

Commissioner's report

IPCC independent investigation into the
Metropolitan Police Service's inquiry into
allegations against Kirk Reid

Introduction

On 26th March 2009, Kirk Reid was found guilty at Kingston Crown Court of 27 sexual offences and two cases of possession of indecent images of children. He was sentenced to life imprisonment.

Reid committed offences in what was described as the A24 corridor. He would mainly attack lone women during the hours of darkness, and also committed offences on the 155 bus route and near to Balham and Tooting underground stations. The number of offences committed by Reid is estimated to be between 80 -100.

The police investigation into the series of offences was called Operation Anflora. The oldest charge on the indictment relates to an offence of rape in 1995, however the Operation Anflora series related to offences committed between August 2001- 2008.

The investigation was initially carried out by officers from Wandsworth Borough Sapphire Unit, until January 2008, when a decision was made to allocate the Operation Anflora series to the Specialist Crime Directorate (SCD 1) of the MPS.

As a result of a recommendation contained within the analytical work and a review of documentation, the decision was made within the first few days of the SCD investigation to obtain from Reid a sample of his DNA to be compared with the specimens recovered from the linked series. It is worth noting that, although chronologically the first DNA linked offence occurred in 2001, this was not linked to the other two offences until December 2006.

Officers from SCD 1 visited Reid at his home address and he voluntarily provided a sample of his DNA. The sample was analysed by the Forensic Science Service, and the results matched the offender profile. Within three days Reid was arrested.

Referral

Following the arrest of Reid, enquiries revealed that the series of offences had been known to the police since 2001/2002. It was also noted that Reid had come to the attention of the police in 2002 and 2004. The MPS conducted an internal review of Operation Anflora, and when the internal review had concluded, referred their handling of the case to the IPCC in January 2009 as a “conduct” matter, on the basis that there may be potential misconduct by officers involved in the case.

No complaint has been received from any member of the public.

Following an assessment, I decided that an IPCC Senior Investigator would carry out an independent investigation into Operation Anflora. This investigation began after Reid’s conviction in March 2009.

The IPCC also received a referral from the MPS at around the same time in relation to another investigation into a serial sex attacker, John Worboys and I decided that the same IPCC Senior Investigator should lead enquiries into both cases so that any similarities or patterns would be noted and acted upon.

Both investigations were concluded by December 2009 and the Worboys report was released in January 2010.

The investigation report into the Reid case was provided to the MPS at the end of December 2009 with a request for the MPS proposals for how they intended to deal with potential misconduct matters. These were received in May 2010. It is disappointing that it took the MPS five months to submit their proposals; such a delay is neither in the public interest nor in the interests of the officers involved. While IPCC reports are usually issued after the conclusion of any proceedings, given the time that has already passed I am releasing this report prior to the conclusion of proceedings in view of the very significant public interest in this case.

IPCC Investigation

The investigation was led by Senior Investigator John Cummins.

Eight Regulation 9 notices¹ were served on officers during this investigation and all were interviewed under caution by IPCC investigators.

Those officers are:

- Three officers of Superintendent rank who were responsible at various stages between 2002 and 2006; (Officers A, B and C)
- Four officers of Inspector rank who were responsible at various stages for Operation Sapphire from 2003 until 2006; (Officers D, E, F and G)
- a Detective Sergeant (Officer H)

Chronology of events

2002

On 12 April 2002 a log was started detailing a number of indecent assaults which may have been linked. It also referred to a rape which occurred on 28 March 2002 which may also have been linked. Throughout the year, more offences were added to the list and a number of men were stopped in connection with the offences of indecent assault in the area.

A contingency plan was devised to deal with any further offences that occur, i.e.

Obtain DNA, Seize victims clothing, obtain details of victims movements and record direction of where suspect came from and his route of escape.

On 9th September 2002, three “persons of interest” were identified – none of whom was Kirk Reid.

¹ Notice to a police officer that they are under investigation

One of the men identified featured significantly in the Anflora series. He had been arrested in March 2002 in respect of two indecent assaults and was bailed to appear on an identification parade in June. He was not positively identified, but one of the victims indicated that it may be him who was responsible but she was not 100% convinced. On 23rd September a directed surveillance authority was granted in respect of this man. The following week it was recorded that he was a "*prime suspect*".

On 6th November 2002, this man was arrested on suspicion of committing a further indecent assault. He denied any involvement and was bailed for another identification parade. Once again he was not formally identified and was never charged with any offence in the Anflora series. The directed surveillance authority was cancelled on 19th December 2002.

