

The Jermaine Baker Public Inquiry

Report into the Death of Jermaine Baker

**Chairman – His Honour
Clement Goldstone QC**

5 July 2022

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Presented to Parliament pursuant to section 26 of the Inquiries Act 2005

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Foreword

Jermaine Baker was a very much-loved son, father, brother, partner, grandson, cousin and friend. He was also, in the words of his mother Margaret Smith, “*no angel*” and was “*involved in a crime and should have gone to prison like the others involved*”.¹ He should not, she said, have died.

The purpose of the Inquiry which I have had the honour and privilege to chair has been to obtain and receive evidence, and to make findings within my Terms of Reference, which will enable me to provide answers to the many searching but wholly understandable questions that are posed by the circumstances in which Mr Baker met his death.

The pages that follow contain those answers. At the end of this Report, I will provide a short narrative conclusion, mindful as I am that the investigation into Mr Baker’s death started out as an inquest, and that without such a conclusion, I would have failed in my expressed intention and duty to ensure that this Inquiry discharges all the functions of the original inquest.

It is a sobering fact to acknowledge that, had it not been for the tragic death of Mr Baker, the extent of the catalogue of failings in the preparation of the Metropolitan Police Service (MPS) operation, in the conduct of which he was killed, would have remained outside the public eye. Now that they have been exposed, it is my fervent hope that the recommendations designed to address and eliminate them will be implemented in full. The public, and in particular those who live and work within Greater London, are entitled to and deserve nothing less. The outgoing Commissioner of Police of the Metropolis, Dame Cressida Dick, acknowledged in her “Letter to London” of 8 April 2022 that the MPS “*know not everyone has confidence in us to provide a good service when they need us*”.² Those within the corridors of power in the MPS cannot expect any increase in that level of public confidence, without a willingness to accept and act upon justified criticism.

The family of Mr Baker have waited a long time to find out what precipitated his death but, throughout this process, and despite the pressures that they must have been under, they have behaved with the utmost patience and dignity, and have at all times shown me, initially as Assistant Coroner and latterly as Chairman, once the Inquiry had been established, courtesy and respect, for which I thank them.

Nor would it be right to ignore the stresses and strains affecting those who were directly concerned with and affected by the fatal shooting, in particular W80, who fired the single, fatal shot in circumstances that have now been extensively considered by this Inquiry.

Although the Public Inquiry was not established until February 2020, I consider it worthy of note and commendation that, despite the Covid pandemic which has affected the lives of all of us since March 2020, there was cooperation on the part of all core participants to ensure that the Inquiry could commence its public hearings on schedule in June 2021 and, more recently, to

1 [Margaret Smith 16 June 2021 145/15; 140/23-25](#)

2 <https://news.met.police.uk/news/my-letter-to-london-commissioner-cressida-dick-445830>

ensure that this Report would be ready for publication by July 2022. That could not have been achieved without the professionalism and dedication of all the members of the various legal teams instructed by the core participants, from the most senior and eminent Queen’s Counsel to the most junior paralegal, to all of whom I owe a debt of gratitude far greater than these words can do justice. They will, I know, forgive me if I mention only by name those with whom I had the closest professional contact – Counsel to the Inquiry, Kate Blackwell QC, Nikita McNeill and Aaron Moss (and before them, Sophie Cartwright, now QC, as Counsel to the Inquest), and Solicitors to the Inquiry, Tim Suter and Abigail Scholefield, of Fieldfisher LLP, ably assisted and supported by Michael McCagh, Holly Johnson, Carolyn Ward and Heidi Brotherton.

Although I have derived much support from my legal team, and benefited hugely from their advice, the responsibility for any shortcomings in this Report is mine. The conclusions drawn from an Inquiry such as this, which has inevitably ranged far and wide in the investigations that have been conducted, cannot be expected to please all the readers of the Report all of the time, but those who have been criticised, in some cases, in forthright and trenchant terms, should understand and appreciate that each and every criticism has been made only after a thorough and careful assessment of the evidence. I have throughout attempted to make every allowance for the pressure-cooker of an environment in which many of the most difficult and time-sensitive decisions had to be made. I have conducted what was, in some respects, a most difficult balancing exercise to the best of my ability and, I believe, impartiality.

I would like to conclude this foreword by paying particular tribute to the Secretariat: James Esses, Lorna Yates and Sue Curran. They have handled a very significant workload without any complaint, using great initiative and being willing to “go the extra mile”. They deserve great credit for the fact that this Inquiry has fulfilled its Terms of Reference and delivered its Report within its budgetary constraints and on time.

And finally, I pay tribute to my wife Vanessa, whose support, patience and understanding have never wavered and to whom my Chairmanship of this Inquiry has given a new dimension to the meaning of the word “retirement”.

His Honour Clement Goldstone QC

Part One: Introduction

Chapter 1: Introduction

Background

- 1.1 On 13 October 2015, Izzet Eren, a member of the Tottenham Turks gang, was arrested together with Erwin Amoyaw-Gyamfi. They were on a stolen motorbike and in possession of a loaded Škorpion sub-machine pistol. Metropolitan Police Service (MPS) officers believed they were on their way to carry out a murder. Both were charged with – and on 29 October 2015 pleaded guilty to – offences of possession of firearms with intent to endanger life. They were remanded in custody until their appearance at Wood Green Crown Court on 11 December 2015.
- 1.2 By 30 October 2015, the MPS had information that Izzet Eren’s cousin, Ozcan Eren, was planning to assist Izzet Eren to escape from or break out of custody while in transit to Wood Green Crown Court on 11 December 2015, using a stolen Audi A6 (the Audi mission vehicle) with the registration mark KM13 YPT. An operation known as Operation Ankaa was set up to investigate the plan and to arrest those involved. Operation Ankaa was led by Detective Chief Inspector (DCI) Neil Williams,¹ in the role of Tactical Firearms Commander (TFC), under the overall supervision of Detective Superintendent (DSupt) Craig Turner, the Strategic Firearms Commander (SFC).
- 1.3 Operation Ankaa was a major police operation, which involved the installation of listening devices, or audio probes, in the Audi mission vehicle and the deployment of surveillance officers and Counter Terrorism Specialist Firearms Officers (CTSFOs) to provide Mobile Armed Support to Surveillance (MASTS). On 11 December 2015, the operation was run by DCI Williams from a dedicated control room with an adjacent room serving as a covert monitoring post where officers could listen to the audio feed coming from the listening devices in the Audi mission vehicle.
- 1.4 At approximately 8am on 11 December 2015, the Audi mission vehicle was parked in Bracknell Close, near to the rear of Wood Green Crown Court. Jermaine Baker, Nathan Mason and Gokay Sogucakli (subsequently referred to as “the conspirators”) were in the vehicle. At approximately 9am, DCI Williams ordered the CTSFOs to move in on the Audi mission vehicle in order to arrest the occupants. Mr Baker, occupying the front passenger seat of the Audi mission vehicle, was shot by a CTSFO known to the Inquiry as W80.² Mr Baker was not

1 Police officers will be referred to throughout the report by the rank they held at the time of Operation Ankaa, although some have since changed positions or retired

2 Individuals, including W80, who have been granted anonymity by the Inquiry have been allocated ciphers or codenames

carrying a weapon. The Audi mission vehicle was later searched and an imitation firearm, in the style of a black Uzi sub-machine gun, was found in the rear of the car. Mr Baker received prompt and professionally administered first aid but was declared dead at the scene.

