

SAFER AND STRONGER COMMUNITY SELECT COMMITTEE

7 February 2017

Title: Scrutiny Review regarding the Steven Port Murders	
Report of the Strategy and Programmes Director	
Open Report	For Information
Wards Affected:	Key Decision: No
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Accountable Director: Tom Hook, Strategy and Programmes Director	
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Summary <p>Between June 2014 and September 2015, the bodies of four men aged 21-25 were found in the Barking area. Consequently, on 23 November 2016 Stephen Port – a 41-year-old Barking resident – was convicted of four counts of murder, rape and assaults by penetration, and 10 counts of administering a substance with intent.</p> <p>The Metropolitan Police Service (MPS) made a voluntary referral to the Independent Police Complaints Commission (IPCC) in October 2015, after it identified concerns regarding the initial investigations into the victims' deaths. The IPCC investigation is ongoing. The families of three of Port's victims have since announced their intention to sue MPS over potential failure during initial investigations, caused by the alleged homophobia of investigating officers.</p> <p>The Chair of the Select Committee, Cllr Jean Alexander, has requested that council officers explore the potential for the Safer and Strong Community Select Committee to undertake a scrutiny review into the events surrounding the murders of the four men and the consequent police investigations.</p>	
Recommendation(s) <p>The Select Committee is asked to:</p> <ul style="list-style-type: none">(i) Consider that the scrutiny review of a local authority Select Committee is not at this stage the most appropriate means by which to address the issues of concern raised by this subject.(ii) Note the Council's wider efforts to challenge the prejudice experienced by Barking and Dagenham's LGBT+ population, and to meet the specific needs of	

the LGBT+ community.

Reason(s)

This Select Committee is recommended that a formal scrutiny review is not currently the most appropriate response for two principle reasons:

- Scrutiny of the specific actions of the police in investigating the deaths of the four murder victims is the responsibility of the IPCC, who must be allowed to complete their ongoing independent investigation without the duplicating and competing involvement of LBBD; and
- The Council's formal scrutiny function is not considered the most sensitive forum through which to engage and build trust with the LGBT+ community.

1. Background

- 1.1. Between June 2014 and September 2015, the bodies of four LGBT+ men aged 21-25 – Anthony Walgate, Gabriel Kovari, Daniel Whitworth and Jack Taylor – were found in the Barking area, three of whom were found in the same location within 500m of St Margaret's Church in North Street, Barking.
- 1.2. In each case, Stephen Port – a Barking resident – met the victims on online dating platforms, including Grindr, and arranged to meet them at his flat. Port drugged the victims with the date-rape drug gamma-hydroxybutyric acid (GHB), causing fatal overdoses, and raped them.
- 1.3. On 23 November 2016 Port was convicted of four counts of murder, rape and assaults by penetration, and ten counts of administering a substance with intent. On 25 November 2016 Port was sentenced to life imprisonment with no minimum term, making it a whole-life sentence.
- 1.4. MPS made a voluntary referral to the IPCC in October 2015, after it identified concerns regarding the initial investigations into the victims' deaths. IPCC Commissioner Cindy Butts described the scope of the investigation as establishing 'whether the police response to the deaths of all four men was thorough and appropriate in the circumstances, including whether discrimination played any part in actions and decisions'.

2. Independent Police Complaints Commission (IPCC)

- 2.1. The IPCC is an independent, non-departmental public body responsible for overseeing the police complaints system in England and Wales, and setting the standards by which the police should handle complaints. It was legislated for by the 2002 Police Reform Act, was founded in 2004 and is funded by the Home Office.
- 2.2. The IPCC is overseen by a Chair, ten operational commissioners and four non-executive commissioners. The commission is supported by a Chief Executive who leads a staff of approximately 900 people.

