

CONFIDENTIAL

Richard John BINGHAM 6th Earl of Lucan

> Introduction.

This paper is a short report containing a proposed strategy for future action and an update of current activity, in regard to the disappearance of Lord Lucan. Several tentative options are considered and assessed. A précis of the enquiry is contained in the appendices (A) to this report. The conclusion contains a request for ACPO consideration of the issues debated here.

Despite the increasing distance between Lord Lucan's disappearance in November 1974, (following the Murder of his nanny), and the present day, there are infrequent reports made to police that the Earl has been seen at various locations around the globe. The latest of these involve South Africa and Australia. In the earlier years of this investigation, sightings of Lord Lucan were dealt with by officers specifically dedicated to this enquiry. Latterly, however, responses to reports of this kind have involved a number of different units in various commands. Consequently, the focus of the enquiry has almost entirely dissipated and the papers themselves are in a dishevelled condition (report appendix C). Until recently, therefore, it seems that no one has exercised control over the direction of this case.

Examination of the pertinent files gives rise to a number of issues which require consideration and which may impact on the MPS, the Lucan family and the public arena.

> Identification by fingerprints and DNA

First and foremost of these issues is that of identification. Perusal of the Lucan files reveals that there are in fact fingerprints in existence in regard to the probable suspect for this crime (see appendix D). What is not in evidence is an actual set of Lord Lucan's prints. Material in the files suggests that these marks are very likely the same as those found in premises and a vehicle belonging to Lucan. There is thus no certainty around potentially identifying Lord Lucan by these fingerprints.

Even more problematic is the matter of DNA comparison. The obvious benefit of obtaining a full DNA profile for Lord Lucan will provide police with a sure means of confirming or eliminating any future potential possible sightings of the Earl. It is an obvious point, however, that the origin of this enquiry lies too far away from even the earliest use of DNA comparison to have offered a forensic opportunity at that time.

There are three options which offer the possibility of obtaining a DNA sample;

- Via the family using a legitimate approach
- From the family in a covert intelligence gathering exercise
- From the material on which the suspect left the fingerprints. This is providing of course, that the marks actually belong to Lucan.

22nd January 2002.

**Murder of Sandra Rivett and disappearance of Lord Lucan –
Resume of Circumstances.**

Background Information

Richard John BINGHAM was born on 18th December 1934. He was the eldest son of the 6th Earl of Lucan. After completing his National Service in 1955 he worked briefly for a firm of merchant bankers in London. He left this occupation to become a professional gambler.

He was associated with illegal gambling houses in Belgravia and Mayfair, until gambling was legalised in 1964, when he became a founder member of The Clermont Club. He was known by his gambling friends as 'Lucky' or John.

One of Richard Bingham's closest friends was William Shand-Kydd who is married to Christina Duncan. In 1963 Christina introduced Richard Bingham to her sister Veronica Mary Duncan. On 28th November 1963 Richard Bingham married Veronica Duncan.

Shortly after their marriage the 6th Earl of Lucan died and Richard Bingham *succeeded to the Earldom and became Lord Lucan. In July 1964 the couple moved into 46, Lower Belgrave Street, SW1, a five storey Victorian terraced house, this became their family home.*

Lord and Lady Lucan had three children, Francis born on 24th October 1964, George Charles born on 21st September 1967 and Camilla born on 30th June 1970. At first they had a good marriage, but after the birth of Francis, Veronica suffered from Post Natal Depression. She continued to have mental health problems through her life and at stages she received psychiatric treatment. Veronica's medical problems caused friction in the marriage and on 7th January 1973 Lord Lucan moved out of the family home and into 5, Eton Row, SW1 he later moved to 72A Elizabeth Street, London, SW1.

Lord Lucan was a good father and was devoted to his children. On 23rd March 1973, whilst the children were in Green Park with their nanny, he seized them and handed a court order to the nanny. On 11th June 1973 there was a custody hearing at the High Court. Lady Lucan won the custody battle for the children and Lord Lucan was given access every other weekend and for half of the school holidays.

