

André Hanscombe Complaint

Commissioner's Report

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Foreword

On 16 November 2009, the IPCC received a letter of complaint from André Hanscombe, whose partner Rachel Nickell was killed by Robert Napper. His letter detailed several complaints relating to the investigations into the Green Chain Rapes and the deaths of Samantha and Jazmine Bisset. Two of the IPCC's most experienced investigators were allocated to assess the complaint, and I was asked to oversee the case.

The circumstances of Rachel's death absolutely horrified the general public both here and around the world. It will remain one of the most shocking cases this country has ever seen. I cannot even begin to image how it affected Mr Hanscombe and their son Alex.

I was aware from media coverage that the investigation had been flawed and that Colin Stagg had been wrongly charged but, until I sat down and looked in detail at the evidence, I had not appreciated quite how dreadful the mistakes were.

It is clear that throughout the investigations into the Green Chain rapes and Rachel Nickell's death there were a catalogue of bad decisions and errors made by the Metropolitan Police Service. The police failed to sufficiently investigate after Napper's mother called police to report that he had confessed to her that he had raped a woman and, inconceivably, they eliminated Napper from enquiries into the Green Chain rapes because he was over 6ft tall.

Without these errors, Robert Napper could have been off the streets before he killed Rachel Nickell and the Bissets, and before numerous women suffered violent sexual attacks at his hands.

One of my concerns when we took on this complaint was the length of time that had passed, which meant that almost every police officer involved has retired and could not, therefore, be subject to police misconduct regulations. Policing and investigation techniques have clearly moved on since Rachel's death, and DNA and forensic examinations have also improved greatly. For these reasons, this was an unusual case to deal with and I was very conscious not to raise Mr Hanscombe's expectations and

then not be able to meet them.

However, when I sat down with Mr Hanscombe to discuss his complaint, it became clear that in this unique case, there was still an important role that the IPCC could play in terms of publicly stating what went wrong and providing a conduit between Mr Hanscombe and the MPS to get some much needed answers.

Thankfully the Met of 20 years ago is not the Met of today. I have been heartened to see the dedications and determination shown by those officers currently working to establish whether Napper is responsible for any other crimes. I know that the overwhelming sense that our investigators got from speaking to Met officers during this assessment was that they are as angry as we are at the mistakes that were made in the past. Policy, practice and technical ability have all improved vastly since Rachel Nickell's death and I certainly do believe that things have changed beyond recognition.

When Napper was convicted in 2008, Assistant Commissioner John Yates publicly apologised to Colin Stagg for the miscarriage of justice. However, nobody at the MPS has ever stood up in public and offered an apology to the other people whose lives were so terribly affected by this case. For that reason, I believe the Metropolitan Police Service should publicly issue an unreserved apology to André Hanscombe and Alex for the numerous mistakes made during the investigations into Rachel Nickell's death and the police contact with Robert Napper.

Background Information

On 15 July 1992 Rachel Nickell's body was found on Wimbledon Common. She had been violently murdered and subjected to a sexual attack. Her son Alex, who was nearly three at the time, was discovered clinging to her body.

In August 1993, following the police murder investigation and an undercover operation, Colin Stagg was charged in relation to Rachel's death.

At Colin Stagg's trial in September 1994, Judge Justice Ognall ruled the evidence from the undercover operation was not admissible. The Crown offered no further evidence against Mr Stagg and the judge formally directed a verdict of not guilty. In his ruling the Judge criticised the criminal investigation and undercover operation by the MPS.

The MPS at this time announced they were not looking for anyone else although the investigation into Rachel's death remained open.

Around the same period of time in 1992, another investigation was being conducted by the MPS into a series of rapes and attempted rapes known as the Green Chain Rapes.

In November 1993, a third investigation was instigated following the violent killing of Samantha and Jazmine Bisset in their home.

In May 1994 the fingerprints of Robert Napper were identified at the home of the Bissets and he was subsequently arrested and charged with their murders. Following analysis of the DNA sample taken from him at this time, in July that year he was also charged with 2 rapes and 2 attempted rapes relating to the Green Chain Rapes.

In October 1995, Napper pleaded guilty to the manslaughter of Samantha and Jazmine Bisset, on the grounds of diminished responsibility, one rape and two attempted rapes. He was ordered to be detained indefinitely at Broadmoor Secure Hospital, where he has remained to this day.