On 21st December 2002, an information report was submitted in relation to a member of the public flagging down a police patrol and informing them that they had seen a male watching a lone female and had followed her into a road. The officers traced the male and spoke to him; they described him as extremely evasive, disliked police and could not provide a reasonable explanation for his presence. The officers believed the man was going to rob the female. It was also noted that the man was wearing a woollen hat. The man in question was Kirk Reid, who gave an address in Balham.

2003

On 6th February 2003, the following was recorded as a summary of operational results;

With regard to the series of indecent assaults in the Balham and Tooting areas it is strongly suspected that [NAME] was responsible for at least some of these linked offences. He has been arrested on two occasions and in three ID parades has not been positively identified although each victim pointed him out as being similar to the suspect. There have been three DNA profiles obtained from different scenes and [NAME]'s DNA has been taken and compared against these with a negative result. [NAME] was last arrested on the 6/11/2002 and since then there have been no further offences with a suspect matching his description. In view of this it is proposed that the PAT be closed until such time as further offences take place whereupon an application will be made for a pro-active operation to be carried out against this suspect.

There is a clear record that states three offences were linked by DNA, and that the rape offence of March 2002 may have been linked to the series. By February 2003 it was known that the prime suspect's DNA was not from the person responsible for the linked series.

2004

At 23.49 hours on 3rd January 2004, a 999 call was made by a man to state that a man had assaulted a female, and he had left the scene in a red Golf motor vehicle, registration number provided. The call was disconnected, but the informant was then called back and he stated that a police car had arrived on the scene. The informant was not seen again until the SCD investigation team started to investigate Reid in 2008. The owner of the vehicle in question was Kirk Reid.

On 7th February 2004, a Police Constable was on patrol at 08.45 hours, when her attention was drawn to the driver of a VW Golf [registration number provided], who tooted his horn at a lone female. She was concerned due to a briefing given to patrolling officers regarding sexual assaults along the A24 corridor. The PC spoke to the driver within minutes. The vehicle was being driven by Kirk Reid, who gave an address in Oldridge Road, Balham. A Police National Computer search was undertaken and it showed no trace. However, following a check of criminal intelligence records, details of incidents on 21st December 2002 and 3rd January 2004 were passed to the officer.

In her report, the PC listed the crime numbers of five indecent assaults which had occurred in the recent weeks, she indicated that Reid lived close to the scenes of the offences and he also fitted the description of the suspect described in each of the CRIS reports. The officer requested the information be passed to the Sapphire Unit which was investigating the offences. One of the indecent assaults recorded by the officer later featured in the indictment against Reid. The following day, the PC submitted a further information report detailing the fact that Reid was acquitted of an Indecent Assault in 1996; she also gave brief details of the charge.

On 3rd March 2004, the original suspect, another man and Reid were flagged as persons of interest. The following day directed surveillance authorities were authorised on all three men. The surveillance involved the deployment of cameras overlooking the suspects' front doors, to monitor their movements at night.

There appears to have been a technical problem with the cameras as on 1 April a review of the direct surveillance authority states that only seven days of recording occurred at Reid's house. On 5th April 2004, it was recorded that from the period 3 April -20 April 2004, there will be no recording of Reid's premises, owing to holiday commitments. Effectively the only proactive or reactive work that took place in relation to Reid at this stage was seven days of recording of his front door.

Towards the end of September 2004 a crime report was opened detailing a recent spate of indecent assaults, which were linked to the Operation Anflora series.

On 29th September, a directed surveillance authority was approved in relation to the original prime suspect, which appears to be on the strength of the 2002 intelligence. On 6 October 2004, a note states that a "recce" was carried out on the original suspect's address as a direct result of a request by a Detective Inspector. On 13 October 2004, a further suspect was added to the list. On 15th October 2004, a directed surveillance authority was authorised in relation to him.

On 29 October 2004 a Detective Sergeant (Officer H) was tasked with undertaking a cold case review of the series of indecent assaults from 2001 to 2004, to identify opportunities that may have been missed during the original investigation.

A meeting was held on 17 November 2004 involving Officer A, C, F, H and a Detective Constable. At this meeting it was recorded that there had been 67 crimes over a four-year period. There was discussion about the characteristics of the offences and mentioned two possible suspects, neither of which were Reid. One of the actions was to research the crime reports to see if any of the crimes could be progressed.

On 3 December 2004, another meeting was held, with all of the same people with the

exception of Officer C. It was recorded that Officer F would open and maintain a decision log and an action to establish if the DNA that they had from the linked series was on the national database, which it was not.