IPCC investigation and CPS decision

- 1.5 The shooting of Mr Baker was referred to the Independent Police Complaints Commission (IPCC) (as it then was, before becoming known as the Independent Office for Police Conduct³ (IOPC)) on 11 December 2015 as a Death or Serious Injury Referral. The terms of reference for the IPCC investigation were approved by Commissioner Cindy Butts on 5 January 2016. Two officers, W80⁴ and DCI Williams, were identified as subjects of that investigation.
- 1.6 The IPCC investigation gathered more than 330 statements, 800 documents and 320 exhibits. The IPCC's report was finalised on 23 November 2016. The IPCC concluded:⁵
 - a. There was a case to answer by W80 for gross misconduct on the basis that a tribunal could find that W80's justification for using lethal force, namely that he believed Mr Baker was raising his hands towards his shoulder bag in order to take out a firearm, was untrue. Further that, even if his belief was genuinely held, a tribunal could find that the use of lethal force, at that time, was unreasonable.
 - b. There was a case to answer by DCI Williams for misconduct on the basis that he did not accurately record information in the FA2 form⁶ that there had been unsuccessful attempts by the gang to obtain a firearm; DCI Williams' failure was compounded by him not preparing an agreed form of words confirming this, to be used when briefing the officers involved in attempting to arrest those in the Audi mission vehicle.
- 1.7 On 16 December 2015, W80 was suspended from duty. On the following day, he was arrested on suspicion of murder. In June 2017, the Crown Prosecution Service (CPS) decided that W80 would not be charged with any offence. The family of Mr Baker exercised their right to seek a review of that decision but the CPS later confirmed the decision on 19 March 2018. On 26 June 2017, W80's suspension was lifted and he returned to work.
- 1.8 On 12 November 2018, the IOPC (as it had by then become) recommended that the MPS commence disciplinary proceedings regarding W80 for gross misconduct in using excessive force against Mr Baker, and concluded that a reasonable panel at a misconduct hearing would be likely to find that W80's belief that he was in imminent danger was an honestly held one, but could determine that the belief was unreasonable. The MPS disagreed with the legal basis for this conclusion and declined to follow the recommendation. The IOPC directed the MPS to give effect to its recommendation, namely to commence disciplinary proceedings.⁷ The correctness of this decision was the subject of Judicial Review proceedings in the Divisional Court, which upheld the stance of the MPS; that decision was the subject of an

3 Following the introduction of the [Policing and Crime Act 2017](#), the IPCC became the IOPC on 8 January 2018

4 W80 is one of the many police officer witnesses who, for the purposes of this Inquiry, has been anonymised pursuant to Restriction Orders which I granted. The reasons for those Orders vary and, in each case, OPEN reasons have been published on the Inquiry's website. Where a police officer was referred to by way of anonymised cipher during the Inquiry's hearings, the same cipher is used in this Report

5 [Catherine Hall 17 June 2021 90/12-91/4](#)

6 The form used by the TFC to apply for authority for an armed operation

7 Pursuant to paragraph 27(3) of schedule 3 to the [Police Reform Act 2002](#)

appeal which was heard in the Court of Appeal (Civil Division) on 9 October 2020, when the decision of the MPS was set aside. It remains, at the time of writing, the subject of ongoing proceedings before the Supreme Court, permission to appeal having been granted.

- 1.9 DCI Williams indicated his intention to retire on 11 May 2016, before the IPCC had served him with a notice of investigation or reached any conclusions about his conduct. The family of Mr Baker duly commenced an application for Judicial Review in an attempt to prevent DCI Williams' retirement. This was dismissed on 4 October 2016.⁸

Opening an inquest and establishing a public inquiry

- 1.10 An inquest into Mr Baker's death was opened at North London Coroner's Court on 22 December 2015 by Her Majesty's Coroner, Andrew Walker. At the request of the IPCC, the inquest was suspended pending the conclusion of the IPCC investigation.
- 1.11 On 21 March 2019, I was appointed as Assistant Coroner in the inquest into Mr Baker's death. On 3 August 2019, I wrote to the Home Secretary to request that she set up a statutory public inquiry in accordance with the relevant provisions of the Inquiries Act 2005 in order to ensure that all relevant evidence could be considered and taken into account through public hearings. A public inquiry is able to consider sensitive information and hear sensitive evidence in CLOSED sessions, which members of the public cannot attend, but this is not possible in inquest proceedings. The establishment of this Public Inquiry, under my chairmanship, was announced in the House of Commons by the Home Secretary on 12 February 2020.

Inquiry hearings

- 1.12 Public hearings commenced at the International Dispute Resolution Centre, Fleet St, London on 14 June 2021 and continued over 31 days. The hearings concluded on 8 September 2021 with closing oral submissions made on behalf of core participants.
- 1.13 I also heard some evidence in four CLOSED sessions which, as a result of orders I made, could only be attended by me, Counsel and Solicitor to the Inquiry, legal representatives for the National Crime Agency (NCA) and the MPS, as well as relevant witnesses.
- 1.14 I previously ruled that CLOSED sessions were necessary in the public interest to avoid the risk of harm and damage including: (a) death or serious injury; (b) revelation of sensitive investigative techniques and abilities; (c) compromising the sensitive, collaborative relationship between the NCA and partner agencies; and (d) the ability of offenders to evade detection or prosecution if disclosure of the material were made. The fact that some aspects of the evidence were heard in CLOSED session did not reduce the careful scrutiny that was applied to this evidence.
- 1.15 I have drafted and provided to the Home Secretary a CLOSED section of this report in which I have reached a number of conclusions and have made two recommendations.

Expert witnesses and subject-matter advisers

- 1.16 Throughout the Inquiry, I have instructed, and heard from, a number of professional witnesses who have provided me with expert and specialist subject-matter evidence.

⁸ *R (on the application of AB) v Commissioner of Police of the Metropolis* [2016] EWHC 2714 (Admin)

- 1.17** The Inquiry’s policing experts were Ian Arundale QPM and Colin Burrows QPM, both of whom were involved in the production of the first armed policing Code of Practice in 2003 and in the drafting and development of the Association of Chief Police Officers (ACPO) *Manual of Guidance* which ultimately formed the basis of the College of Policing’s *Authorised Professional Practice – Armed Policing* (see Chapter 2):
- a. Mr Arundale holds a BA(Hons) in police studies, an MSc in criminology and criminal justice and a diploma in applied criminology. He served as a police officer for 34 years in four police forces, at all ranks up to Chief Constable. He worked as an Operational Firearms Commander (OFC) for five years, a TFC for five years and an SFC for 10 years. He was the UK national lead for all armed policing matters on behalf of ACPO from 2001 to 2008. Mr Arundale also has experience in international policing and consultancy, and for nine years acted as a policing consultant and expert witness, primarily in armed policing and critical incident management, including acting as the sole expert witness in the Anthony Grainger Public Inquiry.⁹
 - b. Mr Burrows holds a BA in public administration and was awarded an MPhil for a thesis entitled “The use of lethal force by police”. He served in the Royal Ulster Constabulary and later the Police Service of Northern Ireland for 31 years, retiring as the acting Assistant Chief Constable (operations) in April 2002. Throughout his policing career, Mr Burrows (a former Chief Firearms Instructor, with extensive experience of armed policing) worked with the National Police Chiefs’ Council (NPCC) and its predecessor, ACPO, in the development of UK policy, guidance and procedures relating to police use of force and firearms. Following his retirement, Mr Burrows has provided consultancy and expert witness services. He was a contributor to the 2020 United Nations human rights guidance on less lethal weapons in law enforcement.¹⁰
- 1.18** Mark Brown and William Storey were instructed by the Inquiry to act as subject-matter advisers in the field of technical surveillance, including the deployment and use of covert listening devices and the conduct of a covert monitoring post:
- a. Mr Brown is the national training coordinator at the College of Policing, responsible for all training in the technical surveillance disciplines. He has worked in covert policing roles and has been responsible for a large number of technical surveillance deployments.¹¹
 - b. Mr Storey is a retired police officer who served for 30 years and retired at the rank of detective sergeant. During his service, he was trained in, deployed in and supervised a number of disciplines within covert policing and surveillance. Since 2006, he has been a member of the NPCC’s national covert monitoring user group. He has been the chair of that group since 2018. He continues to work within a covert policing environment.¹²

9 [Ian Arundale and Colin Burrows 21 July 2021 44/16-47/13](#)