In 2001 an MPS review of the Rachel Nickell investigation identified a possible DNA breakthrough and further forensic testing took place.

A reinvestigation began and, following further forensic testing, Robert Napper's DNA was identified on a sample taken from Rachel's body.

Following this in December 2007 Robert Napper was summonsed for the murder of Rachel Nickell and in December 2008 he pleaded guilty to manslaughter on the grounds of diminished responsibility.

On 16 November 2009, the IPCC received a complaint from André Hanscombe, the partner of Rachel Nickell at the time of her death. The complaint outlined a number of alleged failings by the MPS.

Chronology of Events

Robert Napper

In August 1986 Robert Napper was arrested and charged with possession of a loaded air weapon in a public place and given a conditional discharge.

Green Chain Rapes

On 10 August 1989, a woman was raped in her bedroom, while her children were downstairs. Her home backed onto an area known as Winn's Common, adjacent to Plumstead Common and separated by Lakedale Road. DNA samples were obtained from the woman. Her attacker used a knife to control her.

In September or October 1989, Robert Napper informed his mother he had raped a woman on Plumstead Common. She reported this to police. Prior to him telling his mother, Napper had taken an overdose.

According to an investigation report into the Bisset murders, police searched their records, however could not find any trace of a rape on Plumstead Common. No record of Napper's mother's telephone call to police has been located.

It is also believed this rape confession was reported to Napper's psychiatrist by his mother. The MPS do not have any record of this having been passed onto them.

On 10 March 1992, an attempted rape was reported. A woman had been attacked in an alleyway from behind, again by an attacker using a knife. A DNA sample was obtained.

A week later, on 18 March, there was another attempted rape on open ground in Kings John Walk in Eltham. The man used a knife at some point stabbing his victim's breast. A DNA profile was obtained from semen on her clothing.

In May 1992 another woman was attacked as she took a walk pushing her 2 year old child in her buggy in Kings John Walk. She was subjected to a violent attack during which she was punched numerous times. Again a DNA profile was obtained.

All of these rapes took place within a short distance of each other in an area known as the Green Chain walks. In June 1992, Operation Eccleston was established to investigate them and similar attacks.

On 25 August 1992, police issued an e-fit compiled from descriptions given by the victims of the Green Chain Rapes. Following the release of this e-fit, a member of the public contacted police and informed them it looked like Robert Napper.

Police attended Napper's home and requested he attend Eltham Police Station on 2 September to provide a blood sample for DNA purposes. Napper failed to keep this appointment. The officers report Napper as being 6ft 1 or 2 inches tall.

On 3 September a call to Crimestoppers again identified Robert Napper as looking like the e-fit.

Police revisited Napper's address and left a letter requesting he attend the police station on 8 September to provide a sample. Again he did not attend this appointment.

During Operation Eccleston into the Green Chain rapes, height parameters had been set regarding the suspect, with a maximum of 6ft. This was established from descriptions given by the victims and other witnesses, in spite of one woman's initial estimate of the suspect's height as being 6ft 3".

On 24 October Robert Napper was eliminated as a suspect in the Green Chain rapes due to his height being over 6 ft. The appointments for Napper to attend the police station and provide a blood sample for DNA testing were not pursued.

Rachel Nickell

Rachel Nickell was killed as she walked with her two-year-old son, Alex, across Wimbledon Common on the morning of 15 July 1992. The attack lasted a matter of minutes during which she was stabbed 49 times and sexually assaulted.

The investigation into Rachel's death was named Operation Edzell.

There were no other witnesses, apart from Alex, to the attack although several people had seen Rachel and Alex prior to it and a number gave a description of a white male carrying a black bag on the common around the time. He was seen washing his hands in a stream and was noted as wearing a belt on the outside of the white top he was wearing.

Alex told police about a man with a black bag who 'attacked mummy'.

Tapings were taken from Rachel's body at the scene. This was to establish if her assailant had left any fibres on her during the attack. A footprint was identified from a forensic examination of the scene and flecks of red paint were recovered from Alex's hair.

On 18 September 1992, Colin Stagg was arrested on suspicion of the murder of Rachel Nickell and subsequently charged the following August.

