

# Free at last?

**Duwayne Brooks escaped with his life when his friend Stephen Lawrence was murdered seven years ago. Since then, he seems to have been the victim of a vendetta, repeatedly arrested on dubious charges. Last week the most serious of them was thrown out at the Old Bailey. What next?**

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Sat 1 Apr 2000 02.17 BST

It was soon after Duwayne Brooks announced that he was going to sue the police for racial harassment that his life took a turn for the worse. And life wasn't too clever to start with. Seven years ago, Brooks and his best friend, Stephen Lawrence, were attacked by a gang of racist thugs. While Lawrence was knifed to death, Brooks lived to tell the tale - though many people refused to believe it. The Metropolitan Police found it incomprehensible that a white group could have attacked Stephen and Duwayne, both of them 18, just because of the colour of their skin; they must have been provoked. When the traumatised Brooks gave a statement on the night of the murder, he was labelled arrogant and surly, and accused of taking a can of Coke out of the police fridge without permission. The police even regarded him as a possible suspect. Sir William Macpherson's report into the police's handling of the Lawrence killing concluded: "We do not believe that a young white man would have been dealt with in that way."

Brooks went on to suffer from post- traumatic stress, some would say a breakdown. But last year it looked as if he was at last beginning to come through. I met him soon after he announced that he was suing the police. He was not bringing the case solely because of what happened in the police station on the night, he told me; it was the way they had treated him throughout.

A year on from Macpherson's report, which concluded that the Metropolitan police is institutionally racist, the police insist that things are changing, that racism is being eradicated. But the story of Duwayne Brooks suggests that nothing has changed. The treatment of this young man, who readily agreed to be a witness despite the personal risk, is at least as shocking as the half-hearted investigation into Stephen's death. There was rightly an outcry, when Neville Lawrence, Stephen's father, was stopped and searched on one occasion; Brooks says he has lost count of the number of times he has been stopped and searched. Even before the latest fiasco at the Old Bailey - when a sexual assault case against him was summarily thrown out last week - he

had been arrested five times when charges were either never brought, or were dropped or defeated. On two occasions Brooks, a photo-copier engineer, was accused of possession of offensive weapons which turned out to be part of his work kit. On August 17 last year, he was accused of taking and driving away a car - his car.

He told me then that he was frightened because his address had been accidentally read out in court and printed by newspapers. Four days after my interview appeared, his flat was broken into and, when the police arrived, they discovered that the covert video camera they had installed didn't have any tape in it (as a witness to Lawrence's murder who gave evidence, he had been given protected-person status). Brooks complained that they were not taking his safety very seriously - it made another news story.

I couldn't get Brooks out of my mind. He was the most difficult person I'd interviewed - a bewildering mix of arrogance and vulnerability. He spent most of the time berating me: why did I not have shorthand, why had I run out of questions, why did I smoke, why did I eat red meat, why did I drink? When he wasn't scolding me, he was scolding the Guardian - notably the front-page headline, "Blacks lose out on 2000 funds". It was racist, he said. "You never hear about whites, do you? Blacks are black people, not blacks, right? Who writes these headlines?"

Occasionally, he seemed boyish or laddish. Most of the time, he seemed old beyond his years. He often talked of himself in the third person, as if he was a character, or a series of characters. Brooks, the victim, who could so easily have been Stephen Lawrence had he not run. Brooks, the guilty survivor, who could not forgive himself for not being there when the gang attacked (though he returned as soon as he realised Stephen hadn't run). Brooks, the hero, who was singlehandedly taking on the police and exposing its rotten, racist core. And Brooks, the terrified kid in the sharp blue suit and starched white shirt, who believed he would end up at the bottom of the Thames. This was the Brooks who patted his tummy and said, "Look how skinny I am. Stress makes you forget to eat."

It was on September 17 1999, around 10 days after he had questioned the police's commitment to his protection, that it was reported that Duwayne Brooks had been charged with attempted rape and indecent assault, and had been refused bail. There were no other details. I was desperate to find out what had happened, but found myself holding back. What if he had done it? What if he had really flipped? Would it be that surprising, considering all that had happened to him?