10 [Ian Arundale and Colin Burrows 21 July 2021 47/15-51/2](#)

11 [Mark Brown and William Storey 23 July 2021 1/23-2/23](#)

12 [Mark Brown and William Storey 23 July 2021 2/25-3/19](#)

- 1.19 Adam Brooks is a consultant surgeon specialising in the management of torso trauma and hepatobiliary surgery. He is the Director of the East Midlands Major Trauma Centre at the Queen’s Medical Centre campus in the Nottingham University Hospitals NHS Trust, which is the largest major trauma centre in the UK. He has more than 20 years’ experience as a medical legal expert.¹³
- 1.20 Dr Charlotte Randall has been a Home Office registered forensic pathologist since 2015. She is a Fellow of the Royal College of Pathologists and a member of the British Association in Forensic Medicine. She holds the degrees of BSc in biomedical sciences, Bachelor of Medicine and Bachelor of Surgery. She has a diploma in forensic medical sciences and a diploma in medical jurisprudence in pathology.¹⁴
- 1.21 Khaldoun Kabbani has 29 years’ experience as a forensic consultant and is a practising senior expert in ballistic crime scenes and associated forensic disciplines. He is a member of the Association of Firearms and Tool Mark Examiners and the Chartered Society of Forensic Sciences. He holds an LLB and a Master’s degree in forensic science.¹⁵
- 1.22 The evidence and opinions of each of these witnesses were of assistance to me in evaluating the evidence collected and heard throughout this Inquiry, in particular as it related to the conduct of specialist police officers. Nonetheless, I am not bound to accept their opinions, nor have I done so on every point. The conclusions reached and the comments made throughout this report are my own.

A note on references and abbreviations

- 1.23 For the most part, footnotes cite references to either documentary evidence or transcripts of the Inquiry hearings, both of which are hyperlinked to the Inquiry website. Documentary evidence is referenced by a three-letter code identifying its origin (e.g. COP for College of Policing) and a number, as well as a page number if relevant. Inquiry hearings are referenced by individual, hearing date, page and line number (e.g. 67/15-20).
- 1.24 All titles, ranks, organisations, terms, guidance documents etc that are known colloquially and recognised by their initials will appear in full on the first occasion that they are mentioned in this Report. Thereafter, they will be referred to by their initials only. Appendix B contains a full list of abbreviations.

¹³ [Adam Brooks, Charlotte Randall and Khaldoun Kabbani 27 July 2021 5/2-23](#)

¹⁴ [Adam Brooks, Charlotte Randall and Khaldoun Kabbani 27 July 2021 2/3-3/4](#)

¹⁵ [Adam Brooks, Charlotte Randall and Khaldoun Kabbani 27 July 2021 3/6-4/25](#)

Part Two: Legislation, Policies, Training and Procedures

Chapter 2: Armed policing – the legislative and policy framework

- 2.1 Since December 2003, within the UK, the framework in which police operations (especially those that have an armed policing component) are managed has been set within a regulatory and professional framework of good practice. The key documents within that framework are:
- the College of Policing *Code of Ethics* 2014 (the Code of Ethics);
 - the National Decision Model (the NDM);
 - the Home Office *Code of Practice on Police Use of Firearms and Less Lethal Weapons* (the Code of Practice);
 - the College of Policing *Authorised Professional Practice – Armed Policing* (APP-AP); and
 - the National Police Firearms Training Curriculum (the NPFTC).

Article 2

- 2.2 The European Convention on Human Rights protects the human rights of people in countries that belong to the Council of Europe. All 46 Member States of the Council, including the UK, have signed the Convention. Article 2 of the Convention imposes a positive obligation on Member States to safeguard life.¹
- 2.3 Any use of force by the State may be no more than is “*absolutely necessary*” to fulfil a permitted aim, including to make a lawful arrest or to prevent the escape of a person lawfully detained.² The test of absolute necessity is “*stricter and more compelling*” and, in particular, the force used must be strictly proportionate to achieving that aim.³
- 2.4 The State must give appropriate training, instructions and briefing to police officers and exercise strict control over any operations that may involve the use of lethal force.⁴

1 [COP0000032_004-006](#)

2 [Article 2, European Convention on Human Rights](#)

3 [McCann and Others v United Kingdom \(1995\) 21 EHRR 97 at \[149\]](#)

4 [McCann and Others v United Kingdom \(1995\) 21 EHRR 97 at \[151\]](#)

- 2.5 Where a person dies as a result of the use of force by the State, Article 2 requires “*careful scrutiny*” not only of whether the force used was strictly proportionate to the permitted aim but also whether the operation as a whole was “*planned and controlled by the authorities so as to minimise, to the greatest extent possible, recourse to lethal force*”.⁵
- 2.6 In the case of *Bubbins v UK* (2005) 41 EHRR 24, the European Court considered the death of an individual, mistakenly believed to be armed, during the course of an armed police operation. The Court concluded that the use of force may be justified where the officer held an honest, though mistaken, belief that his life was in danger:
- To hold otherwise would be to impose an unrealistic burden on the State and its law enforcement personnel in the execution of their duty.*⁶
- 2.7 The decision to allow a conspiracy (which is an agreement between two or more people to commit a criminal offence) to proceed until there is sufficient evidence to justify an arrest will not of itself be a breach of Article 2, if that operation is planned and controlled so that the use of lethal force is neither inevitable nor highly probable.⁷

College of Policing Code of Ethics 2014

- 2.8 The Code of Ethics was launched by the College of Policing on 15 July 2014. It is the “*defining document*” for policing in the United Kingdom because it has a statutory footing.⁸
- 2.9 The Code sets out the basic expectation for every police officer in England and Wales as follows:
- You are responsible for your own professional behaviour and, to ensure that you are able to deliver the highest standards possible, you must have a good understanding of the contents of this Code.*⁹
- 2.10 The following sections of the Code of Ethics on covert policing are relevant to this report:
- 1.5 To achieve legitimate policing aims, it is sometimes necessary to use covert tactics. This is recognised in law.*
- 1.6 Covert tactics must be appropriately authorised and any deployments must be shown to be proportionate, lawful, accountable, necessary and ethical.*
- 1.7 Officers who authorise or perform covert policing roles must keep in mind at all times the principles and standards set out in the Code of Ethics.*¹⁰
- 2.11 Section 4 of the Code of Ethics is entitled “*Use of force*” and begins:
- I will only use force as part of my role and responsibilities, and only to the extent that it is necessary, proportionate and reasonable in all the circumstances.*¹¹

5 *McCann and Others v United Kingdom* (1995) 21 EHRR 97 at [194]

6 *Bubbins v United Kingdom* (2005) 41 EHRR 24 at [138]

7 *Brady v United Kingdom* (Application No 55151/00)