Robert Napper

In October 1992, Napper was arrested for attempting to make copies of MPS notepaper and his home was searched. During the search a firearm, ammunition and knives were found. Also found was a gym card belonging to a woman whose address was marked in an A to Z map book found in the property. In addition, other locations were marked, including places which were later found to be linked to the Green Chain rapes. Napper was sentenced to 8 weeks imprisonment for firearms offences. No further investigation of the other items was conducted and his DNA was not taken.

On 19 February 1993, two boys found a biscuit tin containing a handgun buried on Winn's Common. On 18 January 1995, fingerprints on the tin were identified as belonging to Napper. Despite his previous firearms offences, no further action was taken in relation to this finding as he was in custody at the time.

Following a report from a member of the public in July 1993, Napper was found in an alleyway close to Winn's Common and Green Chain Walks by a Special Constable and a Police Constable. Following questioning and a search, they took him home as they had nothing to suspect him of and no evidence that he had or was about to commit an offence. No further action was taken.

Samantha and Jazmine Bisset

Samantha and her daughter Jazmine, aged 4, were killed in their home in Plumstead, on 3 or 4 November 1993. These attacks were extremely violent and vicious with a knife having been used.

The MPS launched an investigation.

In the meantime, on 10 January 1994, Napper was arrested for shoplifting and given a conditional discharge.

Following a forensic examination of the scene, fingerprints were eventually identified near Jazmine's body. This took some time due the similarities between these prints and those of Samantha Bisset. From these fingerprints Robert Napper was identified and on 27 May 1994 arrested for the Bisset murders. Whilst in custody a DNA sample was taken from him identifying him as the offender responsible for the Green Chain rapes.

During a search of his premises two pairs of Napper's shoes were seized as well as numerous other items. In addition a red metal tool box was found which contained a London A-Z map book. Many locations within this book had been marked with handwritten notes and several dots, crosses and other markings. A large number of these markings were on or near to the Green Chain walks.

On 7 July 1994 Napper was charged with 2 rapes and 2 attempted rapes. He was convicted at the Old Bailey on 9 October 1995 in relation to the killing of the Bissets, one count of rape and the two attempted rapes. The other charge of rape was dropped due to transposition issues with the DNA sample taken from the woman. Napper was committed to Broadmoor Secure Hospital.

Operation Edzell

Colin Stagg was acquitted of the murder of Rachel Nickell on 14 September 1994.

Following this Sir Paul Condon, then Commissioner of the MPS, informed reporters the police were not looking for anyone else for the murder.

In spite of this, the Detective Superintendent who led the Bisset investigation informed the Operation Edzell team of the clear similarities in the two cases. There is some suggestion that a new team had been assigned to investigate Rachel's murder at this

stage.

As a result of this on 20 December 1995, Robert Napper was interviewed in Broadmoor regarding the murder of Rachel Nickell. He denied ever going near Wimbledon Common and, as there was no more evidence available at this time, no further action was taken.

In December 2001, following a review of the investigation by the MPS Murder Review Group and advances in DNA identification techniques, the tapings taken from Rachel's body were re-examined by the Forensic Science Service. No positive results were obtained for DNA from this examination, not even that of Rachel Nickell.

In January 2002 a decision was made to seek an independent forensic assessment of the tapings and they were submitted to the laboratory of an independent forensic company. The first phase of this examination prioritised the analysis of clothing for fibres which may have been transferred to Rachel from the assailant. These tests were negative.

Following this in July 2002, consideration was given to advances in DNA technology and the tapings were re-examined, this time for a DNA profile. It was during this analysis in September 2004 that there was the first indication of the presence of male DNA. However, this was not initially of evidential standard.

DNA identification techniques continued to progress globally and in February 2006 an evidential profile was obtained from the samples and Robert Napper was identified.

In June 2006 Napper was interviewed under caution in Broadmoor regarding the murder. He declined to answer any questions. However, in a prepared statement, he again denied involvement. Following verification of the positive DNA results, on 7 December 2007, Napper was summonsed for Rachel's murder.

In December 2008 he entered a guilty plea to manslaughter on the ground of diminished responsibility.

Following Robert Napper's conviction the MPS apologised publicly to Mr Stagg for the treatment he received during the investigation into Rachel's death. They acknowledged he was wholly innocent. The MPS say they have apologised in private to André Hanscombe and Rachel Nickell's family.