The situation of the custody of his children became the focus of Lord Lucan's life. He was known to sit and watch the movements of his wife and children at

46, Lower Belgrave Street, he also hired private detectives. He taped telephone conversations between himself and his wife in order to show the court that his wife had psychiatric problems.

In September 1974, Lady Lucan employed Sandra Rivett as a nanny for the three children. Sandra Rivett lived at 46, Lower Belgrave Street and had a room on the top floor next to the children's bedrooms. Sandra Rivett had a good relationship with Lady Lucan and the children.

Circumstances of Murder.

On Thursday 7th November 1974 Lady Lucan was watching television in her bedroom on the second floor of 46, Lower Belgrave Street. She was with her daughter Francis and Sandra Rivett, the other two children were in bed.

Thursday's were usually Sandra Rivett's night off, but she had not gone out that evening.

At approximately 8.55pm Sandra Rivett asked Lady Lucan whether she would like a cup of tea. It was usually Lady Lucan's routine to make a cup of tea at that time in the evening, but on this occasion she let Sandra go. Sandra collected some dirty cups and saucers and went down to the basement, where the kitchen was.

At about 9.15pm Lady Lucan went to the basement to see what was taking Sandra so long. She got to the top of the stairs that led to the basement and was surprised to see that there were no lights on. She shouted 'Sandra, Sandra'. Then she heard a noise from a room behind her and she was struck over the head a number of times. At this stage she had not seen her attacker.

She fell to the ground and started to scream. Her attacker then put his gloved fingers down her throat and told her to 'Shut up'. She recognised the voice as Lord Lucan's. A struggle ensued, during which Lady Lucan bit his fingers and grabbed his genitalia.

Lord Lucan seemed to lose strength and Lady Lucan tried to talk to him. She asked him where Sandra was, he initially said that she had gone out, he then said "I've killed her, she came down first, if it had been you, you would have

got it." Lady Lucan managed to persuade her husband to go upstairs so that she could clean her injuries. They went up to Lady Lucan's bedroom, she told her daughter Francis to go to bed. Lord Lucan then placed a towel on the bed and Lady Lucan lay on it. Lord Lucan went to use the bathroom and Lady Lucan took this opportunity to run out of the house, she ran to a nearby public house, The Plumbers Arms.

When she got into the pub she collapsed on the floor and screamed, "He's murdered the nanny and he's after the children." The Police and an ambulance were called.

The first officers on scene spoke to Lady Lucan, she told them that the Nanny had been murdered and she gave them her address. Lady Lucan was taken to St. George's Hospital, SW1.

Police attended 46, Lower Belgrave Street and forced the door open. The house was searched. The following points detail what was found :-

- a) There were no signs of forced entry.
- b) In the basement they found a canvas United States mailbag containing the deceased body of Sandra Rivett.
- c) There appeared to be two separate seats of attack, one in a small well of the stairs on the ground floor, adjacent to the door leading to the basement. Here the carpet was heavily stained with blood and there were directional splashes of blood on the wall and ceiling. There were also smears on the walls and on the base of the door that led to the basement. The second seat of attack was in the basement, near to the body of Sandra Rivett. There were pools of blood at the foot of the stairs and around the sack and in front and to the side of the piano. There were directional blood splashes on the wall behind the piano.
- d) A piece of heavily bloodstained lead piping wrapped in adhesive tape was found on the ground floor near the cloakroom.
- e) A light bulb was on a chair in the basement and appeared to have been removed from the basement light.
- f) There was a blood stained towel on Lady Lucan's bed.
- g) There was also blood and hair in the hand basin of the cloakroom on the ground floor.
- h) The three children were found unharmed in their bedrooms

Events Following the Murder

At approximately 10.45pm on 7th November 1974 Kaitlin Lucan (Lord Lucan's Mother) received a phone call, from a public phone box. It was Lord Lucan. He told his mother that there had been, the most awful catastrophe at number 46. He had seen a light on in the basement and that he had interrupted a fight. He told her that Veronica had been hurt and the nanny had been hurt even more so. He also asked her to contact Bill Shand-Kydd and told her to

go to the house immediately and get the children. She went to 46, Lower Belgrave Street and collected the children from the police.