- 2.3. Police forces deal with the majority of complaints against officers and staff internally, however IPCC handles appeals from individuals who are dissatisfied with the way in which a police force has dealt with their complaint. Police forces must also refer the most serious cases – whether someone has made a complaint or not – to the IPCC, which may decide to investigate such cases independently, manage or supervise the police force’s investigation, or return it for local investigation.
- 2.4. IPCC investigations involve obtaining evidence to establish all circumstances relating to the case in question. This may involve taking witness statements, interviewing police officers or members of the police staff, analysing CCTV footage and obtaining other documents and records. An investigation may also include forensic analysis; the use of experts to provide independent evidence; liaison with the Coroner, Crown Prosecution Service (CPS) and/ or other agencies, such as the Health and Safety Executive. Regular updates are provided to families involved, and the commissioner may choose to engage with the wider community.
- 2.5. A report is published at the end of each investigation, which details all findings and conclusions, including whether there is a case to answer for misconduct or poor performance, and what steps – if any – can be taken to prevent a similar case happening again. If it is believed a police officer or member of police staff may have committed a criminal offence, the report is passed to the CPS.

3. IPCC Investigation and MPS lawsuits

- 3.1. The MPS made a voluntary referral to the IPCC in October 2015, after it identified concerns regarding the initial investigations into the victims’ deaths. IPCC Commissioner Cindy Butts described the scope of the investigation as establishing ‘whether the police response to the deaths of all four men was thorough and appropriate in the circumstances, including whether discrimination played any part in actions and decisions’.
- 3.2. Specific concerns have been raised regarding the police’s failure to link the deaths of Port’s first three victims, despite the similar circumstances in which the men died and were found. Relatedly, concerns have been expressed at the alleged willingness of the police to accept the deaths as the consequence of gay ‘chem-sex’ culture, including the acceptance of the fake suicide note found with the body of Daniel Whitworth. It has been argued that these potential assumptions may have been made due to either homophobic attitudes towards, or ignorance of, the LGBT+ community among investigating police officers and staff.
- 3.3. The IPCC have released two subsequent updates on the ongoing investigation:
 - 3.3.1. The first, posted in July 2016, detailed a meeting between IPCC investigators and members of local LGBT+ community groups. Those present discussed concerns with the case in question, as well as the safety and treatment of the LGBT+ community in east London more generally, and the IPCC Commissioner Cindy Butts requested that any individual with information which might assist the investigation should come forward.

- 3.3.2. The second investigation update, posted in November 2016, announced that 7 MPS officers have been served with gross misconduct notices, and a further 10 with misconduct notices, advising them that their conduct is under investigation. The officers range in rank from constable to inspector. The notices are related to how officers responded to the four deaths before the homicide investigation was launched, including the nature of the investigative work undertaken, how evidence was examined and how similarities between the cases were considered. It is important to note that misconduct notices are not a judgement in any way.
- 3.4. In December 2016, the families of three of Port's victims – Walgate, Whitworth and Taylor – announced their intention to sue MPS over its failure to adequately investigate their murders, accusing the police of homophobia in their handling of the cases.

4. Implications for LGBT+ issues

- 4.1. Homophobic prejudice is a serious concern for Barking and Dagenham, as it is across the country. National research has identified several key challenges for LGBT+ populations and for organisations delivering services for them:
 - 4.1.1. Difficulty in accurately identifying the size of LGBT+ populations, due to the lack of data collection and under-reporting where it is collected.
 - 4.1.2. A lack of LGBT+ specific evidence. This reinforces the misconception of LGBT+ needs and experiences as being a low priority, which in turn reinforces the lack of LGBT+ specific evidence.
 - 4.1.3. Health inequalities impacting LGBT+ populations. The Barking and Dagenham Joint Strategic Needs Assessment highlights a disproportionate impact on LGBT+ population health of prominent public health issues, including poor mental health, sexually transmitted infections, smoking and problematic drug and alcohol use.
 - 4.1.4. The relative prevalence of bullying victims among LGBT+ pupils, who are in turn at a higher risk of depression, self-harm and suicide.
- 4.2. A 2016 LGBTQI Community Engagement Survey highlighted some of the service delivery difficulties related to the LGBT+ community. 42.57% of respondents rated the extent to which the Council takes into account the views, experiences and concerns of LGBT+ residents as 'poor' or 'dreadful'. 80% and 94% of respondents claimed to have never reported an incident of homophobia, transphobia or domestic abuse to the police or Council respectively.
- 4.3. According to a 2016 GP survey, approximately 4% of Barking and Dagenham residents identify as gay, lesbian or bisexual, 2% as 'other' sexual orientation, and 88% as heterosexual. National research suggests that lesbian, gay and bisexual people constitute 5-7% of the total adult population in England, representing approximately 10,000-14,000 Barking and Dagenham residents.