Complaints

The Green Chain Rapes

Complaint 1.1

The failure of officers of the MPS to investigate Robert Napper following his mother's report to the police in October / November 1989 that he had confessed to carrying out a rape on Plumstead Common.

There does not appear to be any record of the above call from Napper's mother. However there is nothing to cast any doubt on her account given to police. It is accepted she did make this call.

It is not known which officer took the call, to which number it was made, how it was processed or which police records were checked. It is evident however that Robert Napper was not questioned or investigated regarding this confession.

The MPS do not have any knowledge of the confession of rape to Napper's psychiatrist or any record of this having been passed onto them via this means.

The system at the time was that any call into an individual police station containing this type of information should have been recorded on a message notation. Any crimes were then recorded on manual ledgers that were kept in binders. In each police station there were several ledgers maintained at the same time, sometimes within teams and sometimes with individual officers. These ledgers were required to be kept for 7 years.

This system made it extremely difficult to search for a specific reported crime. It is impossible to determine which records were checked following Napper's mother's call or the specific content of the call.

The MPS now runs an automated system. All calls are recorded and all subsequent actions are noted in a retrievable way. There is also a computerised Crime Reporting Information System (CRIS) in place. This is a searchable database on which all recorded crimes are stored.

Conclusion

Based on the evidence available, I have concluded that, as a minimum, following Napper's mother's call to the police, comprehensive searches of police records should have taken place. At this stage, it is not possible to establish which, if any, ledgers or records were looked at.

Even though this reported rape had not been identified, Napper should have been spoken to in person about the matter and his arrest considered. A formal statement should have been taken from his mother.

If Robert Napper had been arrested and questioned on suspicion of rape then his DNA would have been taken. This could have led the police to link him to one of the rapes and to a possible conviction which would likely have resulted in a custodial sentence.

This may have prevented the deaths of Rachel Nickell, Samantha and Jazmine Bisset and several violent sexual attacks and rapes.

I acknowledge that DNA profiling was in its infancy, but it is clear that the police response to Napper's mother's call was wholly inadequate. It is unlikely that any further examination of this aspect of the investigation would gain any more information than is known currently. Furthermore I understand that the call handling procedures and intelligence systems now in place within the MPS, as outlined above, should help prevent failings of this nature occurring in the future.

Complaint 1.2

Unreasonably restricting and misdirecting the investigation when making policy decisions to eliminate suspects in relation to the Green Chain rapes investigation.

Robert Napper was eliminated from the Green Chain rapes investigation on height grounds due to him being over the maximum 6ft parameter set by the SIO. This was in spite of two members of the public independently identifying Napper as a suspect from the e-fit released and one woman initially stating her attacker was approximately 6ft 3". Napper's failure to attend the two appointments made for him to have his DNA taken, were not followed up due to his elimination.

The officers who visited Napper were acting under the parameters set by the Senior Investigating Officer (SIO) and it would therefore not have been their decision to eliminate Napper from the enquiry.

Operation Eccleston was conducted by a Detective Inspector under the direction of a Detective Superintendent. Both have since retired and the Detective Superintendent is now deceased.

Since this time numerous changes have been made within the MPS, and police service in general, to the training and development of SIOs. All SIOs and investigators have to undergo and pass a National Professional Investigation Programme. This is an accredited training course with the requirement that all investigators are re-accredited every 12 months. The National Policing Improvement Agency (NPIA) holds the database for all accredited SIOs throughout the country.

In addition, the formal ACPO Murder Investigation Manual outlines the processes and best practice to be adopted during a murder investigation and covers all aspects of homicide investigations. This manual is also often used as guidance in other major and serious crime enquiries as sections within it are applicable to other investigations. In

1998 ACPO issued guidance on the review processes to be adopted for all major investigations.

Conclusion

Again it is clear there were serious failings in the suspect elimination criteria set by the officers in charge of Operation Eccleston.

Not only is it well recognised that witnesses' descriptions of suspects can be unreliable, in this case one witness had initially described the suspect as being 6ft 3" before adjusting his height to 6ft. Therefore I have concluded that the decision to set the upper height parameter at 6ft was seriously flawed. In addition this decision should have been reviewed when Napper's name was given to the police by two separate members of the public in response to the release of the e-fit.

If Napper had not been eliminated from this enquiry and DNA taken he would have been linked to four of the Green Chain rapes. Although Rachel Nickell had been killed prior to this, this missed opportunity to apprehend Napper took place before the Bissets were killed.