8 Simon Chesterman 28 July 2021 25/13-18

9 COP0000023_007 para 1.4.1

10 COP0000023_010

11 COP0000023_013

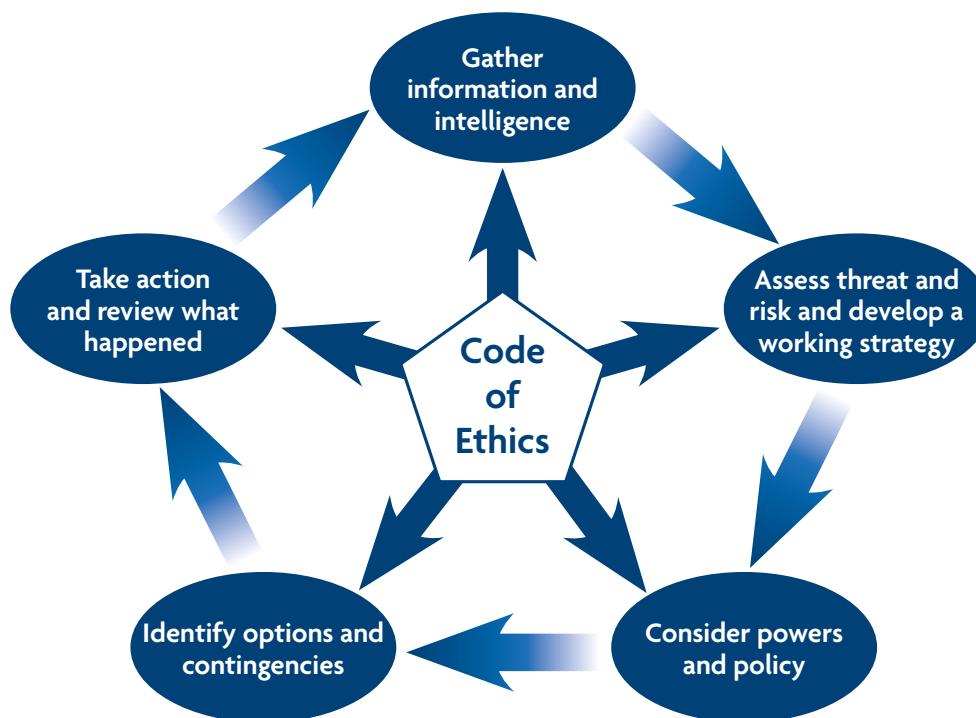
- 2.12 The Code of Ethics also contains a section entitled “*Supplementary Notes*” which sets out the NDM. Just above the subtitle “*Making Ethical Decisions*”, the Code of Ethics states:

*The National Decision Model is the primary decision-making model for police in England and Wales. Individuals, supervisors and others use it to assess potential decisions or decisions that have already been made.*¹²

National Decision Model

- 2.13 The NDM is now widely used across the UK police service and, in a slightly modified form, by other emergency services and partner agencies. It is based on an earlier decision-making model known as the Conflict Management Model (CMM) which was used primarily in situations requiring a coordinated response by specialist tactical officers in armed and public order situations. The NDM has six key elements. The element that binds the model together is the Code of Ethics which sits at its centre.

Figure 1: Visual representation of the National Decision Model from *Authorised Professional Practice – Armed Policing*



- 2.14 APP-AP states:

The National Decision Model is a decision-making model used throughout the police service. It is designed to assist operational officers, planners, advisers and commanders to manage their response to a situation in a reasonable and proportionate way.

The NDM is a scalable model that can be applied before, during and after an incident requiring the deployment of AFOs [Authorised Firearms Officers]. It provides a framework for recording command decisions and the rationale behind them and can also be used to brief officers involved in the response.

The NDM is driven by information and intelligence. It is a continuous cycle, constantly reviewed in light of new information and assessment that will, ultimately, affect the response to the incident. The model prompts the decision maker to take action on the basis of the most up-to-date information and intelligence available at that time.

Each element of the model may be worked through and reviewed consciously or subconsciously. Decisions and the rationale behind them, can be recorded against each element.¹³

Managers and others can use it to review decisions and actions and promote learning.

2.15 APP-AP is clear that, where it is necessary to deploy armed officers, police decision-making and responses are “*directed by available information and the assessment of threat*” assisted by the application of the NDM.¹⁴

2.16 Applying the NDM, APP-AP describes the following stages for the authorisation of the deployment of armed officers:

a. Gather information and intelligence:

The assessment of information is a dynamic and continuing process throughout the life of an incident or operation. All involved have a responsibility for updating information and ensuring that, as far as possible, a full intelligence picture is maintained and that this is conveyed as appropriate to those involved.¹⁵

b. Assess threat and risk and develop a working strategy:

An accurate, multi-dimensional threat assessment will ultimately allow for an effective prioritised strategy and the formulation of a proportionate response. The aim is to protect the public by the most appropriate method, balancing the risk of harm to the public in both the short and longer term.¹⁶

c. Consider powers and policy:

Consideration should be given to which powers and policies are applicable and necessary in the circumstances to achieve the objectives set out within the tactical plan.¹⁷

d. Identify options and contingencies:

As soon as the first information is received, generic tactical options may be considered and selected ... As more information becomes available, tactical options should be further considered in the light of evaluated intelligence and the relevant powers and policy.¹⁸

13 [COP0000018_003-004](#)

14 [COP0000018_002](#)

15 [COP0000018_004](#)

16 [COP0000018_006](#)

17 [COP0000018_007](#)

18 [COP0000018_008](#)

- e. Take action and review what happened:

When a course of action has been decided on, commanders should direct resources and ensure that those involved are appropriately briefed ... Officers need to be clear on which tactical option they are required to carry out and the tactical objective they are to accomplish.¹⁹

- 2.17 The NDM is a continuous circular model. Consequently, while driven by information and intelligence, subsequent decision-making and the other areas listed need to be continuously updated and considered in light of emerging information or intelligence. Superintendent (Supt) Ross McKibbin told the Inquiry:

You must start at the beginning with the intelligence, you absolutely must. Then everything follows from that, from intelligence to threat assessment, to working strategy, through to powers and policy on to your contingencies, what you are going to decide to do and then putting it into practice.²⁰

Home Office Code of Practice on Police Use of Firearms and Less Lethal Weapons

- 2.18 Following the implementation of the Police Reform Act 2002, the Secretary of State issued the Home Office *Code of Practice on Police Use of Firearms and Less Lethal Weapons* in 2003. The Code of Practice was given statutory effect by Section 39 of the Police Act 1996, which permits the Secretary of State to issue codes of practice relating to the discharge by (what were then) police authorities of any of their functions.

- 2.19 The purpose of the Code of Practice includes:

To set out the basic principles in relation to the selection, testing, acquisition and use of firearms and less lethal weapons by police

and

To provide a statement on standards of competence, accreditation and operational practice relating to police use of firearms and less lethal weapons.²¹

- 2.20 The Code of Practice was replaced in January 2020 by a new *Code of Practice on Armed Policing and Police Use of Less Lethal Weapons* issued by the College of Policing, but it was the 2003 Code of Practice that was in operation in 2015.

- 2.21 The 2003 Code of Practice placed specific responsibility on officers who undertake the planning and command of operations where force, and in particular lethal force, may have to be used. Paragraph 3.4.4 of the 2003 Code of Practice stated:

Police officers responsible for planning and undertaking operations where the use of force is a possibility should plan and undertake them so as to minimise, to the greatest extent possible, recourse to force and, in particular, lethal force.²²

19 [COP0000018_012](#)

20 [Ross McKibbin 3 August 2021 67/15-20](#)

21 [COP0000054_005](#)

22 [COP0000054_011](#) para 3.4.4

- 2.22 The 2003 Code of Practice required chief officers to take account of detailed guidance adopted collectively by chief officers of police:

Chief officers of police will make arrangements under this code for the authorisation, deployment and use of weapons requiring special authorisation, taking account of detailed operational guidance updated and adopted collectively by chief officers of police. Guidance in respect of weapons requiring special authorisation is set out in the Manual of Guidance on Police Use of Firearms.²³

College of Policing Authorised Professional Practice – Armed Policing

- 2.23 APP-AP provides the national guidance for various areas of armed policing. APP-AP provides a “strategic description of the things that forces must do or should do”.²⁴ It is written in terms of both “musts” and “shoulds”.²⁵ This guidance is adopted by police forces across England and Wales and is incorporated into MPS local policy, guidance and Standard Operating Procedures (SOPs).
- 2.24 APP-AP was initially developed by the College of Policing in order to provide consistent national guidance across all aspects of policing, including but not limited to armed policing. It is expected that all officers involved in the command, management and deployment of armed officers are thoroughly familiar with APP-AP. The accreditation process for firearms commanders, Tactical Advisors (TacAds) and Authorised Firearms Officers (AFOs) involves testing their knowledge and application of APP’s content and principles.²⁶
- 2.25 Although the College of Policing “owns” APP-AP, the key organisation responsible for its development is the NPCC.²⁷ From its inception in 2013 until 2020, APP-AP was updated and amended piecemeal with yearly reviews to consider operational learning and the findings and conclusions of inquests and public inquiries.²⁸
- 2.26 In 2020, a wholesale review of APP-AP was initiated, in part in response to the Anthony Grainger Inquiry and the introduction of the new *Code of Practice on Armed Policing and Police Use of Less Lethal Weapons*, with a revised draft being produced in May 2021.²⁹
- 2.27 APP-AP is a vast document. This report will focus upon the following sections:
- a. command content;
 - b. armed deployment content;
 - c. use of force, firearms and less lethal weapons;
 - d. strategic threat and risk assessment;³⁰ and
 - e. legal framework.