- 4.4. In response to the murders and the ongoing IPCC investigation, the Barking and Dagenham Safer Neighbourhood Board commissioned Barking and Dagenham Council for Voluntary Service (CVS) to deliver three engagement events for LGBT+ residents in early 2016. The objective of these events was to gain feedback and identify specific areas of concern for this community.
- 4.5. Conversation at these events made several suggestions for proposed actions in response to the Port case. Prominent among suggestions was that all frontline staff, including police officers, receive training in LGBT+ specific issues.
- 4.6. CVS have established a LGBT+ Forum, and have arranged the introduction of Safe Spaces for adults and young people within the Borough, both of which were identified as priorities for LGBT+ residents.

5. **Select Committee Action**

- 5.1. The Chair of the Select Committee, Cllr Jean Alexander, has requested that council officers explore the potential for the Safer and Strong Community Select Committee to undertake a scrutiny review into the events surrounding the murders of the four men and the consequent police investigations.
- 5.2. The scrutiny of the police investigations into the deaths of these four men is the responsibility of the IPCC, whose ongoing independent investigation should be allowed to be completed without the duplicating and competing involvement of the Council. Therefore, this Select Committee is advised not to launch a scrutiny review into the case in question.
- 5.3. It is nevertheless critically important for the Council to address the wider issues raised by this subject. The Borough's LGBT+ population face a range of challenges caused by the continued prevalence of homophobic prejudice, as well as related difficulties in service delivery. Any action by the Council in this regard must be responsive and inclusive. Such an approach will best allow the Council to engage with the challenges of the LGBT+ population.

6. **Other Action**

- 6.1. Nonetheless, the Council is currently engaged in, and planning, a range of activity designed to tackle the prejudice faced by, and meet the needs of, the Borough's LGBT+ population.
- 6.2. The Council is currently developing a new Equality and Diversity Strategy, and is consulting with the LGBT+ Forum to ensure the needs of the LGBT+ community are included. The strategy will outline the Council's approach to ensuring that all residents have full equality, and that differences are celebrated rather than feared and persecuted, regardless of any protected characteristic, including sexual orientation.
- 6.3. The Joint Strategic Needs Assessment identified a requirement for more robust data, intelligence and understanding of the health, social care and wider wellbeing needs of the LGBT+ population. In response, the Council is currently developing a

Health and Wellbeing Needs Assessment (HNA) for the LGBT+ population. This HNA will identify what specific needs the LGBT+ population has, whether existing services are meeting those needs, where gaps in current service provision exist and how said gaps can be appropriately filled. It will act as the evidence base to inform future commissioning, and the foundation of the council's approach to supporting the LGBT+ community.

- 6.4. The Council will ensure that monitoring data, insight and feedback is captured from the LGBT+ community where possible, including ensuring standard Equalities monitoring questions – including sexual orientation – are included in corporate surveys such as the Residents' Survey.
- 6.5. The Council will work with partners, including MPS and CVS, to build further LGBT+ capacity within the local community and voluntary sector, and to celebrate diversity, such as through community events including Pride/ LGBT+ events.
- 6.6. Training on LGBT+ issues needs to be addressed at a Member and Officer level. All staff are currently in the process of undertaking equalities training. It has been proposed that specific LGBT+ training is commissioned for the Leadership Group, Cabinet and possibly Community Solutions staff in 2017.

Public Background Papers Used in the Preparation of the Report: None

List of appendices: None