficult to assess how much accountability there is in the system, because when reviews are held following concerns about mistakes, not all the details are made public. File on 4 has investigated other cases, and it's proved impossible to get all the details relating to what went wrong.

ACTUALITY IN CAR

BLACKETT: Predominantly Cowpen Estate is run by Home for Northumberland, formerly Blyth Valley Housing.

URRY: What sort of people live here?

BLACKETT: There's a mixture really. There's a mixture of elderly, we've got bungalows, we've got like houses and we've got flats in this area as well, so a cross cutting estate.

URRY: Colin Blackett is the safer neighbourhood's manager for the local housing agency at Blyth in Northumbria, north of Newcastle. We're on an estate where, Mr Blackett and his staff were part of a multi agency drive to try to protect a resident, 53 year old Diane Edwards, from someone more than thirty years her junior. Diane had had a relationship with the younger man, David Summers, who lived nearby. But although she'd tried to end it, he wasn't taking no for an answer. Summers wouldn't leave her alone, so, as part of the multi agency plan to protect her, the housing department took out an injunction against him, forbidding him from entering the streets around Diane's property.

ACTUALITY IN CAR

URRY: So was this part of the exclusion zone up here then?

BLACKETT: Yes, so basically we're trying to protect Diane going to and from the shops and try and lead a normal life.

URRY: And she lives at the top end of the road, doesn't she, and then the shops are down at the other end, down there.

BLACKETT: Yes, it did, yes.

URRY: The trouble was, David Summers stayed with his parents, and their property overlooked the house where Diane Edwards lived alone in the next street. So he could watch her going to and from the shops from her house?

BLACKETT: From the house, yes.

URRY: Just turning around and looking, there is a window on the gable end of that house.

BLACKETT: Yes.

URRY: Which looks out, quite a commanding view actually. Is that where he used to stand?

BLACKETT: That's where he used to stand, yes. So concerns that Diane had was that he was monitoring her every movement.

URRY: Was she aware of that? Did she know?

BLACKETT: Yes she did, and she did report that to us. After we received, got the injunction against him, she did report that he was staring and watching out the window.

URRY: It must have been quite disturbing for her.

BLACKETT: Very disturbing.

URRY: Diane Edwards was struggling to cope with the break up of her marriage. She was lonely and vulnerable. But her sister, Gloria Wasmuth, didn't like the look of David Summers when she first met him at Diane's house.

WASMUTH: I thought he didn't seem right. I certainly didn't think he seemed right on a personal level for Diane because he was too young, but when I met him he was drunk, so I asked him to leave and he, in no uncertain terms, told me to mind my own dot dot business and I asked him to leave again and he wouldn't, so I grabbed him by the scruff of the neck and just said to him, 'Get down the stairs and get out.'

URRY: Summers' relationship with Diane soon became abusive and she tried to end it. The authorities increased security measures at her house, installing a panic button and police assigned a Domestic Violence Officer to manage a safety plan. But David Summers was becoming more dangerous. Diane told her next door neighbour, Margaret Heron, about a very serious sexual assault which took place in the summer of 2006.

HERON: She was busy in her bedrooms, changing her bedclothes, because she was expecting her children over for a visit, and she says 'I was doing the bedrooms, I turned round, he was there.' She says, 'I panicked,' she says, 'I knew he was, he was going to hit us.' He had a knife in his hand, he subjected her to all sorts of things under knifepoint. I don't want to go into detail and I won't go into detail of what happened. He forced himself on her with knifepoint and she says it was so degrading, it was so humiliating, she says it was worse than getting beaten up by him, but I was terrified for my life, he had a knife.

URRY: And do you know what it was that she said she told the police about that incident?

HERON: As far as I know she told them everything because that day, when she told me that, I know the police were there and I know they were going in and they were coming out with brown paper bags with obviously evidence in it and what have you, and nothing was ever done. He was never locked up. Locked up overnight. I think he was arrested that day and he spent a night in jail, but he was let out again.

URRY: Police say Diane was too frightened to press charges, but the incident was the clearest possible warning of an escalation in violence against her. By the autumn she was dead, sexually assaulted and murdered by David Summers in her own home. Her sister, Gloria Wasmuth, got the phone call she'd been dreading.

WASMUTH: I knew instantly that she'd been murdered, because I remember collapsing to the floor and screaming that she'd been murdered, she was dead and I, and as far as I was concerned that was what had happened, she'd been murdered, although I didn't have any confirmation of it, but I just knew in my gut, not my heart, my gut, that he'd done something terrible to her. We didn't learn officially until the Saturday that she'd

WASMUTH: been murdered, but I felt extremely angry, incredibly angry because Diane was taken away from her three children, our mother and from us.

URRY: But both Diane Edwards and David Summers had been under what's regarded as one of the best systems in the world. It's known as MAPPAs - Multi Agency Public Protection Arrangements. Police, Probation and others are all supposed to work together to an agreed plan, to try to ensure there are no slip ups, particularly important when people's lives are threatened. Restrictions had been imposed on Summers to keep him away from her, but he'd been breaching them, each breach a criminal offence. He'd been before the courts fourteen times, so why wasn't he locked up? Detective Chief Inspector Mike Paterson led the murder inquiry for Northumbria Police. He says it wasn't for the want of trying.

PATERSON: There were ten occasions that David Summers breached those conditions. Some of them were of, one could say, a minor nature – he walked down the street, he passed her front door. All of these matters Diane contacted us about. He was in breach of those conditions, we went round and arrested him and put him before the court. So we were beginning to see a pattern of behaviour that was causing us some concern, and so quite rightly we were urging the courts to either remand David Summers in custody or look for an alternative place for him to live.