The MPS has informed me that this element of the complaint was subject to an MPS internal investigation into the failings of the Detective Superintendent and Detective Inspector. This review found them both to have failed in their duties, amounting to misconduct. I have been informed that the Detective Superintendent resigned after being asked to consider his position within the MPS and the Detective Inspector received 'words of advice'.

The MPS cannot find exact details or any records of this misconduct investigation, however the then Commander recalls this taking place and also recalls the timing of this coinciding with the Detective Supt resignation.

Since these failings occurred, the manner in which investigations are led has changed significantly due to the development and implementation of formal training and

accreditation procedures across the police service in England and Wales as outlined above. There are also now processes in place in which the strategy and decision making of SIOs are reviewed throughout investigations. I am satisfied that these reviews help safeguard against individual failings in decision making by SIOs.

Complaint 1.3

The failings in the treatment and analysis of the semen sample recovered from the rape of one of the Green Chain rapes.

The swabs taken from a woman in 1989 were submitted to the then Metropolitan Police Forensic Science Laboratory (MPFSL). A DNA profile was later established from semen samples recovered from the scene, indicating Robert Napper as her assailant.

During the forensic procedure two other samples, unconnected with this case, became transposed. As a precaution all the samples being processed in the laboratory during that session were destroyed, including those from the rape.

This was the reason behind the Crown offering no evidence regarding this offence during the trial of Robert Napper during October 1995.

Conclusion

It is extremely unsatisfactory that there was not a conviction against Robert Napper for this rape due to the transposition of the forensic samples. However this transposition was to samples totally unconnected with the Green Chain rapes investigation.

Since this time strict guidelines regarding the retrieval, examination and storage of such samples have been developed and implemented within police forces and forensic service providers.

Complaint 1.4

The failure to investigate Robert Napper for other offences

Robert Napper came to the attention of police on numerous occasions both prior to and following the Green Chain rapes and the deaths of Rachel Nickell and the Bissets, as shown in the chronology above.

Some occasions during which Napper came to police attention took place while the investigation into the Green Chain rapes was ongoing. The police did consider numerous other reported crimes, however, it is not clear whether the intelligence gained from these separate incidents ever reached the officers in charge of Operation Eccleston.

One of these occasions was the report by a member of the public of a man behaving suspiciously. Napper was found in an alleyway close to Winn's Common and Green Chain Walks by a Special Constable and a Police Constable. However no further action was taken by them as they did not have any evidence of an offence being committed.

In the early 1990s intelligence was held on a card system within each policing area. These were not computerised until the mid 1990s and it was then up to each area as to what intelligence they retained and what was migrated onto the database.

Now all intelligence within the MPS is held on the CRIMINT system, a computerised, searchable database. Systems are currently being established to ensure that intelligence is shared between police forces.

During the investigations into these separate unrelated incidents DNA was not taken from Napper on any occasion. Although DNA profiling was introduced in 1984, a formal DNA database was not developed until 1995 and DNA profiling for all detained persons was not compulsory until 2001.

Conclusion

It is clear that Napper's behaviour on individual occasions should have warranted further concern and police action. Furthermore I have concluded that the failure of the MPS to identify the pattern of his behaviour and its possible links to violent offences in the area meant he was not apprehended at the earliest opportunity.

However I do accept that, even if DNA had been taken from Napper sooner, in the absence of the DNA database his profile would only have been compared to ongoing investigations if he had been identified as a suspect for the offence in question. The failing was not identifying Napper as a suspect.

I also acknowledge that the intelligence systems in place now within the MPS enable incidents involving an individual to be linked. In addition there is compulsory taking of DNA for detained persons which is added to the DNA database.

I am satisfied that these developments make it much less likely that a known offender such as Napper would now be undetected for so long and allowed to continue offending.

Samantha and Jazmine Bisset

Complaint 2.1

The incompatible investigation tools used in the investigations.

The Home Office Linked Major Enquiry System (HOLMES) was used in the Green Chain rapes and Rachel Nickell investigation but not in the Bisset murders.

The individual decision on the administration of each investigation would have been made by the SIO. This would be influenced by a wide variety of factors including the availability of HOLMES trained staff and the complexity of the investigation.