23 [COP0000054_008](#) para 2.2.1

24 [Simon Chesterman 28 July 2021 25/19-25](#)

25 [Simon Chesterman 28 July 2021 25/19-25](#)

26 [INQ0000004_016](#)

27 [Kevin Nicholson 3 August 2021 178/12-179/9](#)

28 [Kevin Nicholson 3 August 2021 179/10-20](#) and [Simon Chesterman 28 July 2021 30/3-10](#)

29 [Kevin Nicholson 3 August 2021 179/10-180/24](#)

30 This module was not introduced until December 2015

The National Police Firearms Training Curriculum

- 2.28 The NPFTC was first introduced by ACPO in November 2004, very soon after the 2003 Code of Practice. The NPFTC was the first attempt by UK policing to standardise firearms training.³¹
- 2.29 In its first iteration, the NPFTC was largely a “copy and paste” document taken from previous guidance. It is now approximately 5,000 pages in length, made up of units and modules that describe each of the requirements for the 21 role profiles within armed policing.³² The NPFTC should deliver the Code of Practice which is built upon APP but also ought to address the issues that officers are facing on the ground and train them to face them.³³
- 2.30 The NPFTC describes everything relating to training officers in armed policing, including:³⁴
- a. what their training should include;
 - b. the standards against which they will be assessed;
 - c. the frequency of assessments; and
 - d. the competence of the instructors to instruct them.
- 2.31 The NPFTC provides a degree of flexibility to local forces to develop their own training,³⁵ but they are required to have regard to both APP-AP and the NPFTC.³⁶ It does not provide lesson plans or similar but should provide sufficient detail for individual police forces, through the Chief Firearms Instructor,³⁷ to develop their own local training.³⁸ Some measure of standardisation should be provided by local practitioner groups and a licensing process involving an inspection of local training by the College of Policing. While some differences in training are to be expected, the NPFTC should be reflected throughout.³⁹ Chief Constable (CC) Simon Chesterman told the Inquiry:
- It provides, if you like, the national umbrella of consistency to make sure that all officers are trained to the same standards.*⁴⁰
- 2.32 This report will focus upon some modules of the NPFTC more than others. Those of particular relevance to this Inquiry include:
- a. A2 – Knowledge of roles;
 - b. C2 – Tactical Firearms Commander;
 - c. D3 – Subjects in vehicles;
 - d. D8 – MASTS; and
 - e. F2 – Tactical advice.

31 [Kevin Nicholson 3 August 2021 174/4-12](#)

32 [Kevin Nicholson 3 August 2021 174/17-175/2](#)

33 [Simon Chesterman 28 July 2021 26/9-13](#)

34 [Kevin Nicholson 3 August 2021 174/17-175/2](#)

35 [Kevin Nicholson 3 August 2021 177/19-22](#)

36 [Simon Chesterman 28 July 2021 20/1-11](#)

37 [Simon Chesterman 28 July 2021 20/15-25](#)

38 [Kevin Nicholson 3 August 2021 176/20-177/13](#)

39 [Kevin Nicholson 3 August 2021 177/19-178/11](#)

40 [Simon Chesterman 28 July 2021 19/23-25](#)

- 2.33 The NPFTC does not have regular wholesale reviews but individual modules are continually evolving and developing in conversation with chief firearms officers from around the country and 20 practitioner groups, who provide operational experience on the issues arising.⁴¹
- 2.34 The policing experts instructed by the Inquiry considered that the NPFTC was a “*large unwieldy*” document and that there were aspects of the NPFTC that were in need of revision.⁴²
- 2.35 Kevin Nicholson is a retired Chief Inspector from the MPS who is now employed by the College of Policing. He holds responsibility for managing the team that develops the NPFTC. In his view, while the NPFTC will be constantly evolving, in 2015 it was as good as it could be. Nonetheless, he noted that the D8 training module on MASTS has, since 2014, developed from 55 pages to 157 pages.⁴³

Armed policing command structure in the UK

- 2.36 The key positions of responsibility in an armed deployment are:
- a. Strategic Firearms Commander (SFC);
 - b. Tactical Firearms Commander (TFC);
 - c. Operational Firearms Commander (OFC); and
 - d. Tactical Advisor (TacAd).

The Strategic Firearms Commander

- 2.37 The SFC determines the strategic objectives and sets any tactical parameters. The SFC retains strategic oversight and overall command and responsibility of an armed operation.⁴⁴ APP-AP lists the expectations for the SFC, including:
- *must set, review, communicate and update the strategy based on the threat assessment and the available intelligence*
 - *should consider any tactical parameters to be placed on the police response*
 - *must ensure that the strategy for the armed deployment is recorded, including any changes to it, to provide a clear audit trail*
 - *must authorise the deployment of AFOs, or ratify or rescind the deployment where it has already been approved by the tactical firearms commander*
 - *should ensure that all decisions are recorded, where practicable, in order to provide a clear audit trail*
 - *must ensure that the firearms strategy complies with the wider strategic aims of the overall operation*
 - *should test the tactical plan against the established strategy, where practicable and/or time allows*
 - *is responsible for overall resourcing in respect of the deployment of AFOs*

41 [Kevin Nicholson 3 August 2021 175/11-24](#)

42 [Ian Arundale and Colin Burrows 21 July 2021 69/9-19](#)

43 [Kevin Nicholson 3 August 2021 175/25-176/10](#)

44 [COP0000024_003](#)

- *should maintain a strategic overview*
- *must be able to be contacted by the tactical firearms commander*
- *is responsible for reviewing and ensuring the resilience and effectiveness of the command structure and the effectiveness of the tactical firearms commander.*⁴⁵

2.38 Amendments to APP-AP in March 2021 have not changed the fundamentals of the commanders' roles but have tried to "better reflect" aspects of those individuals' responsibilities.⁴⁶

2.39 For the SFC, the changes "better articulated the SFC role in respect of the working strategy for armed deployment, and the measures taken to ensure that the working strategy was appropriately tested in response to changes in the threat and risk assessment and tactical plan".⁴⁷ Those changes added the following responsibilities for the SFC, who:

- *must ratify the working strategy having reviewed, and amended if necessary, the threat and risk assessment and working strategy developed by the TFC*
- *must keep the threat and risk assessment and working strategy under review for the duration of the armed deployment.*⁴⁸

The Tactical Firearms Commander

2.40 The TFC develops, commands and coordinates the overall tactical response in accordance with strategic objectives.⁴⁹ APP-AP lists the expectations for the TFC, who:

- *must assess and develop the available information and intelligence, and complete the threat assessment*
- *should consult a tactical advisor as soon as practicable*
- *is responsible for developing and coordinating the tactical plan in order to achieve the strategic aims, within any tactical parameters set*
- *is responsible for ensuring that officers and staff are fully briefed*
- *should be so located as to be able to maintain effective tactical command of the operation*
- *should ensure that all decisions are recorded, where practicable, in order to provide a clear audit trail*
- *provides the pivotal link in the command chain between strategic and operational firearms commanders*
- *must constantly monitor the need for the continued deployment of AFOs*
- *must review and update the tactical plan and ensure that any changes are communicated to the operational firearms commanders and, where appropriate, the strategic firearms commander*

45 [COP0000024_004-005](#)

46 [Kevin Nicholson 3 August 2021 181/10-182/7](#)