URRY: Why wasn't this man remanded in custody?

PATERSON: Well, set in isolation, some of these breaches, put before a magistrates' bench, were quite minor in nature. Regrettably the bench may not have been aware of the larger, the bigger picture.

URRY: But again, isn't that what MAPPAs is there for? Isn't MAPPAs there to ensure that a robust argument is put to the courts, given that people were recognising the dangers this man presented to his victim?

PATERSON: We are looking back now at a very very dangerous individual. He was certainly recognised at court as being a very dangerous individual. I don't think any of us realised at the time that some of those breaches – David Summer walking past Diane's house – would eventually end up in the very horrific way they did.

URRY: But he'd assaulted her. He'd already had a conviction of assault and then there was the allegation of rape, which you took very seriously. So the dangerousness of the man couldn't have been in doubt there, could it?

PATERSON: I agree with that. That said, we weren't able to bring any charges against David Summers for rape and in isolation David was put before the bench of South East Northumberland with breaches of bail, something that magistrates' benches and something that the police deal with regularly, on a regular basis.

URRY: The serious case review which followed the murder was conducted by the board which oversees the MAPPA process. But the full details of what went wrong were never published. When we contacted MAPPA in Northumbria, all they were prepared to offer us was an executive summary, which was published, and that offered a small concession.

READER IN STUDIO: The response by the agencies operating under MAPPA in relation to managing the risk posed by Summers could have been more robust.

URRY: So it was left to Detective Chief Inspector Mick Paterson, the officer who investigated the murder, to reflect on the broader failings.

PATERSON: The lessons that we've learnt in partnership with Probation, that some of those risk management discussions were actually flawed. For example, some of them were based on an assumption that David Summers would be remanded in custody and perhaps, looking back on it, alternative strategies should have been considered.

URRY: This was an example, wasn't it, of poor multi agency protection work?

PATERSON: Certainly the issues that the serious case review flagged up have allowed us to look more closely at MAPPA arrangements and some of the learning that's come out from that has meant that ourselves and Northumbria Police have restructured the way that we deal with that. A lot of the MAPPA arrangements, from the lessons learnt, are now in place.

URRY cont: Naomi Bryant, just a few days after meeting her. Rice was a serial sex attacker. Unusually, following public disquiet about the murder, there was a report published by the Probation Inspectorate, which concluded he should not have been released from jail, and which made a series of other criticisms about the way he was managed thereafter. But Anna Fairclough, a lawyer for Liberty who acts for the victim's family, argues that even four years on, there are still questions which remain unanswered. She's persuaded a coroner to hold an inquest into Naomi's death.

FAIRCLOUGH: One of the things that the Human Rights Act demands is that where state potentially has a responsibility for a death, there ought to be an open and transparent enquiry into what went wrong, and that includes a certain level of involvement of the victim's family. The problem with the Inspectorate of Probation report is it wasn't done in public, and also obviously it had no opportunity for involvement of the family.

URRY: Now that's what you want to achieve at the inquest, is it, questioning the authorities about what went wrong?

FAIRCLOUGH: That's exactly right. We want to look at the systemic failures that went wrong, the way that the different agencies interacted with each other and how that went wrong, and what lessons ought to be learnt for the future. I think you can see quite clearly that the same sorts of issues arise in a number of cases, and so that starts to look like a systemic failing. The Dano Sonnex case is a good example, where there are similar breakdowns in communications between different agencies, like between the court and the Probation Service misunderstanding the information that had been provided to them and the implications of that. So we really hope that the inquest will encourage better practice.

URRY: The Probation Inspectorate says it too works to encourage better practice in public protection. It's an independent body which does publish its reports, but its Chief Inspector, Andrew Bridges, sees why others don't.

BRIDGES: There is a trade off to be made, to be honest, about whether it's more important that something be in the public domain to be accountable, and of course there's a good case for that. Alternatively, if it's about learning lessons, then people are more likely to be candid, own up to mistakes they've made and disseminate the learning under the internal audience, if that isn't necessarily exposed to the glare of publicity.

URRY: But that raises the question of how people can be assured that lessons are being learned if they can't see into the system. There's a whole range of other agencies involved in public protection, and each looks at their own part in what happened when something goes wrong. But none is obliged to put information in the public arena. Even when an overarching body pulls together a series of agency reports, it's only the executive summary which gets published. So in terms of detail, the public has to rely on cases examined by Andrew Bridges' Probation Inspectorate.

The cases that we've looked at in detail on this programme – Diane Edwards murdered by David Summers in Blyth in Northumberland; Donna Wilson in Burton on Trent, murdered by Shaun Clarke, have you done inspections which include those cases?

BRIDGES: We have not done inspections involving those cases and I don't have particular information about any of those.

URRY: Shouldn't you have done inspections into those cases, given that they are, they seem to have serious failing in each of them?

BRIDGES: We have a system whereby certain cases get referred to us, and if and when we need to give them a view, which means that will be published, then that's what we've done. The best use for the Inspectorate is to be able to do what we did in the Sonnex case, which is not do yet another review of a case that's already been reviewed, but go into an area and say, 'Well, was this, were these deficiencies in practice normal or typical in this area?' so we look at a whole cross section of cases and look at whether the high standards we're looking for are being met or not.

URRY: But you put your reports in the public domain, don't you?

BRIDGES: Yes.

URRY: So why can't they?

BRIDGES: Well absolutely we do, if it reaches us then it goes into the public domain. I'm not sure, I think there, I think there is a debate to be had as to whether you want every individual example of when something goes wrong automatically put in the