Conclusion

Based on the evidence available, I have concluded that the MPS main failure to link the investigations was not a result of them being on different administrative systems. This is supported by the fact the Green Chain rapes and Rachel Nickell murder were not linked despite both being on HOLMES.

Complaint 2.2

The delay in arresting Robert Napper for the Bisset murders.

The Bissets were murdered in November 1993 and Napper was arrested for these offences in May 1994. During the initial stages of this investigation a set of fingerprints taken from the scene were initially thought to belong to Samantha Bisset. This was due to a number of matching characteristics between Samantha's prints and those found at the scene. This work was undertaken by a scientist from the MPSFL which no longer exists.

Further work was done and concluded that the prints found at the scene, were not in fact hers, but belonged to Napper.

Conclusion

Although there was a delay of approximately 6 months between their deaths and Napper's arrest, this was due to the ongoing analysis of the partial fingerprint. I have therefore concluded that without the verification of his fingerprint no other evidence was available, therefore the MPS had no grounds to arrest Napper.

Rachel Nickell

Complaint 3.1

Ruling out the Green Chain and Samantha and Jazmine Bisset murder suspect

Napper became a suspect in the Bisset murders following the analysis of the fingerprint evidence found at the scene in May 1994. Following his conviction in December 1995 for the Bisset murders and Green Chain rapes, the similarities between the attacks were brought to the notice of the Nickell investigation team. Napper used a knife to control or stab his victims in all of the offences for which he was convicted.

Napper was then interviewed in prison regarding Rachel's murder, but he denied ever going to Wimbledon and no further action was taken. During this interview he told police he had probably taken leave from work the week Rachel was killed. Following this interview, no further enquiries were undertaken to follow up Napper as a suspect in Rachel's murder investigation.

When Napper was arrested for the Bisset murders a search was conducted of his house. This search identified evidence which could have been linked to Rachel's death sooner, although none of this evidence was definitive. For example, red paint flecks found in Alex's hair matched a tool box found in Napper's premises in May 1994.

A shoe print discovered at the scene of Rachel's murder was similar to a shoe found in Napper's possession, although a conclusive link was not possible. In addition, an A-Z map book found at his house had handwritten markings on a map of the area of ground directly adjacent to Wimbledon Common showing Napper's awareness of that vicinity.

However all three of the above provided additional circumstantial evidence only and were not sufficient on their own to warrant a charge against Napper. An offender profiler was

asked to produce profiles for all three investigations. Although these profiles were similar, he was of the opinion that the same person was not responsible for Rachel's murder.

Conclusion

Although the potential additional evidence was available at the time Napper was interviewed for the murder of Rachel in 1995, this was not conclusive and not enough to charge him for the offence. No further enquiries were undertaken following Napper's interview. This is a further indication of the belief by the MPS at the time, that Colin Stagg was wholly responsible. The DNA evidence linking Napper to Rachel's death was not available at this time and the eventual prosecution relied almost entirely on it.

Complaint 3.2

Gross errors of judgement and misdirected investigation focussing on Colin Stagg.

It is a matter of public record that Colin Stagg is entirely innocent of any involvement in Rachel's death. However it appears that, from an early stage in the investigation, the MPS was convinced he was responsible. This view is supported by the fact that when Colin Stagg was acquitted Sir Paul Condon publicly stated the MPS was not looking for anyone else.

The investigation into Rachel's murder was led by a Detective Chief Inspector supported by a Detective Inspector, although a Detective Chief Superintendent had overall responsibility for the investigation. All three officers have since retired from the MPS. The decisions made and tactics deployed during the investigation are the responsibility of these three officers. Individual officers deployed in any capacity on the investigation team were doing so under their direction.

The MPS has publicly acknowledged that the use of an undercover police officer to seek evidence from Mr Stagg was wholly inappropriate and the reliance on an offender profiler was flawed.

The investigation into Rachel's death was reviewed shortly after 1995 by a Detective Chief Superintendent. He concluded he did not have any criticism of police action and that the investigating officers were dedicated and conscientious. However he also outlined that throughout the undercover operation, focused on Colin Stagg, the MPS had the full support and guidance of the CPS and senior Treasury Counsel.

Following the review the Detective Chief Superintendent made several recommendations which mainly involved MPS procedures with regard to the use of offender profiling and the training given to officers. He did recommend that the investigation into Rachel's death be continued.