47 [COP0000055_009](#) para 5.2.1

48 [COP0000025_004-005](#)

49 [COP0000024_003](#)

- *should consider the wider community, public safety and evidential implications of the use of specialist munitions, pyrotechnic devices or incapacitants.*⁵⁰

2.41 The March 2021 amendments to the TFC's responsibilities in APP-AP reinforced the need for the TFC to develop the threat assessment and working strategy for approval by the SFC and introduced the requirement to undertake an operational risk assessment, with the expectation that the TFC would consider the specific risks to staff of deployment and:

- *must assess and develop the available information and intelligence, and develop an appropriate threat assessment and working strategy for ratification by the SFC where practicable ...*
- *should ensure that an operational risk assessment is undertaken prior to deployment.*⁵¹

The Operational Firearms Commander

2.42 The OFC commands a group of officers carrying out functional or territorial responsibilities relating to a tactical plan.⁵² APP-AP lists the expectations for the OFC, who, inter alia:

- *must have knowledge and clear understanding of their role and the overall aim of the operation*
- *must, where practicable, ensure that their staff are appropriately briefed*
- *should be located where they are able to maintain effective command of their area of responsibility*
- *ensures the implementation of the tactical firearms commander's tactical plan within their territorial or functional area of responsibility*
- *updates the tactical firearms commander, as appropriate, on current developments*
- *makes decisions within their agreed level of responsibility, including seeking approval for any variation in agreed tactics within their area of responsibility*
- *must ensure clear communication channels exist between themselves, the tactical firearms commander and those under their command*
- *should be available to those under their command, however, they should allow them sufficient independence to carry out their specific role in accordance with the strategy and tactical plan*
- *should ensure decisions taken are recorded, where possible, to provide a clear audit trail.*⁵³

2.43 As a result of the March 2021 amendments to APP-AP, the OFC is additionally required to assist the TFC in developing the threat assessment where appropriate.⁵⁴

50 [COP0000024_004-005](#)

51 [COP0000055_013](#) para 5.3.1

52 [COP0000024_006-007](#)

53 [COP0000024_006](#)

54 [COP0000025_007](#)

The Tactical Advisor

2.44 The TacAd advises on the capabilities and limitations of the firearms officers and other police resources being deployed. APP-AP lists the expectations for the TacAd, who, inter alia:

- *advises on the capabilities and limitations of the AFOs and other police resources being deployed*
- *advises the strategic or tactical firearms commander on the implication of any tactical parameters which have been set*
- *advises on the available tactical options for consideration by the strategic and tactical firearms commander within the existing strategy and any tactical parameters set*
- *advises the firearms commanders on the tactical considerations, contingencies and implications for each tactical option ...*
- *should be in a position to assist and advise the tactical firearms commander at all stages of the operation*
- *provides tactical advice reflecting the existing threat assessment*
- *ensures that advice given is recorded.*⁵⁵

2.45 APP-AP states explicitly:

*The role of a tactical advisor is to advise and not to make command decisions. The responsibility for the validity and reliability of the advice lies with the advisor, but the responsibility for the use of that advice rests with the commander.*⁵⁶

Separation of roles

2.46 APP-AP states explicitly:

*The function of the strategic firearms commander (SFC) or tactical firearms commander (TFC) must not be undertaken by the senior investigating officer (SIO) responsible for the investigation of the offence(s) for which the firearms operation is being conducted.*⁵⁷

2.47 The requirement for a separation of investigative and operational command roles was first included in the ACPO Manual of Guidance in 2009 as a result of a recommendation following the Inquest into the death of Jean Charles de Menezes. The guidance has remained constant since then and has developed so that the TacAd must also be independent of the command structure.⁵⁸

2.48 A separation of roles is necessary because, where the same person is making decisions about when there is sufficient evidence of a criminal offence (evidential sufficiency) as well as the risks of the operation to the public, there is a danger of losing objectivity.⁵⁹

55 [COP0000024_006-007](#)

56 [COP0000024_007](#)

57 [COP0000024_004](#)

58 [Kevin Nicholson 3 August 2021 185/2-17](#)

59 [Kevin Nicholson 3 August 2021 189/23-190/2](#)

2.49 Mr Nicholson considered that there was absolute agreement nationally on the “*fundamental principle*” that there needed to be a separation of roles between the senior investigating officer (SIO) and the TFC.⁶⁰ He did not think the attitude of the MPS was any different on that issue.⁶¹ The structure of the MPS is, however, unique in that it is the only force where there are a number of different operational directorates that carry firearms, some of whom are investigators. In other forces, there is a natural separation whereby the team providing armed policing capability is distinct from the investigative teams.⁶² In some respects, the position in the MPS could be viewed as a benefit because the SIO understands the world of the TFC and of the SFC and vice versa:

*The absolute key then is that people have the discipline to make sure that they understand completely what their role and responsibilities are, at a given time in a given operation ... that is something that they have to constantly keep an eye on for obvious reasons.*⁶³

60 [Kevin Nicholson 3 August 2021 187/15-18](#)

61 [Kevin Nicholson 3 August 2021 184/22-185/2](#)

62 [Kevin Nicholson 3 August 2021 185/21-186/14](#)

63 [Kevin Nicholson 3 August 2021 187/8-18](#)

Chapter 3: Armed policing and covert surveillance in the Metropolitan Police Service Standard Operating Procedures

Introduction

- 3.1 The MPS is the United Kingdom's largest police service. It is made up of 45,949 personnel, of whom 33,128 are police officers. The MPS receives 25 per cent of the total policing budget for England.¹
- 3.2 In the year ending March 2021, there were 6,543 armed officers in England and Wales,² of whom almost 3,000 were in the MPS.³ In 2015, the MPS had approximately 2,460 armed officers.⁴ The MPS sees approximately 1,000 authorised armed deployments each year and 3,000 spontaneous armed deployments.⁵
- 3.3 The MPS distinguishes between spontaneous and authorised incidents:

Spontaneous incidents are those incidents that take place without warning, the circumstances of which demand that armed support to the initial police response must be considered ... Authorised operations are all other operations not falling within that (spontaneous) definition.⁶

1 As of 31 August 2021, <https://www.met.police.uk/police-forces/metropolitan-police/areas/about-us/about-the-met/structure>

2 <https://www.gov.uk/government/statistics/police-use-of-firearms-statistics-england-and-wales-april-2020-to-march-2021/police-use-of-firearms-statistics-england-and-wales-april-2020-to-march-2021>

3 Philip Taylor 29 July 2021 3/13-18

4 <https://www.met.police.uk/SysSiteAssets/foi-media/metropolitan-police/policies/met-hq---portfolio--planning---police-use-of-firearms-equality-impact-assessment>

5 Ross McKibbin 3 August 2021 47/7-11

6 IPC0000079_010 paras 5.6-5.7

The Metropolitan Police Service Specialist Crime and Operations Directorate

3.4 The MPS is unique in that it has a firearms capability in a number of its business groups,⁷ in particular in the following:

a. SCO7 – Organised Crime Command:⁸

SCO7 is the MPS lead command for investigating all serious organised crime, such as kidnap, robbery, firearms/drugs supply, economic crime including cyber-crime, corruption, human trafficking and prostitution. SCO7 provides strategic and tactical firearms command in relation to operations for which it is responsible.⁹

b. SCO19 – Specialist Firearms Command:¹⁰

SCO19 is a dedicated firearms command. It is responsible for providing a firearms response capability, assisting the rest of the MPS whose officers are not routinely armed. SCO19 includes Strategic, Tactical and Operational Firearms Commanders, as well as firearms instructors, support staff and police units.

c. SCO35 – Armed Surveillance:

SCO35 is made up of armed surveillance operatives who covertly monitor those who are actively involved in terrorism or serious and organised crime.