Eventually, I spoke to his lawyer, Darren White, who said that, after a few days in custody, Duwayne had been granted bail - he had to move out of London to Birmingham, he was under an 11pm curfew and £20,000 bail had to be raised to allow him even this degree of liberty. White had not worked with Brooks before, didn't know him well, but thought he was probably

innocent. He was professional, but didn't seem overly exercised by the case. White thought the allegation was the result of a messy argument, and was surprised by the severity of the bail conditions. He then went on to talk, at great length, about the woes of his football team, Sheffield United.

In early November, Brooks was allowed back to London, on condition that he steered clear of south London, where the alleged assault took place. He remained under the 11pm curfew. We agreed to meet. Despite the tensions of our previous encounter, he greeted me like an old friend. Blue suit and starched white shirt, of course, firm handshake. We went for a disgusting Chinese meal, and he complained, as is his wont, about the lack of chicken in the sweet-and-sour chicken. He was right, too - there was no chicken in the chicken. Just as the fresh orange he had ordered during our previous meeting wasn't fresh.

I asked him if there was anything in the allegations. "Oh, they dropped the attempted rape," he said. "They didn't even bother to tell us. We just found out at the committal. By then, it had been in all the newspapers, of course." And the indecent assault? "What it is about is me refusing to give a girl a lift home."

He then told me a story so messy and tedious, it was hard not to believe it. In short: the complainant was an old friend who had asked to visit him at the hostel where he had been moved after his previous address had been revealed in the press. After he refused to give her a lift home, she rang the police and said she had been assaulted and could they please come and collect her. By the time the police arrived, she had changed her story, saying that nothing untoward had happened but could she please have a lift home, anyway. So what he was guilty of? "I was horrible to her, but that's not a crime, is it?" He was arrested 12 days after the alleged assault. "The police were apparently waiting outside my premises all day long. What do they call it, 'a stakeout'?"

After Brooks was charged, Darren White told him that, if there had been sexual contact and he admitted it, he was unlikely to be convicted because they could argue it was consensual. "But I don't make up stories to give myself an easy ride," said Brooks. "If the truth is the hardest ride, then so be it. I said no, no, no, no . . . I've never touched this girl, and that's how it stayed. I'm not changing the story, I'm sticking with that."

"Sticking with my story", "the truth": Brooks understands the full weight of these words. So much of his adult life has been spent giving evidence of one type or another. After the crown declared there was insufficient evidence to prosecute the five boys suspected of Stephen's murder, the Lawrence family brought a private prosecution; Brooks was the lead witness, in many ways the only witness. But he couldn't remember the details of the incident well enough - after all, the attack and stabbing were over in seconds. At one time, he identified the stabber as having short dark hair, at another as having a mop of frizzy hair. The judge declared that he was an unreliable witness; the

case collapsed before the suspects were called. Macpherson's report criticised the Lawrences' solicitor for encouraging Brooks to give evidence when he was clearly suffering from post-traumatic stress.

It hurts so much when he talks about having his evidence rejected that he slurs his words. "It was . . . destroying . There was a report from a doctor saying I wasn't ready to give evidence, but you know how headstrong solicitors can be. I was summonsed by the Lawrence team. And if I'd turned round at the time and said I'm not giving evidence and went wibbly wobbly and collapsed, they would have blamed me again. I was stuck in a situation I couldn't get out of."

"Is it something that . . ." I began, and Brooks continued, ". . . pisses me off? Yes . Yes, they blame me. 'Vital witness changes evidence in court' - wasn't that the headline? I just got muddled up, and every chance I had to unmuddle what I was saying it was just getting worse and worse." He winces.

It's now November, and Brooks seems anything but muddled. Despite the charge hanging over him, he's far more relaxed than the first time we met. I tell him that, if this had happened to me, I would have gone under. Why is he so calm? "Because I know the police have been trying to get me for any tiny little thing for ages." He says it with quiet and shocking certainty.