Whilst the CPS and Treasury Counsel were consulted during the undercover operation, their initial advice regarding the suitability of charging Colin Stagg was that there was not enough evidence. The IPCC has been informed by the current MPS investigation team that this advice was ignored. The MPS proceeded to charge Colin Stagg and, following this, the CPS decided to continue with the case.

Colin Stagg states that he made a complaint to the Police Complaints Authority. Unfortunately, the IPCC has not been able to trace any records regarding this.

Conclusion

I welcome the fact that the MPS has now accepted there were particular failings during the investigation and flaws in the decision making of the lead investigators. This was not the view of the reviewing DCS and therefore no disciplinary action was taken at the time. All these officers, including the reviewing DCS, have since retired.

The MPS has stated that, having learnt from these failings, it has implemented systems to prevent a recurrence in the future, including implementing national policies and procedures for the use of forensic psychologists within murder investigations.

These also include professional training and accreditation for investigators as well as

advances in the collation and retention of intelligence. These are outlined in greater detail in other sections in this report.

Complaint 3.3

The delay in establishing Robert Napper's liability [for Rachel's death] from 1995 to 2008.

Following the acquittal of Colin Stagg, the investigation was reviewed and remained open.

Following a further review in 2001, the Forensic Science Service (FSS) re-examined the tapings taken from Rachel's body. They used an examination process for 'low template' DNA rather than 'standard' DNA testing. Low template DNA examination requires the quantification (measuring) and then amplification of a sample to allow a profile to be achieved. On this occasion the measuring of the sample did not take place which led to over amplification of the sample. No profile was obtained as a direct consequence.

In September 2004 the swabs were submitted to an independent forensic company which conducted further testing on the samples, as outlined in greater detail earlier in this report. One sample revealed the presence of two sets of DNA, Rachel's and that of an unknown male.

The minor components of this male were compared against the profiles of several suspects, including Colin Stagg, and the only profile that matched belonged to Robert Napper. Further testing was repeated giving a positive result and the likelihood of the profile being anyone other than Napper estimated as being one in twelve million.

The FSS was asked to review these findings and produced a report in October 2006 verifying the results but raising questions about the possibility of contamination. Whilst the independent forensic company were convinced contamination was not an issue, both the police investigation team and the CPS lawyer assigned to the case were concerned about the credibility of the forensic companies due to commercial rivalry. An independent review of the forensic evidence was therefore commissioned and following the receipt of

this report in December 2007 Napper was summonsed for the murder of Rachel Nickell.

Conclusion

The delay between 2001 and 2008 is explained by lengthy testing of DNA samples and continual advances within this field of expertise. However it is possible if the 'standard' testing had been used then a DNA profile may have been obtained at an earlier opportunity.

Following the identification of Napper's DNA, there was reluctance by the MPS and CPS, to take the case to court without verification of the forensic test results. I have concluded that this is understandable given the fact Napper was detained in Broadmoor and following the Colin Stagg acquittal and subsequent criticism.

It is believed little, if any, investigation into Rachel's death was undertaken between 1995 and 2001. Again this is due in part to the belief at the time that Colin Stagg was indeed responsible.

Final Complaint

Failure to Apologise

Following Napper's conviction for Rachel's death in December 2008, Deputy Assistant Commissioner John Yates made a public apology to Colin Stagg for the mistakes made by the MPS in the early 1990s and the effect these mistakes have had on Mr Stagg's life. No such public apology was made to Mr Hanscombe, their son Alex or Rachel's other family. The MPS has told the IPCC they apologised in private.

Conclusion

I strongly believed that the MPS should have included Rachel Nickell's family and friends in the public apology made in 2008.

Other Information

Following the IPCC's public announcement of its investigation into Mr Hanscombe's complaints, the IPCC has received two unsolicited emails.

The first was from an ex-MPS officer who stated that Robert Napper came to the attention of a Police Sergeant as a serious threat to women in the mid 1980s. The informant stated that the Sergeant had stopped Napper in the middle of the night and created a lengthy record on the intelligence card system. There is no trace of this intelligence record on the current criminal intelligence system (CRIMINT), however it is known that the same Sergeant made a statement to the Bisset enquiry team regarding dealings he had with Napper in October 1992 and July 1993. Both these post date Rachel's murder.