7 [IPC0000073_012](#)

8 Figure 2 represents a simplified version of hierarchy by rank. Not all roles or officers are represented. The structure does not necessarily reflect “command” hierarchies for a given operation. Specialist Crime and Operations has undergone significant changes in its organisational structure since 2015. The above reflects an approximation between the years

9 [INQ0000004_031](#) para 118

10 Figure 3 represents a simplified version of hierarchy by rank. Not all roles or officers are represented. It should be noted that MO19 (formerly SCO19) has undergone changes in its organisational structure since 2015. The above reflects an approximation between the years, in the interests of comparison and to identify the ranks of key witnesses

Figure 2: Specialist Crime and Operations (formerly SCO7) organogram, identifying the individuals in each of the various roles in December 2015 and in equivalent roles during the Inquiry hearings

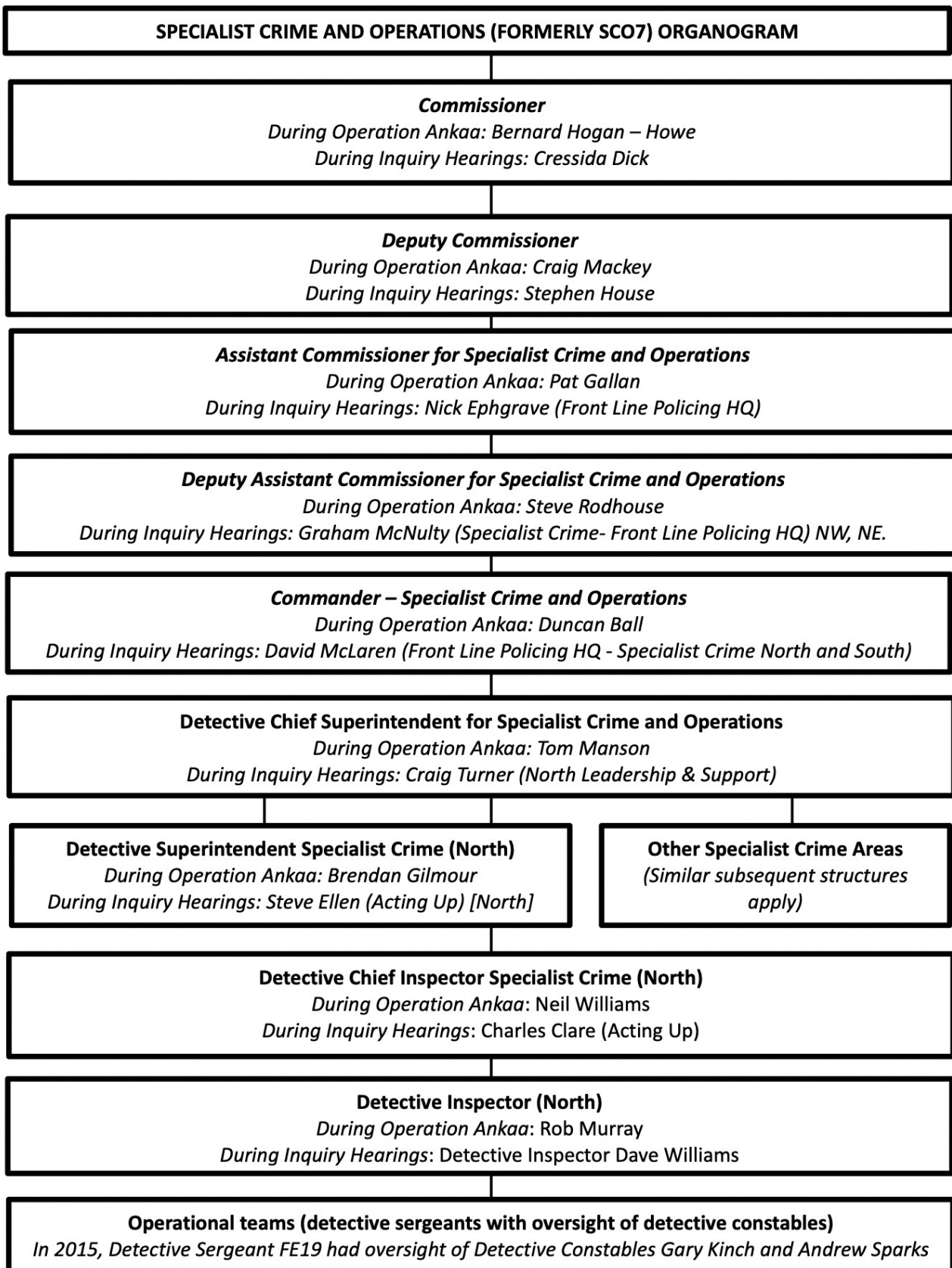
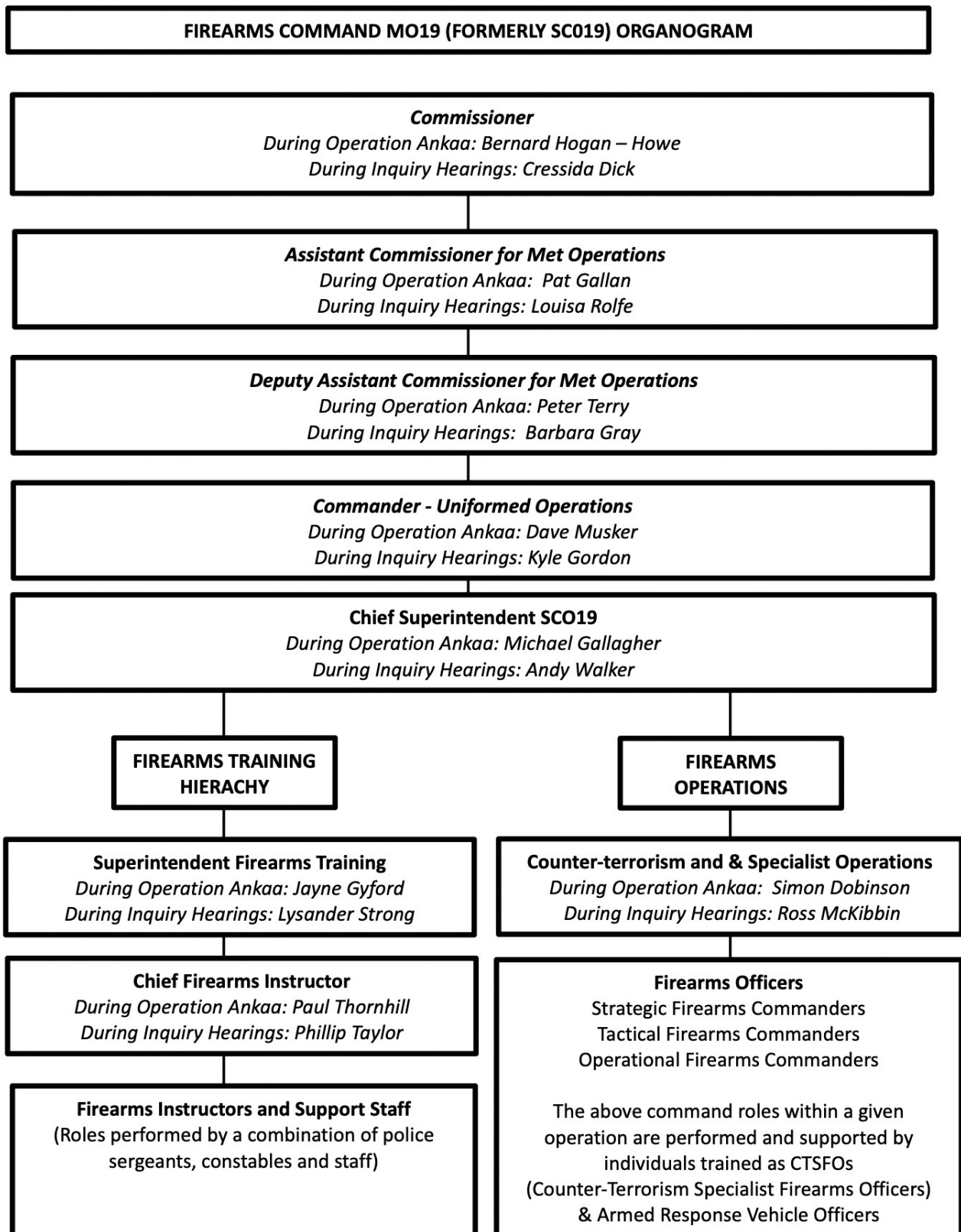