On 10 December 2004, an analyst listed the crime numbers of the offences believed to be in the series. On 20th December 2004, a review was undertaken and one further offence, believed to be linked, had been committed.

2005

On 11th February 2005, the directed surveillance was cancelled in respect of the original prime suspect and a record was made that he would be arrested for one offence in the series. On 23rd February 2005, the original suspect (not Reid) was arrested. No action was taken apart from his DNA being taken. As already noted, this is despite the fact that his DNA would have been ruled out of the linked series, including the 2002 rape, in 2003.

In December 2005, Officer C tasked a Detective Inspector to clear a backlog of crime registry documents which related to rape and other sexual offences. There were more than 50 files. His instructions were to check the files and ensure all outstanding suspects were circulated if identified and to send back any files that required further investigation. He told this investigation that Officer C did not want to see the files back and was happy for them to be "pp'd" [signed] on Officer C's behalf.

2006

In September 2006, a DC who was based in the Sapphire Unit at Wandsworth noticed the circumstances of a further indecent assault, which had a number of the characteristics of the Anflora series of offences. As a result of this, analytical work was requested.

In October 2006 an analyst from Territorial Policing Headquarters Sapphire Intelligence Unit undertook the research. The analytical work identified the fact that, of the 11 suspects named in the various crime reports, only three - including Kirk Reid - did not

have their DNA confirmed on the national database. A suggested line of enquiry was for the DNA to be obtained. The analytical work was passed to a Officer D at a meeting in December 2006.

Officer D requested a minimum of one DS and four DCs to work on the investigation. She was allocated two DCs. One of the DCs began work on the investigation in January 2007 and discovered there were no files in relation to the linked offences, so prepared files for each offence, and reviewed all the other offences for missed opportunities. However, in February 2007, he was assigned to the robbery Q-cars due to competing borough resources. The other DC joined later but the DNA was not collected as he was due to take a career break. The operation was effectively left with no one actively working on it.

On 5 February 2007 Officer C stated on the report that the series of offences has been identified and "*we have progressed it as far as we can*". It states that the information in the report is to be forwarded to the Territorial Policing Tasking meeting for consideration for the Sapphire Cold Case Review Team to continue the investigation, adding "*we are happy to support their further investigation if necessary*".

A Commander was made aware that the Borough wanted the matter passed to SCD1 for investigation and that there was a resource issue on the Borough. The Commander recalls deciding that the matter should remain on Borough and that if Borough were to apply for funding for additional resources he would support the request.

In April 2007, the analyst who undertook the research in October 2006 went on secondment to the Sapphire Cold Case Review Team. When she returned to the newly formed Sexual Offences Desk in August 2007, she noticed that the series of indecent assaults in Wandsworth were still continuing. She undertook some more research and brought the matter to the attention of her line manager.

In January 2008 officers from SCD1 went to a meeting about the series and the investigation was passed to their unit. After the initial scoping of the investigation, a DI decided to obtain Reid's DNA and that of the two other suspects. Officers called at Reid's home and Reid voluntarily gave them a DNA sample. This was sent to the Forensic

Science Service which confirmed that it was a positive match for the DNA samples obtained from three offences in the Anflora series.

Kirk Reid was arrested by officers from SCD1 and charged in February 2008.

On 26th March 2009, Reid was found guilty at Kingston Crown Court of 27 sexual offences and 2 cases of possession of indecent images of children. He was sentenced to life imprisonment.

Misconduct

The IPCC investigated the actions of eight officers identified as having some degree of responsibility for investigating the series of offences committed by Reid from around 2002.

The Superintendents

The investigation found a case to answer against Officers B and C. The case against Officer A was found to be not substantiated.

There is evidence that Officer B believed the investigation of the series should have been taken on by SCD1 at an earlier stage. However, it was an error of judgement not to fully resource this investigation. In these circumstances the MPS has proposed and I have agreed that he should receive words of advice.

Officer C was responsible for managing crime on the borough for nearly 3 years during which over 50 offences were allegedly brought to the officer's attention. **The investigation found that this officer had a case to answer. The MPS has proposed, and I have agreed, that Officer C should attend a misconduct tribunal.**

The Inspectors and Sergeant

Four Inspectors (Officers D, E, F and G) had responsibility for the investigation into sexual offences at various stages from 2002 to 2008. A fifth officer who had some responsibility before the establishment of a Sapphire team has since retired. Officer F was responsible from 2002/3, Officer E from 2004, Officer G for a short period from 2005, and Officer D from August 2006. Of these, Officer G had no prior knowledge of the Anflora series and was never briefed on it. Officer D appears to be the first Inspector to take clear responsibility for the investigation into the series of sexual assaults but was frustrated by not being provided with sufficient resources.