A second person also contacted the IPCC describing the witness account he gave to the police in September 1992. He had overheard a conversation in the pub between Napper and a friend during which they were laughing about the murder. He says he told police that Napper had a peculiar habit of wearing a belt outside his shirt. This aroused the man's suspicion which increased when he recognised Napper from the Crimewatch e-fit. The man says that his account appears to have been ignored until he was contacted by police in 2008.

It has been established that this man did contact police at the time of the enquiry into Rachel's murder after he had heard two unknown men discussing it in the pub. He later contacted them again about two boys damaging a tree with a knife. The IPCC has reviewed documentation and can find no record that this man mentioned Robert Napper at any stage.

As part of this assessment CRIMINT was checked for any other records relating to Napper. This revealed an entry in 2002 when Wimbledon CID received a call from a person detained in Broadmoor with Napper in 1997 or 1998. He stated that on several

occasions Napper made reference to the fact he was involved in the murder of Rachel Nickell.

This CRIMINT report relates to a man who gave a statement to the MPS in October 2006 in which he states that Napper confessed to killing Rachel to him in a conversation through the cell walls. This alleged conversation post dates all of Napper's crimes and by this time Napper had again been interviewed in connection with Rachel's death. The man was never relied upon as a prosecution witness.

National Policing Improvement Agency (NPIA)

I welcome the fact that the MPS has asked the NPIA to undertake a tactical debrief of the investigation into the murder of Rachel Nickell. I have been informed that this debrief is expected to be concluded in the summer of 2010.

Metropolitan Police Authority (MPA)

In addition to the submission of his complaint to the IPCC, Mr Hanscombe also submitted this to the MPA. The MPA has oversight of any criminal or misconduct matters involving officers of ACPO (Association of Chief Police Officers) rank, however these remain in the jurisdiction of the IPCC.

I have informed the MPA that I do not consider any of the officers at ACPO rank subject to any investigation as part of this complaint.

Mr Hanscombe has expressed concern regarding this and has named a number of senior officers that he considers should be subject to investigation. All of these officers have now retired from the police service apart from Assistant Commissioner John Yates who issued the public apology to Colin Stagg. Whilst I firmly believe that this public apology should have included amongst others, André Hanscombe and Alex, I do not consider this amounts to misconduct.

Overall Conclusions

Throughout the investigations into the Green Chain rapes and Rachel Nickell's murder there were a catalogue of bad decisions and errors made by the MPS as outlined in this report.

Without these errors, Robert Napper could have been apprehended prior to the murders of Rachel and the Bissets, and before numerous violent sexual attacks on women.

Commander Simon Foy gave a press briefing the day before Napper's appearance at the Central Criminal Court in December 2008 in which he outlined the mistakes made. He commented on the pursuance of Colin Stagg as the main suspect and the missed opportunities and failure to investigate Napper from the outset in 1989.

In the briefing Commander Foy also described the unreserved private apology made to the family of Rachel Nickell and the MPS duty to demonstrate they have learnt from their mistakes and put in place structures and processes that should eliminate these in the future.

Based on the findings of IPCC investigators, and having assessed Mr Hanscombe's complaints, I am in no doubt that many of them are valid and the failings he identifies are very serious. However given the passage of time and the fact that the officers responsible for the decision making and leadership have since retired, I believe it is important to determine the most effective way of dealing with these complaints.

The Metropolitan Police Service has acknowledged and admitted mistakes both publicly and, according to them, to Mr Hanscombe in person. They have conducted reviews into the Nickell investigation as part of the ongoing murder enquiry and in addition, have commissioned the NPIA debrief into the matter.

Significant improvements in evidence collection, forensic analysis and police intelligence systems have now been achieved. The SIO role has been professionalised and formal policy and guidance for investigations of this nature have been developed. In all these circumstances, I have concluded that the most appropriate and effective next steps need to focus on a public apology and acknowledgment of failings together with detailed evidence of learning and improved practice by the Metropolitan Police Service.

I also want to make the point that the investigations into Robert Napper's offending continue with the hope that further justice may be served to any other victims of his crimes. This will of course be subject to CPS advice on any future charges.

Recommendation

Based on all the evidence available to this investigation, I believe the Metropolitan Police Service should publicly issue an unreserved apology to André Hanscombe and Alex for the numerous mistakes made during the investigations into Rachel Nickell's death and the police contact with Robert Napper.

Rachel Cerfontyne
IPCC Commissioner
June 2010