At 12.30am Kaitlin Lucan received a second call from her son. He enquired about the welfare of his children. She told him that the police were with her and suggested that he should speak to them. He told her that he would speak to them in the morning. Kaitlin Lucan thought that he sounded much calmer during the second phone call, than in his first.

Mrs Madelaine Floorman, lives approximately 200 yards from 46, Lower Belgrave Street, at 51, Chester Square. She was in bed at approximately 10.30pm on 7th November 1974, when she heard someone persistently ringing her front door bell. She was at home alone and didn't answer the door. Shortly after this her phone rang. A male voice said "Madelaine, I know that you" His speech then became slurred and she put the phone down. She now believes that the male making this call was Lord Lucan. X

On 13th November 1974 Mrs Floorman noticed blood stains on her doorstep. Swabs were taken from these stains.

Susan Maxwell-Scott is married to a gambling friend of Lord Lucan. At the time of the murder she lived with her husband in Uckfield, Sussex. On 7th November 1974, her husband was staying the night in London. She had gone to bed and at about 11pm she heard her front door bell. She looked out of the window and saw that it was Lord Lucan. She let him into the house and she noticed that he looked slightly dishevelled and that the upper right leg of his trousers was damp.

Mrs Maxwell-Scott asked Lord Lucan what was wrong. He told her that he had had an 'unbelievably nightmarish experience'. He then told her that he had been walking past 46, Lower Belgrave Street and he saw a man attacking his wife in the basement. He explained that he went into the house, using his key and he went down into the basement. Whilst he was there he slipped in a pool of blood and the man who had been attacking his wife ran off. He said that his wife was covered in blood and that the nanny had been killed and was in a sack.

Lord Lucan continued his story saying that he had calmed his wife down, she accused him of hiring a man to murder her. He put Francis to bed and then went to get some wet towels to clean her up. He explained that Veronica then left the house.

Mrs Maxwell-Scott states that Lord Lucan had found himself in the house covered in blood and he thought that his wife would try and incriminate him, he had panicked and left the house. He explained that he had called his mother from a call box. He then made a call from Mrs Maxwell-Scott's phone

to his mother. Mrs Maxwell-Scott corroborates the conversation that Kaitlin Lucan says she had with Lord Lucan at 12.30am. After this call he called Bill Shand-Kydd, but got no reply.

Lord Lucan then took some writing paper, a pen and some envelopes from Mrs Maxwell-Scott. He wrote two letters to Bill Shand-Kydd and left the letters with Mrs Maxwell-Scott. Her daughter posted both of them the following morning.

At approximately 1.15am Lord Lucan left Mrs Maxwell-Scott, she thought that he was driving a dark saloon vehicle.

Mrs Maxwell Scott did not report Lord Lucan's visit, to the police. It was only discovered after Bill Shand-Kydd informed the police that he had received the two letters.

During the early hours of Monday 26th January 1975 Mrs Maxwell-Scott contacted The Daily Mail newspaper alleging that she had received a telephone call from Post Office telegrams. The message was as follows :- 'Tell mother all went as planned. I am safe here. Love John.' Mrs Maxwell-Scott only informed the police of this after the article was printed.

At the time of the murder Lord Lucan owned a dark blue Mercedes 280SE. This was found outside 72A, Elizabeth Street after the murder. The engine was cold and the battery was flat.

Enquiries revealed that on either the 21st or 23rd October Lord Lucan had approached a gambling friend, Michael Stoop. He asked Stoop whether he could borrow his Ford Corsair motor vehicle. Stoop didn't ask any questions and lent him his blue Ford Corsair, registration number KYN135D.

From statements taken from two of the residents of Norman Road, Newhaven, Sussex it can be deduced that the Ford Corsair KYN35D was parked in this street between 5am and 8am on 8th November 1974.