Officers E and F were however allegedly aware of the series of sexual assaults that remained unsolved from 2002 to 2005. Both officers were allegedly aware of a 2004 crime report that identified Reid. **The investigation found that both officers have a case to answer. The MPS has proposed, and I have agreed, that both should attend a misconduct tribunal.**

Officer H, a Detective Sergeant in October 2004, was tasked by Officer A to undertake a review of the ongoing series of offences, for any investigative opportunities that had been missed. The review took 4 weeks to complete but did not identify the missed opportunities that would have brought Reid to attention. The investigation also concluded that he had a case to answer. It also noted that this officer had a relatively minor role in the investigation and that his involvement lasted no longer than a few weeks. In the circumstances the MPS has proposed and I have agreed that he should receive words of advice.

Conclusion

The failure to catch a serial sex offender, who may have committed 100 offences over a 6 year period, is a shameful chapter in the history of the MPS. When considered alongside the failings that have already been identified in the case of John Worboys, their overall effect on the confidence of the victims of sexual offences in the police response cannot be over-stated.

The MPS has acknowledged its failings, apologised to the victims of Worboys and Reid at the time of the convictions, and implemented significant changes to the way the police deal with victims of sexual offences. There has been a complete restructure of the MPS response to sexual offences, which came into effect in September 2009. Credit should be given to them for that. The Worboys report, which I released in January, highlighted a number of conduct issues but more significantly, some key areas for organisational learning, developed with the assistance of the voluntary sector. I said at the time that the trials of Worboys and Reid had been a wake-up call to the MPS in its response to the victims of sexual violence, and although the MPS had since implemented significant changes, the onus was on them to convince a sceptical public that these changes would make a real difference.

The public feedback is also very clear – where individual officers are found to be responsible for serious and sustained failings, serious action against those officers must be taken. We should not judge officers with the benefit of hindsight and I do not accept that individual mistakes and simple errors of judgement, even if they result in terrible consequences, should result in the most serious disciplinary action. But the Reid case was not about the response of front-line officers or individual investigations, it was a sustained failure to get a grip on what was plainly a long-standing pattern of offences committed within a single borough. That failure was at the level of supervisory officers within the borough.

What was clearly apparent throughout this case is the lack of resources that were

allocated to the investigation. There was pressure on the borough in relation to performance and the targets set by the centre, which at the time were robberies, street crime and burglary. Investigating sexual assaults was never a priority on the borough. The constant change of heads of department and the failure to ensure effective handovers from one to another undoubtedly did not help. But in my view none of these factors provides real mitigation for the actions of those senior supervisory officers who were aware of the large number of offences being committed and failed to give the investigation the priority is so plainly required.

It is for these reasons I believe three officers have a case to answer at a hearing. The MPS has agreed to hold a misconduct hearing for Officers C, E and F. It is now for the MPS to make the arrangements for a hearing, which would be heard by a panel consisting of a Commander, an officer of Superintendent rank and an independent member appointed by the MPA.

It is part of the IPCC's remit to identify good practice as well as bad and our investigation highlighted areas of very good, as well as very poor, practice. A number of PCs and DCs, including the PC who identified Reid in 2004, showed commendable investigative skills. In 2006 a crime analyst employed in the central Sapphire Intelligence Unit identified Reid as a suspect whose DNA was outstanding. Despite this, his DNA was not taken until the same analyst, returning from secondment in late 2007, noticed that the series was continuing and did some further research, as a result of which SCD1 took over the investigation. I recommend that the analyst (who is now a PC) should be commended.

Deborah Glass

Deputy Chair

June 2010

A Commissioner's report is not an IPCC Investigation report. The purpose of a Commissioner's report is to share with the public the key findings and summary of the IPCC investigation, including the Commissioner's own decision making, the outcome of any legal processes that followed from the investigation, and the learning recommendations. The report belongs to the IPCC Commissioner who retains oversight of the investigation. The Investigation report is provided to the family or complainant, the police force, individual officers, and with a Coroner ahead of any Inquest. The Investigation report and related evidence is also provided to the Crown Prosecution Service when the IPCC considers that serious consideration should be given to whether or not a person should be prosecuted for a criminal offence. Investigation reports are published only in exceptional circumstances because of data protection or other legal restrictions.