It seems inconceivable that the police could be exercising a vendetta against Brooks. After all, he is the sole survivor of the attack, and the Met have often said that they still hope to charge the youths responsible for the assault on Duwayne Brooks. At the same time, both the government and the Met have reiterated their commitment to eradicating racism within the police. And yet there is this unfortunate record of arrests and failed prosecutions against Brooks. Macpherson said that the police had racially stereotyped Duwayne at the time of Stephen's murder, and the catalogue of charges against him since then suggests that little has changed. Virtually every time he has been arrested, it has been the result of a stop-and-search while driving. He takes me through a few of his favourites. Last year, he was arrested, taken to the police station and, when he returned to his car, it had been broken into and a fax machine was missing from inside. The police reimbursed his employers for the machine within days. Brooks's car has been broken into many times over the past seven years. Once, the police even accused him of breaking into his own car to gain attention. Another incident that tickles him is his arrest under the Prevention of Terrorism Act, after the police discovered some boxes in the back of his car. "How many black IRA members have you seen?" The boxes contained photocopy toner.

Why would the police want to harass him? "Those writs I issued against those officers, that's what it's about. Because I don't wish to sit down and put up with the status quo, that's what it all boils down to, really. If I don't sue those officers and nothing gets done, it just happens again and again and again. We hear all those things - the Met is changing, the Met is doing

this and that, but the Met is not changing. The Met will stay the same. They will never change, because the government does not want them to change."

The Metropolitan police have been trying to "strike out" his claim of racial harassment. A police statement says: "We are not prepared to discuss the reasons for our application to strike out the claims. Complex legal arguments are involved, which we feel are more appropriately addressed in court." One argument is that Brooks is too late to sue - a complaint should be launched within six months of the alleged harassment. A decision was pending this week.

The Met are also trying to strike out the Lawrences' claim for racism. The difference is that, while Brooks has been offered nothing, the police have already offered Doreen and Neville Lawrence £50,000 compensation each. Brooks argues that the harassment has been on-going, and that he's not interested in a financial settlement, anyway. He wants an apology from the Commissioner, and for the guilty officers to be disciplined or sacked.

Brooks has been called racist, anti-white, by officers. "I said, why would I have a white solicitor if I were racist?" As suspicious as he is of people he doesn't know, he is steadfast to those who have won his trust. He repeatedly tells me to say how brilliant his lawyers have been over the years - Jane Deighton, Vicky Guedalla, Darren White and Julia Krish. His legal team, he says, has been given no credit, while the newspapers always mention the work done by Imran Khan and Michael Mansfield for the Lawrence family. He points out that it was his legal team who suggested that the Race Relations Act should be expanded to cover the police - probably the most important recommendation to emerge from Macpherson.

Perhaps it is as inevitable as it is sad that there should be a split between Brooks and the Lawrences. Doreen Lawrence never approved of her son's friend. One of Duwayne's friends tells me that what has hurt him most over the years was the feeling that the Lawrences partly blame him for what happened to their son. Doreen Lawrence told the inquiry: "He [Stephen] had been quite strict about being home on time, but after the influence of Duwayne, where Duwayne was allowed to come and go as he pleased, it was different." Brooks has taken a lonely road. He has always said he hated the way various race groups tried to exploit the situation; he has always said you should never belong to others. But perhaps it's also true that no one wanted to claim Brooks.

Brooks comes out with things that other people might not. He says that when he was younger he used to play for all-black football teams and couldn't stand it. "Most black boys would prefer to play in a white team because you don't get the arguments, you don't get the selfish behaviour of people thinking they're flash and don't want to pass the football. What managers do these days is they have all white people at the back, and they have black people on the wing and up front because they can run faster;

they have white people at the back because they can tackle harder." Is he a good footballer? "Brilliant. If I were fitter, I could play in the Premiership."

I ask whether Stephen was a good footballer. "No," he says, "but he was a good runner." He stops, aware of the unbearable irony. When he talks about Stephen and their friendship, and the unfairness of it all, the laddishness is replaced by a groping tenderness. "There was a group of us, and he was the softest person out of all of us - not physically, he was stronger, fitter than me - but his mind was softer. Steve would tolerate a lot of things that other people would lose their patience over." It's jolting when he calls him Steve: a reminder that he was a real boy, not just the victim the rest of us came to know. Duwayne was more streetwise than Stephen, and tried to protect him. Just before the fatal attack, he had warned Stephen to run, but his friend couldn't understand why they were in any danger.