The vehicle was recovered by the police and searched in the boot a length of lead piping wrapped in adhesive tape was found. It was of a very similar appearance to the murder weapon found at 46, Lower Belgrave Street. There was extensive blood smearing found within the vehicle. Tangled head hair was found on the floor of the car.

The Letters.

The two letters posted by Mrs Maxwell-Scott's daughter were postmarked in Uckfield on 8th November 1974. Bill Shand-Kydd received them on 9th

At 10.30am Miss Colqhoun, a friend of Lord Lucan's, phoned him at 72A, Elizabeth Street. She states that he was very vague about his movements that evening, but he suggested that they could have dinner. He told her to call him later in the day. She did so at 3pm and she got no reply. She then went to the Clermont Club to look for him or his Mercedes. She found neither.

At approximately 4pm Lord Lucan went into a chemist in Lower Belgrave Street. He showed the pharmacist a capsule, which the pharmacist identified as Limbutral. This sort of medication is used to treat nervous complaints.

At about 4.45pm Mr Hicks-Beech, a gambling friend of Lord Lucan, received a phone call from him. Lord Lucan asked Hicks-Beech, who is a literary agent, whether he would edit an article that he had written on gambling. Mr Hicks-Beech went to 72A, Elizabeth Street between 6.30pm and 7pm. Whilst he was there Lord Lucan phoned the Clermont Club and reserved a table for that evening. After Mr Hicks-Beech had edited the article Lord Lucan gave him a lift home in the Ford Corsair. He arrived home at about 8pm.

At approximately 5pm another gambling friend of Lord Lucan's, Greville Howard, phoned Lord Lucan at 72A, Elizabeth Street. He asked Lord Lucan whether he would like to come to the theatre with him that evening. Lord Lucan declined, but agreed to have dinner with him at the Clermont Club later on. Greville Howard arrived at the Clermont Club between 10.45pm and 11pm, Lord Lucan never turned up for their appointment.

At approximately 8pm the restaurant manager of The Clermont Club received a phone call from Lord Lucan. He booked a table for four for that evening.

At 9pm a Parking Attendant at the Clermont Club remembers seeing Lord Lucan in his Mercedes pull up outside the club and enquire who was present. After being given an answer, he drove off.

Medical Evidence

The post mortem of Sandra Rivett showed that she had received injuries to her head, bruising to her shoulders, arms and hands. She had cuts and bruising to the eyes mouth consistent with a 'slap or a punch'. The cause of death was 'blunt head injuries'. It concluded that the lead piping found at the scene could have caused these injuries.

Lady Lucan had five lacerations of the skull and the forehead. They were deep and jagged and in places as deep as the skull. It is also possible that these wounds were caused by the weapon found at the scene. If Lady Lucan had received these wounds to the rear of her head they may have been fatal. She also had lacerations on the inside of her mouth.

at this location was found to be similar to Lady Lucan's and dissimilar to Sandra Rivett's.

- d) All of the blood samples taken from the breakfast room in the basement were blood group B (Sandra Rivett's group.) In the pool of blood near the piano were shoe marks, they were unsuitable for comparison, but were believed to have been from a man's shoe.
- e) Examination of the kitchen area showed all of the blood samples to be blood group B (Sandra Rivett's group). **However a sample taken from the middle of the kitchen floor was found to be blood group A (Lady Lucan's group).** X
- f) A blood sample on the front door was found to be blood group A (Lady Lucan's group)
- g) Blood stained leaves found in the backyard were found to be blood group B (Sandra Rivett's group).
- h) The blood stained towel from the bedroom was found to be blood group A (Lady Lucan's group).
- i) The lead piping found at the scene was found to be grossly distorted. It was heavily blood stained with blood group AB. The hairs found on it were found to be similar to Lady Lucan's and dissimilar to Sandra Rivett's.
- j) Two ladies shoes found in the basement were found to have blood group B (Sandra Rivett's group) on the inside and out.
- k) Blood samples taken from 51, Chester Square were found to be blood group B (Sandra Rivett's group).
- l) Blood samples found in the Ford Corsair were found to be group AB. The hairs found in the car were similar to Lady Lucan's and dissimilar to Sandra Rivett's. The lead piping from the boot had no blood staining and was found to be bound in a similar way to the piece found at the scene, the adhesive tape had minor differences.
- m) The mailbag was heavily blood stained. Six areas were tested. Four areas were found to be blood group B (Sandra Rivett's group). **The remaining two gave reactions to group B but with some A activity, which suggests some contamination with blood of Lady Lucan's group.**
- n) On the first letter to William Shand-Kydd, there were traces of blood but there was insufficient for analysis.
- o) On the second letter to William Shand-Kydd, blood smearing on the back of the envelope was shown to be blood group AB.
- p) On the letter to Michael Stoop, there were faint traces of blood which were insufficient for analysis.

