

Submission

to the
Independent Police Complaints Commission

The criminalisation of statements of belief

by
The Maranatha Community

August 2006

Preface

This Document

This document has been prepared for the Chairman of the Independent Police Complaints Commission.

It is addressed to the Chairman, Nick Hardwick, Independent Police Complaints Commission, 5th Floor, 90 High Holborn, London, WC1V 6BH, Tel: 08453 002 002, Fax: 020 7404 0430, Email enquiries@ipcc.gsi.gov.uk.

The Maranatha Community

The Maranatha Community is a Christian movement with many thousands of members throughout the country active in all the main churches. Its membership includes a substantial number of people involved in the caring professions and in a wide-range of voluntary service. Maranatha actively works for reconciliation and the establishment of good community relations. It has consistently taken initiatives to uphold Human Rights and to promote good governance. Since its formation 25 years ago, it has been deeply involved in work amongst children and young people both in this country and abroad, people with drug and alcohol problems, the elderly, the disabled and the disadvantaged. It has taken the initiative in a broad range of projects directly contributing to the welfare and health of the nation, and it also has extensive international experience.

The Maranatha Community

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The Maranatha Community Trust is a registered charity number 327627.

The Leader and co-founder of the Community is Mr. Dennis Wrigley.

The criminalisation of statements of belief

I. Subject

- 1.1 The subject of this Submission is the failure of Sir Ian Blair, Commissioner of Police for the Metropolis, to respond properly to a serious and urgent request for guidance stemming from widespread public concern regarding three cases in London in which the police investigated and endeavoured to restrain three innocent individuals, solely on the basis of statements of religious belief, which they had made.
- 1.2 A letter to Sir Ian Blair requested his guidance as to whether future similar actions would lead to similar police harassment. The request was made by a reputable charity which was anxious not to break the law and sought to avoid police interference in their affairs. They asked for guidance from the police regarding what they deemed to be allowable. It was pointed out to him that the action of the police in these three cases inevitably raised extremely serious questions about religious freedom and the expression of religious beliefs in the United Kingdom. Regrettably, neither Sir Ian Blair, who made no personal response whatsoever, nor any of his colleagues, after sustained correspondence were able or willing to respond to the specific questions put to them.

2. Unsatisfactory correspondence

- 2.1 An urgent and personal letter (see Appendix A) was sent to Sir Ian Blair, Commissioner of Police of the Metropolis on 18th January 2006 by a reputable charity having many thousands of people in its membership who actively serve local communities in both professional and voluntary capacities. The letter sought his guidance on three specific issues, following recent instances of people facing police investigation and possible prosecution for expressing their religious beliefs. An early response was requested as the issues raised were shortly to be discussed with members of the House of Commons and the House of Lords.
- 2.2 No acknowledgement or reply to this letter was received after four weeks had elapsed. Therefore, a further letter was sent to Sir Ian on 22nd February by 'Recorded Delivery', pointing out the request for an early response in view of forthcoming meetings.
- 2.3 Once again there was no response whatsoever to this letter. Therefore a 'Special Delivery' letter was sent to Sir Ian on 8th March. This was marked

Most Urgent. It pointed out that there had still not even been the courtesy of an acknowledgement let alone a reply to the letters of both 18th January and 22nd February. Yet again the need for a response was emphasised because of pending meetings.

- 2.4 By 16th March all three letters to Sir Ian had apparently been ignored.
- 2.5 A letter was, therefore, sent on 16th March to Mr. L. Duvall in his capacity as Chairman of the Metropolitan Police Authority. This registered a serious complaint about the delays and asked for his help. Copies of all correspondence were sent to him. He was also informed that it had been suggested to the charity that the matter be brought to the attention of the Police Complaints Commission and also the Home Secretary, but that before doing this a reply would be awaited.
- 2.6 A further eleven days elapsed without any reply or acknowledgement, either to the letter to Mr. Duvall of 16th March or the original urgent letter to Sir Ian Blair of 18th January.
- 2.7 On 27th March a telephone call was received from Detective Inspector James Blair to whom Sir Ian had apparently passed the correspondence. He claimed that a letter had been sent on 13th February. No such letter was received. He emailed a copy of this to the charity, together with a copy to Mr. Duvall. The letter ignored all three questions put in the original letter. Curiously, he said he had no knowledge of the *Recorded* letter of 22nd February or the *Special Delivery* letter of 8th March. Clearly his response had been prompted by an approach by Mr. Duvall's office. They were immediately informed by telephone of the unsatisfactory nature of this response which bore the marks of being a circular letter, pointing out that a proper response to the original letter was still awaited.
- 2.8 By 4th April there had still been no reply at all from Mr. Duvall. Therefore a letter was sent on that date expressing disappointment about the situation and pointing out that 12 weeks had now elapsed from the date of the original letter being sent.
- 2.9 On 11th April a letter was received from Mr. Duvall dated 4th April but 'post franked' 10th April. This enclosed a copy of the letter dated 13th February from James Blair although it had in fact already been sent to him by the charity. Mr. Duvall said he hoped the response answered the questions satisfactorily, whereas he was fully aware that the charity had strongly maintained not one of the three questions put had in fact been addressed.
- 2.10 On 13th April a letter was sent to Mr. Duvall expressing serious concern pointing out that the continuing failure after three months to elicit a proper