Brooks has an alarming scar that runs along the back of his neck. How did he get it? He tells me there have been three occasions when he almost died. One was when he was crossing the road, was hit by a car, went through the windscreen and ended up with this scar. The second was when he was swimming in the sea in Jamaica and got trapped under a coral reef. I begin to ask about the third time, and find myself flushed with embarrassment.

He offers to drive me to the tube. I tell him not to be daft, it's only a five-minute walk. "Okay then. I'll ring you to make sure you get back safe." And so he does.

Many people believe that the decision to prosecute Brooks is related to his civil action against the police. As Darren White says, "You're going to have much less credibility when you sue the police if you have a sex offence against your name." The Movement for Justice claims the Metropolitan police has a vendetta against Brooks and that he has been the victim of a malicious prosecution. When I ask the Met for comment, a spokesman says: "We take all allegations of crime very seriously, and will investigate all allegations of crime that are put to us." Meanwhile a spokesman for the Crown Prosecution Service says: "The judge made no specific criticism of the CPS. What criticism that was made was directed at the police."

But maybe the story goes further back. When Stephen Lawrence died, neither he nor Brooks had a criminal record. The police found this hard to believe. A few months after the murder, Brooks was charged with violent disorder at the Welling demonstration against the British National Party. Even though there were photographs of him with a stick raised and one in which it looked as if he was helping to overturn a car, the judge stayed the case. There were hundreds of people shown in similar pictures, and Brooks was obviously not one of the ringleaders; he was nevertheless one of only a handful of people charged. The judge said that not only was there insufficient evidence against him, not only could it prejudice a case against the killers of Stephen Lawrence, but that Brooks was under such stress he was not accountable for his actions at the time.

The police seem to have found the ruling hard to bear. As well as the myriad charges laid against Brooks, and subsequently dropped, since Stephen's death, there have been three convictions for minor offences: cannabis possession; attempt to deceive, for having dodgy driving insurance (would you know if the numbers on your insurance were wrong, asks Brooks); and driving away from a garage without paying (he hadn't realised he had no money, offered to go and get some, the garage attendant wasn't interested, a row ensued and Brooks drove off without paying his £9.60).

It's late January 2000, and I am talking to a stunned Darren White, who has just received witness statements from the Crown Prosecution Service concerning the alleged indecent assault. "I can't believe this case. It will never stand up in court. There is no way this should be going ahead. I've never seen a clearer example of a prosecution that should not go ahead. Call me naive, but I'm shocked." So shocked that he can't even be bothered to update me on Sheffield United's disastrous run.

One of the recommendations in the Macpherson report held that a lay mediator, a member of the public, should be used to offer victim support in cases where the complainant belongs to an ethnic minority and feels that might prejudice the complainant's relationship with the police. Brooks's case is the first time such a mediator has been used. She has seen the complainant around a dozen times, and is so concerned by the different stories she has heard from her that she goes to the police and tells them that she has grave doubts about the case. The complainant has told the mediator that she didn't think she wanted to press ahead with the charge; she also says that Brooks hadn't assaulted her - that he had just "sat there". To add to the confusion, the mediator's statement is unfinished and unsigned, but dated back to November. It is not for another six weeks that the police ask her to sign the statement. She refuses, saying it is inaccurate. The police fail to ask her in what way.

By this time, White also has something approximating a chronology of events. On September 4 - the night the young woman made her complaint - she rang the police and said that Brooks had attempted to rape her. By the time the police arrived, she had changed her story, saying that there had been no assault. The police visited her twice over the next week, encouraging her to file a complaint - on each occasion she refused. It is also recorded that DI Sturge said that should the complainant wish to get in touch with him, he was available 24 hours a day.