There was a series of blood splatterings at 46, Lower Belgrave Street. These were also analysed by Margaret Periera and sketches were made.

The scientist that analysed both pieces of lead piping concluded that both pieces may have been cut from the same length of lead piping, but it is unlikely that they were from adjacent sections.

Appendix A

Situation report

Option 1 could cause a huge amount of angst with the surviving members of Lord Lucan's family. The Earl has been declared dead and the titles and the inheritance have passed to his son. An approach to the family can only be construed as meaning police are still actively searching for his father, and wish to use DNA to match against suspects.

Option 2 which involves a covert approach, has some advantages in that it avoids the problem as described above but needs to be considered from a legal and ethical viewpoint. A poor decision, in regard to this option, could result in opprobrium being heaped upon the MPS and those involved.

Option 3 is a possible solution but the chances of a successful process are limited. It has the disadvantage that the prints are those of a suspect and not definitively those of Lucan.

➤ Recent alleged sightings and Facial Imaging

Recent developments have included alleged sightings of Lucan in Southern Africa. Enquiries by MPS officers there have yielded photographs of a person known as John CRAWFORD who is the subject of these reported sightings. With a little imagination, these photographs are sufficiently close to Lucan's possible appearance to warrant submission to a facial imaging expert through the auspices of the NCF. This process is under consideration and awaits a decision on the course of this enquiry prior to action.

➤ Potential use of Covert Human Intelligence Source.

These images were obtained by independent journalists who travelled to the home of a Mr John CRAWFORD in Mozambique. This estate contains both a ranch and a number of small holiday chalets, which are available to tourists. Local people refer to this complex as "Lord Lucan's" house. Should enquiries be desirable in Mozambique or South Africa, a potential taskable source, (a recent former MPS officer), who is familiar with the locale, is available for low level intelligence gathering. It is stressed that **this person has not been registered as a source and has not received instructions to operate on behalf of the MPS.** On the contrary, although the issue of potential tasking was raised, **firm direction was given in regard to the absence of MPS sanction for any activity contemplated.**

➤ Murder weapon

An additional complication is that the presumed murder weapon, a length of lead piping, has apparently gone missing from the store of retained exhibits. (see report by XXXXXXXXXXXX in appendix B.) Urgent enquiries are currently being undertaken at both the Black Museum and other possible repositories to attempt to locate this item.

Leave to swear to the death of Lord Lucan was, in fact, initially sought in 1991 but was limited to a Grant of Probate with regard to settled land comprised in a trust. Leave was given and a Grant of Probate was issued. However, sometime later a further application was made for leave to, once again, swear to the death of Lord Lucan so that a Grant of Probate could be issued with regard to Lord Lucan's free estate. I believe that it is this Grant of Probate that has led Mr Edey to state that the Probate Court has recently presumed Lord Lucan's death.

Whilst I believe that the above sets out the position with regard to the proceedings referred to by Mr Edey, there were in fact earlier proceedings relating to the death or otherwise of Lord Lucan. In November 1991 (at the same time as the application was made for leave to swear to Lord Lucan's death with regard to settled land) an application was also made to court for a direction that Coutts & Company, the trustee of various family trusts, be at liberty to administer the trusts on the basis that Lord Lucan was dead. In his judgment Mr Justice Morritt said:

"... I should and do conclude on the balance of probabilities that Lord Lucan is dead, having died on or after 8 November 1974."