response from Sir Ian Blair was now undermining confidence in the Metropolitan Police. His help in obtaining a reply was requested.

- 2.11 On 25th April a letter was received from Detective Inspector James Blair which again failed to provide an answer to the three questions which had been posed in the original letter to Sir Ian Blair.
- 2.12 On 4th May a letter was sent to D.I. James Blair stating “*we are disturbed that yet again you have failed to answer the three specific questions we put in our letter to Sir Ian Blair of 18th January*”. The questions were repeated and it was stated “*These questions are clear and straightforward. It is crucially important that we know what is deemed by the police to be allowable. We have no wish to break the law.* We note that your letters of 20th February and 13th April were not on official letterheading. We note that you make reference to “LGBT communities” and we would point out that we have never ever made reference to any such bodies. We note that you refer to us “lobbying Members of Parliament”. We have never ever made reference to lobbying, and we would point out that we simply informed you that this matter would be discussed at meetings with Members of the House of Commons and the House of Lords. We note that you refer to comments which “appear to sanction and legitimise physical attack”. We would point out that the issue of violence has never ever been raised by us or anyone else to the best of our knowledge in the context of these three cases. We respectfully suggest that it would be highly irresponsible to infer that the three people involved in the cases in question “appear to sanction and legitimise physical attack”. It is reasonable to expect answers to the important questions put to the police in good faith. Refusal or inability to answer these questions can only lead to public confusion and very serious damage to public confidence in the police”.
- 2.13 On 4th May a further letter was sent to Sir Ian Blair “*We wrote to you on a most urgent matter on 18th January 2006 and because we do not wish to break the law, we asked three specific questions in order that we may know what activity is deemed by the police to be allowed*”. It was stated “*We would be glad of confirmation that you have received this letter. We enclose a summary of correspondence for your information*”. No reply or acknowledgement was ever received to this letter.
- 2.14 Following telephone enquiries on 22nd & 23rd May, a further letter was received from Mr. Duvall on 25th May. Significantly this was post-franked 24th May but clearly deliberately pre-dated 14th May. It reiterated what had already been stated by the MPS. Mr. Duvall made the surprising claim that the MPS had provided a full response to the questions. This was in

response to the unanswered letters of 16th March, 4th April, 13th April and 4th May.

- 2.15 On 6th June a comprehensive letter was received from Detective Chief Inspector Gerry Campbell of the Violent Crime Directorate, in which he stated “Each case must be viewed on its own merits, on a case by case basis”. He said *“In your letter you say ‘it is crucially important that we know what is deemed by the police to be allowable’. You must appreciate that the Metropolitan Police Service or any UK police service is not ultimately responsible or accountable for determining what is deemed allowable”*. He also said “I cannot give you any firm guarantees which you appear to be searching for, about what police action may or may not be taken in relation to your material as there are many variables which influence police decision-making”. He concluded that *“should there be any doubts professional, legal opinion should be sought”*. He was, therefore, unable to answer the three questions put to Sir Ian Blair.
- 2.16 On 14th July a letter (see Appendix B) was sent to Sir Ian Blair regretting that he had been unwilling or unable to respond properly to the questions put to him on 18th January. It is not known whether in fact he ever saw the letter.
- 2.17. On 14th July a letter was sent to Mr. Duvall expressing disappointment that the Metropolitan Police had been unable or unwilling to reply to the three questions and regretting the delays in the correspondence. It was pointed out that the public are extremely confused. A specific request was made for dissatisfaction to be registered with members of the Metropolitan Police Authority. As there was no response to this request, it is not known whether or not it was implemented or even brought to the notice of the MPA.

3. Refusal to give guidance

- 3.1 Sir Ian Blair was presented with three specific questions:-
- A. “As our Community has published and distributed simple statements (such as the enclosed) signed by doctors who have been opposed to adoption by single sex couples, it is important that we know whether the police would treat us in the same manner as they have treated Ms. Burrows.”
- B. “As our Community has published and distributed a folder (see enclosed), containing quotations from the Bible which have been proclaimed in this country for centuries and which declare the Lordship of Christ, are we to

take it that if this item continues to be distributed we would be subjected to similar harassment and potential arrest?”