According to White, "A senior officer showing this level of commitment to a complainant who has made it clear that she doesn't wish to substantiate her allegation is very strange. The police are always complaining how scarce their resources are, and here's DI Sturge on call for 24 hours to a complainant who doesn't want to go to court. What's going on?" On September 15, following a number of phone calls from Brooks, the complainant called the police and said she wanted him arrested.

White is also now aware why Brooks had initially been refused bail. In the custody record, it is written that bail should not be granted because the suspect is likely to "1) Interfere with witnesses. 2) Commit further offences. The grounds given for this being that, since the time of the offence, the victim has been telephoned by the suspect, where further threats of rape had been made to her, 10 calls being made on the 15th September . . . DI Sturge confirmed that there is a record of these calls to the victim." White asked for the record of the phone calls, but the prosecution failed to provide them. When Brooks's legal team finally obtained a record for themselves, it showed that he had made three very short phone calls to the complainant on the 15th before his arrest. Brooks says he rang her to apologise for not giving her a lift home, but that she had put the phone down on him before he could get the words out. The complainant's statement confirms that she put the phone down on him, and there is no mention of threats of rape.

It's February, and Brooks is at Woolwich Crown Court, in south-east London, alongside his small but vocal army of supporters. His two sisters, his mother and his grandmother are also there. He doesn't want me to interview his family. Why not? "Because I don't involve my family in anything that's happening to me." Is he close to his family? "No, I'm not close to anybody, because when they can't get you, they get the next best, and if I'm close to my mum it will be: they can't get Duwayne, let's get his mum; they can't get Duwayne, let's get his sister." Does he love them? " Yes !" He looks amazed that it could be otherwise. "I love all my friends and family."

Members of the anti-racist group, Movement for Justice, are being advised by their leader, Alex Owolade: "If you see the mediator, we must smile. All we want is for her to tell the truth. And the same with the complainant. You have to show her respect. She's a victim, too." I ask him what he means. He says he believes she has been pressurised to continue with the allegation. There are rumours circulating the tiny courtroom: that the complainant has been told she may be given a flat as a protected witness if she testifies; that she may be able to sue for compensation; that she has been told by the police that, if she doesn't testify, she could be arrested.

The trial quickly descends into low farce. Brooks's supporters cannot fit in the tiny courtroom, and protest about it. The complainant's mother is due to give evidence, but is on holiday in Florida. The judge is angry, and adjourns the case, stressing that it is because the mother is an important witness. A new date is set in March for the highest criminal court in London, the Old Bailey.

As we leave court, Duwayne's grandmother tells him off for not being more chatty. His sisters ask how he could be expected to do his job when he's banned from south London. Brooks says, "They wanted me to lose my job, to break me down. But they can't take my job away from me, because I am the best worker in that place . And if you ask my boss he'll tell you." He's at his arrogant best. "Listen, when I started at that firm I was working on £60 a



week and that firm was in crisis and I got them out of that crisis doing all the hard work." He says there is no photocopying machine that he couldn't fix.

I ask him whether there is anything he's not good at. "Big words. I'm bad at big words because I never studied that at school. I've never done verbs and adjectives. I couldn't even tell you what a verb is." He says this will not stop him writing his life story. Stephen was the academic one, the boy who was going to be the architect. Duwayne always knew it was important to do well at school, always tried his best, but he could never understand how, when he spent hours poring over his English homework, he would get a worse mark than when he rushed it.

Duwayne had already left school when he was attacked. After Stephen was killed, he withdrew from everyone. Just as he was overcoming one shock, there would be another in store. He discovered that a police officer who was protecting him was a friend of the gangster, Clifford Norris, father of one of the suspects, David Norris. Another time he was playing pool in a pub and looked up to discover that the next player was one of the suspected killers of Stephen. He walked out.

Does he think he had a breakdown? "I don't know. As far as I'm concerned, I didn't change. I was just more quiet, didn't really go nowhere." Did his friends say he had changed? "Oh yes. My friends noticed how my attitude changed, how my personality changed, but to me I was just sad." At times he was seen walking down the street, lost, muttering to himself about the killers.