Whilst in the proceedings seeking leave to swear to the death of Lord Lucan the court would not have found as a fact that he is dead, it is clear from the judgment that Mr Justice Morritt did find, as a fact, that Lord Lucan was dead.

However, as you state in minute 2, the High Court approaches the issue of Lord Lucan's disappearance from a different perspective and with different objectives in mind. In deciding the question as to whether or not Lord Lucan was dead so that the family trusts could be administered Mr Justice Morritt only needed to be satisfied on the civil burden of proof i.e. the balance of probabilities, whereas you would need to be satisfied beyond all reasonable doubt that he is dead before withdrawing the warrant.

Furthermore, it would appear from his letter that Mr Edey has no knowledge of these earlier proceedings and, given that his letter refers only to the presumption of his death, I see no reason to refer him to the earlier judgment.

Turning to the arrest warrant, the warrant is issued by a justice of the peace upon information being laid before him to the effect that a person has, or is suspected of having, committed an offence. The offence to which the warrant relates must be either triable on indictment or punishable with imprisonment. The arrest warrant remains in force until it is either executed or withdrawn.

Clearly if the subject of the warrant is dead the warrant would be withdrawn. However, I can find no reference to the effect on an arrest warrant if the subject of the warrant is only presumed to be dead. Given the limited purpose of the proceedings in the Probate Court I do not believe that decision of that court to allow Lord Lucan's death to be sworn to has any other legal implications and I can see no good reason why the arrest warrant should be withdrawn as a result.

This remains my view even having considered the judgment of Mr Justice Morritt. Until such time as it is known beyond all reasonable doubt that Lord Lucan is dead I can see no reason for withdrawing the warrant given that he is still suspected of involvement in the murder of Sandra Rivett.

➤ Warrant

There is still an existing warrant for Lord Lucan's arrest . The original warrant has not been found but a copy is in existence. (see appendix E.) Consideration has been given to the question of whether or not the warrant should be withdrawn on application from the family. It is the advice of MPS solicitors that despite a civil judgement granting probate to the Lucan family, the warrant should remain in force until Lord Lucan's death is proved beyond all reasonable doubt. (see appendix F)

➤ Murder Review Group

The issues raised in this report are matters which require intervention in the short term. In addition the condition of this case is such that a complete and thorough review by the MRG may well be desirable should this investigation receive assent to continue.

➤ Conclusion

There are thus a number of serious issues to contemplate in this report. The first of these is whether the MPS still wishes to pursue alleged sightings of Lucan, which from time to time emerge in diverse areas of the globe. If not, then direction should be given in regard to how these matters are dealt with when they arise. Should the decision be ,however, that the case should continue to be investigated, then the following matters require consideration;

- Resolution of outstanding identification issues.
- Possible approach to Lord Lucan's family to obtain DNA, including consideration of covert intelligence.
- Identification of John CRAWFORD alleged to be Lord Lucan, including the value of facial imaging.
- Comprehensive review by Murder Review Group.
- Potential use of a Covert Human Intelligence Source abroad.

A swift resolution of these outstanding issues will at the least assist matters currently in hand, and provide a basis for either concluding this case or re-focussing investigative efforts on a more solid evidential foundation.

XXXXXXXXXX

X
facial
image

This matter continues to attract world-wide attention and all correspondence dealing with 'sightings', etc are dealt with on their merits.

On Monday, 19 June 1995, a meeting took place at Crown Prosecution HQ, Ludgate Hill between XXXXXXXXXXXX, XXXXXXXXXXXX, XXXXXXXXXXXX and XXXXXXXXXXXX. They were fully apprised of all the above facts and asked to be informed of any future developments in the case. The matter concerning exhibit RM/1 did not appear to give the CPS cause for concern.

XXXXXXXXXX