- C. “As our Community has published and distributed a report entitled ‘The Consequences and Risks of Alternative Sexual Practices’ under the name of a substantial number of eminent medical practitioners (see enclosed), and also a medical Fact Sheet (see enclosed) are we to take it that we may be liable to be investigated by the police and even prosecuted?”

It was stated “*These questions are clear and straightforward. It is crucially important that we know what is deemed by the police to be allowable. We have no wish to break the law*”.

Note: The enclosures to which reference is made are all available.

- 3.2 In response to this request DCI Campbell referring to sections 4, 4a and 5 of the Public Order Act 1986 relating to causing or intentionally causing threatening behaviour and/or harassment, alarm or distress, admitted that these terms “are not defined in the legislation”. He then stated that the words “should be given their every day ordinary meaning”. Therefore, the only guidance that he could give was to suggest that every time any initiative was taken, professional legal opinion should be sought. Thus, without having recourse to the expensive advice of a lawyer, the public are given no guidance whatsoever as to what may or may not constitute an offence.

To make matters more difficult reference was then made to the highly controversial definition of a so-called ‘hate incident’ in the Home Office and MPS document entitled ‘*Hate Crime: Delivering a Quality Service – Good Practice and Tactical Guidance March 2005*’. This document makes the following definitions:-

*‘A Hate Incident is defined as: Any incident, which may or may not constitute a criminal offence, which is **perceived** by the victim or any other person, as being motivated by prejudice or hate’.*

*‘A Hate Crime is defined as: Any hate incident, which constitutes a criminal offence, **perceived** by the victim or any other person, as being motivated by prejudice or hate’.*

These two definitions inevitably open the way to a limitless range of complaints based not upon fact or event, but on ‘perception’. Thus any person, however misguided, can initiate proceedings on the flimsiest of evidence largely based on feelings. Malicious complaints on occasions perhaps orchestrated can, therefore, lead to arbitrary and intrusive investigation. It is admitted in this document, which is clearly endorsed by

the Metropolitan Police Service, that perception is the defining factor in determining a hate incident.

- 3.3 It would appear that the most trivial and perhaps unfounded complaints will, under this scheme, generate data collection in relation to the so-called 'incident', thus leading to totally innocent citizens featuring in police data. It would appear that no guidance whatsoever is available to those who are concerned about investigation and potential harassment by the police consequent upon irresponsible and perhaps co-ordinated malicious complaints.
- 3.4 If there is no clear guidance available in statute and if no clear guidance is given by the police, it is difficult, if not impossible, to define what is a potential hate 'incident' or hate 'crime'. The exercise of power by police under this regime through specialised Community Service Officers is extremely vague and as shown in the three cases in question puts innocent people at risk of totally unnecessary and unwarranted restraint and investigation. This can be, and was in these three instances, a gross intrusion into their civil liberties.

4. Conclusion

- 4.1 It is reasonable for the public to expect a prompt response to urgent correspondence with the police on matters of immediate public concern. It is legitimate to complain that this did not happen in this instance.
- 4.2 If good community relations are going to be established with the police, it is reasonable for the police to respond to responsible requests by the public for guidance in order that their activities may be within the law. If the police are placed in a difficult situation by ill-drafted or imprecise legislation, they clearly have a responsibility to make appropriate submissions to HM Government.

5. The complaint

- 5.1 The primary complaint against the Commissioner of Police for the Metropolis is that he repeatedly failed to respond in a proper manner to urgent letters seeking help and advice regarding the criminalisation of statements of belief.

5.2 The secondary complaint is that the police should have taken steps to ensure that the public is fully informed of the new situation concerning the criminalisation of statements of belief and to ensure that they are protected from victimisation, threat and interference under the guise of the maintenance of law and order.

Note: An earlier Submission has been made to the IPCC specifically concerning the treatment of Mr. J. Banda, entitled 'Police Ban of display of Scripture in London'.

8th August 2006

See Appendices A & B attached

Appendix A

18th January 2006

Sir Ian Blair QPM, MA,
Commissioner of Police of the Metropolis
New Scotland Yard
Broadway
London
SW1H 0BG

Dear Sir Ian,

THE CRIMINALIZING OF STATEMENTS OF BELIEF

We are a national movement of many thousands of people who serve local communities both in a professional and voluntary capacity. Our members are drawn from all the Christian denominations.