Since the conditions of his bail were changed and he was allowed to return to London, Brooks has been living with a close friend. He asks me not to name her. She has only known him for two years, but says that the change in him just over that period of time is amazing. "He's much more confident, outward-going. You see how he talks to me. I told him he had a voice, and he should use it to talk to people, talk about injustice." She says it's funny that she has never been in any bother in her life, never had anything bad happen to her, but since Brooks has moved into her house she's had her car broken into twice. "Maybe people will come for me now."

Brooks agrees that he has changed, been politicised. He recently went to Northern Ireland and shared a platform with a family campaigning about sectarian killing and RUC neglect.

Another day, another court case. This time, we're in one of the most salubrious parts of London, Regent's Park, as the Metropolitan Police argue that Brooks's racism case should be struck out. Outside, a little scene is being played out. A posh elderly woman shouts, "We're living in a police state, and I'm willing to go to prison for saying so." The rasta who has been at every one of Brooks's court appearances quietly ticks her off. "You not been there, lady, have you? Prison is the worst possible place, you know. They break you in prison." The barrister for the Police Federation starts proceedings by saying that whatever points he is going to make, they do not detract from the

sympathy he offers to Mr Brooks for all that he has been through. He then launches into the most cynical, legalistic argument for why Brooks is not owed an apology from the police. Brooks sits there with his hands on his chin, stroking the beginnings of a goatee. What's he thinking about?

The attack on Stephen and himself has defined his life - in many ways destroyed it, in some ways made it. As he reminds me when he's feeling most chipper: "Duwayne Brooks's evidence rocked the inquiry, it opened up everybody's eyes. If Duwayne Brooks had decided not to give evidence, not to give police statements, there would have been no investigation into the murder. If Duwayne Brooks had not decided to follow his friend that way, there would have been no suspects."

The Old Bailey, March. Darren White says that he is going to try and have the sexual assault case thrown out as an abuse of process. He warns me to be prepared for an intense legalistic debate. A month after the defence asked for the updated notes of one of the officers, WPC Chapman, they have still not received them. Eventually, the notes arrive in court and confirm that, when the complainant suggested not going ahead, WPC Chapman met her and told her that, as a fully-bound witness, she could be arrested. We return the next day for more legal argument. Even the prosecutor agrees that there have been "disastrous" errors by the police.

Brooks says that he is not worried about going to jail because, in the end, he knows the truth will come out. His friend tells me that the previous night he couldn't sleep. Soon after noon, the judge says he will retire to consider whether there has been an abuse of process.

Over lunch, Brooks is quiet, reflective. Out of nowhere he starts talking about a docu-drama concerning the killing of Stephen that was on television a few years ago. "They por-trayed us as rude boys, ragamuffins. I was so annoyed about that, boy, was I annoyed. They used the word ragamuffin. Ragamuffin ! He picks up my Guardian and reads a piece about the racist killing of Michael Menson. "Police initially thought he had set fire to himself, but later decided that he had been the victim of a racially motivated attack.' That is wrong, they didn't decide. It should say they were forced to, after persistence of family and friends."

It's 2pm, and we're called back into court. The judge says that the use of the mediator has been disastrous, that the police failed to brief her as to her role, and that then, when she did make her statement, they waited six weeks before asking her to sign it. "This delay is even more baffling . . . or worrying," he says. The prosecution, he says, has caused this situation with "a series of errors and misjudgments. Bearing in mind the conflicts and inconsistencies, it would be unfair to try Mr Brooks, therefore I will stay the proceedings."

Outside the Old Bailey, Duwayne Brooks is wearing a huge smile. He makes a brief statement and dances down the street for the camera, arm in arm with his sister, Millie. "My little brother. You've got your life back again brother,"

she says as she buries her face in his chest. "We've only just begun," says Brooks. His friends are ecstatic, looking forward to tomorrow's headlines.

In the event, Brooks is knocked off the front pages. Actually, many papers don't even report the case. It's not surprising that the Budget took precedence, but amazingly, on the very day Brooks is acquitted, the police announce that they have arrested three new suspects in the Stephen Lawrence case. The next day Brooks rings me. I ask whether he's been celebrating, and he mumbles an answer. He sounds upset. "You know the girl I've been staying with. Last night, her car was set on fire."

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