We are writing to seek your guidance, on behalf of our members, particularly those resident in London, concerning three instances of people facing police investigation and possible prosecution for expressing their religious beliefs.

The curbing of freedom of speech and the pursuing of people by the police simply on the grounds of the religious views which they have expressed is a new and alien development in a democratic and free society. We specifically wish to have clarification of the issues raised in these three cases in view of our own meetings and publications and those of our associated professional body, the Council for Health and Wholeness, and also our future participation in radio and television broadcasts.

1. **The case of Lynette Burrows**

Lynette Burrows is a very highly respected author and speaker on family matters. During December she took part in a BBC Radio Five broadcast discussion on the controversial Civil Partnerships legislation. She pointed to the potential dangers of allowing children to be adopted by single sex couples. The following day she was contacted by the police who informed her to say that a 'homophobic incident' had been reported against her. It was reported that a spokesman for the police said it was policy for Community Safety Units to investigate homophobic, racist and domestic incidents because these were "priority crimes". The police said "It is all about reassuring the community". Understandably, this has been widely regarded as a gross intrusion into liberty of speech. With some justification Ms. Burrows said "I was astounded", declaring her belief that this is a free country where we are allowed to express opinions on matters of public interest.

As our Community has published and distributed simple statements (such as the enclosed) signed by doctors who have been opposed to adoption by single sex couples, it is important that we know whether the police would treat us in the same manner as they have treated Ms. Burrows.

2. **The case of Mr. J. Banda**

In December a Zambian accountant, Mr. Banda, carried a placard containing quotations from the Bible including the statement "Jesus Christ is Lord". He was apparently stopped by three policemen who claimed that to do this was a criminal offence and was intended to "stir up racial hatred". He was told that if he continued to display this placard he would be arrested. Understandably Mr. Banda stated "When I came to Britain I thought I was coming to a Christian country. I did not realise that to advertise my faith would make me a criminal". The action of the police in this instance inevitably raised extremely serious questions about religious freedom and the expression of religious beliefs.

As our Community has published and distributed a folder (see enclosed), containing quotations from the Bible which have been proclaimed in this country for centuries and which declare the Lordship of Christ, are we to take it that if this item continues to be distributed we would be subjected to similar harassment and potential arrest?

3. **The case of Sir Iqbal Sacranie**

In January Sir Iqbal, the Secretary General of the Muslim Council of Britain, appearing on BBC Radio 4's PM programme, expressed his views about harmful homosexual practices and the controversial issue of Civil Partnerships. Apparently, Peter Ripon, the programme's Editor, was approached by a police officer who said he was investigating a 'homophobic incident'. Sir Iqbal said "What I said was only to reiterate the well-known Islamic position that the practice of homosexuality is not acceptable". He also pointed out that the rejection of homosexual practice is shared in other scriptures such as those of Christianity and Judaism. In addition to this Sir Iqbal pointed out the clinical dangers in terms of disease related to homosexual practice.

As our Community has published and distributed a report entitled 'The Consequences and Risks of Alternative Sexual Practices' under the name of a substantial number of eminent medical practitioners (see enclosed), and also a medical Fact Sheet (see enclosed) are we to take it that we may be liable to be investigated by the police and even prosecuted?

We have no wish to break the law and it is crucially important that we know what is deemed by the police to be allowable.

These three cases highlight a worrying trend towards a repressive form of censorship and the criminalizing of statements of belief. They have raised a genuine fear amongst responsible law-abiding citizens who perceive that a grave injustice is being perpetrated. If complaints, including those which may be malicious and orchestrated, prompt this kind of police intrusion, free expression of legitimate views will inevitably be inhibited or stifled. Simultaneously, confidence in the police will be eroded and their actions will be seen as time-wasting intrusions into public rights of freedom of speech.

We would be glad of your early response because we are making arrangements to discuss the issues raised in the above cases with Members of the House of Commons and the House of Lords.

Yours sincerely,

Dennis Wrigley
Community Leader

Encs.

Appendix B

14th July 2006

For the personal attention of

Sir Ian Blair QPM, MA,
Commissioner of Police of the Metropolis
New Scotland Yard
Broadway
London
SW1H 0BG

Dear Sir Ian,

THE CRIMINALIZING OF STATEMENTS OF BELIEF

I refer to my letters to you of 18th January, 22nd February, 8th March and 4th May.

We regret that you have been unable or unwilling to answer the three questions put to you. We do not know whether you have in fact seen any of these letters, but now wish you personally to know of our extreme dissatisfaction.

Our confidence in the Metropolitan Police Service has been severely shaken and the confusion surrounding the issues raised with you is growing.

Yours sincerely,

Dennis Wrigley
Community Leader