Figure 3: Firearms Command MO19 (formerly SCO19) organogram, identifying the individuals in each of the various roles in December 2015 and in equivalent roles during the Inquiry hearings



The MPS Standard Operating Procedures relating to armed policing

3.5 The MPS maintains a document setting out its SOPs relating to armed policing. The MPS SOP version 11.0, dated July 2014, was in force in December 2015:

The MPS Police Use of Firearms and Less Lethal Weapons SOP is a Metropolitan Police specific document and it works in conjunction with the ACPO APP Armed Policing 2012. The ACPO APP provides generic guidance, whereas the MPS SOP gives clear MPS operating procedures.¹¹

3.6 The MPS SOP version 11.0 was extensive and ran to 266 pages. At paragraph 1.2, it set out the basic principle that:

AFOs are first and foremost police officers and in exercising the duties of the office of constable have a personal accountability and responsibility for the protection of life and carrying out duties associated with that office.¹²

3.7 The MPS SOP provided guidance on a number of issues, of which the following are relevant to this Inquiry:¹³

- a. legal framework;
- b. authority for deployment and carriage of firearms;
- c. command of armed operations;
- d. armed deployments;
- e. less lethal and specialist munitions; and
- f. intentional discharges of firearms by police.

Guidance on the discharge of weapons

3.8 Each MPS firearms officer holds a Form 6590, commonly known as an officer's Firearms Authorisation Blue Card, which records key training dates for each individual officer. A number of short paragraphs relevant to the role of firearms officers are also printed on the card. These include Section 3 of the Criminal Law Act 1967 on the use of force:

3 Use of force in making arrest, etc.

(1) A person may use such force as is reasonable in the circumstances in the prevention of crime, or in effecting or assisting in the lawful arrest of offenders or suspected offenders or of persons unlawfully at large.¹⁴

The paragraphs also include the following text:

The ultimate responsibility for firing a weapon rests with the individual officer, who is answerable ultimately to the law in the courts. Individual officers are accountable and responsible for all rounds they fire and must be in a position to justify them in the light of their legal responsibilities and powers.

¹¹ [IPC0000073_017](#)

¹² [IPC0000073_019](#) para 1.2

¹³ [IPC0000073_003](#)

¹⁴ <https://www.legislation.gov.uk/ukpga/1967/58/section/3>

Firearms are to be fired by AFOs in the course of their duty only when absolutely necessary after conventional methods have been tried and failed or must, from the nature of the circumstances, be unlikely to succeed if tried. (It is strongly advised that warning shots are a dangerous option as they may lead a subject or other officers to believe they are under fire or cause collateral injury.)

AFOs shall identify themselves as such and shall give a clear warning of their intent to use firearms, with sufficient time for the warnings to be observed, unless to do so would unduly place any person at a risk of death or serious harm, or it would be clearly inappropriate or pointless in the circumstances of the incident.¹⁵

3.9 In relation to the discharge of weapons, APP-AP states as follows, which is replicated in the MPS SOP:

- a. *Authorised firearms officers are first and foremost police officers. In exercising the duties of the office of constable they have a personal accountability and responsibility for the protection of life and carrying out duties associated with that office.¹⁶*
- b. *When it is considered necessary to discharge a firearm at a subject, police officers need to shoot to stop an imminent threat to life. The imminence of any threat should be judged, in respect of the potential for loss of life, with due regard paid to legislation and consideration of absolute necessity, reasonableness and proportionality.¹⁷*
- c. *When an authorised firearms officer (AFO) decides to discharge a firearm, the number and sequencing of rounds fired will depend on the circumstances that exist at the time. Officers must constantly assess the threat posed by the subject and the continuance of that threat. Officers must be able to demonstrate that the degree of force used was absolutely necessary and relative to the threat posed. The use of excessive force is strictly prohibited.¹⁸*

3.10 The MPS SOP emphasises the individual accountability of each AFO:

- a. *In all situations it is the individual AFO who must assess the immediacy and proximity of the threat and make an operational decision as to whether it is absolutely necessary to discharge a firearm or take other decisive action.¹⁹*
- b. *Each AFO is individually responsible and accountable for their decisions and actions and nothing can absolve them from such a responsibility and accountability.²⁰*

3.11 The MPS SOP also emphasises the accountability of firearms commanders for actions taken in the course of operations that they command:

Firearms commanders and those involved in the assessment of intelligence, provision of tactical advice and relaying of communications will be legally and professionally responsible for decisions that they make and any advice or directions or authorisations that they give. Any advice or directions or authorisations and

15 [IPC0001076](#)

16 [COP0000043_005](#) and [IPC0000073_019](#) para 1.2

17 [COP0000028_003](#) and [IPC0000073_020](#) para 1.11

18 [COP0000028_003](#) and [IPC0000073_020](#) para 1.12

19 [IPC0000073_019](#) para 1.3

20 [IPC0000073_021](#) para 1.17

*subsequent action must be 'reasonable in the circumstances' and where appropriate, the test of absolute necessity as required by Article 2 ECHR [European Convention on Human Rights] must be met.*²¹

The criteria and authorisation process for the deployment of armed officers

- 3.12 The process and criteria for the authorisation of the deployment of armed officers in the NDM is reflected by the MPS in the series of forms that have to be completed to apply for authorisation for armed deployments within the MPS:
- a. FA1 – Application for authority for the deployment of armed officers, which contains sections for:
 - i. the SIO's operational strategy aims and objectives; and
 - ii. the intelligence to support the application.
 - b. FA2 – TFC's policy file and decision log, which contains sections for:
 - i. intelligence supporting the application;
 - ii. threat and risk assessments;
 - iii. relevant powers and policies; and
 - iv. options and contingencies.
 - c. FA3 – SFC's command log, which contains sections for:
 - i. intelligence;
 - ii. threat and risk assessments; and
 - iii. options.
 - d. FA5 – TacAd's log, which contains sections for:
 - i. intelligence;
 - ii. threat and risk assessments;
 - iii. options;
 - iv. powers and policy; and
 - v. the option chosen by the TFC.
 - e. FA6 – Post-incident management log.²²

21 [IPC0000073_021](#) para 1.20

22 The MPS also uses form FA4 (cross-border deployment of armed personnel in pre-planned firearms operations) and form FA5A (TacAd's notes), though they are not relevant to this Inquiry

3.13 The circumstances in which AFOs should be deployed are:

- *Where the authorising officer has reason to suppose that officers may have to protect themselves or others from a person who:*
 - *Is in possession of, or has immediate access to, a firearm or other potentially lethal weapon, or*
 - *Is otherwise so dangerous that the deployment of armed officers is considered to be appropriate.*
- *As an operational contingency in a specific operation based on threat and risk assessment.*
- *For the destruction of animals that are dangerous or suffering unnecessarily.*²³

3.14 In relation to MASTS the MPS SOP provides:

*Covert operations requiring armed support for contingency or planned interception need a higher level of tactical capability than that required to conduct armed surveillance. Such operations will require the deployment of armed resources in support of armed or unarmed surveillance, with the appropriate tactical capabilities to offer effective control measures to mitigate the assessed threat.*²⁴

23 [IPC0000079_009-010](#) para 5.4

24 [IPC0000079_020](#)

Part Three: Events Prior to 11 December 2015

Chapter 4: Operation Utara

Background: Operation Utara

- 4.1 The Tottenham Turks are an organised crime network (OCN) based in North London. They have a history of importing and dealing in both drugs and firearms. The Eren family were, at the material time, instrumental in running the Tottenham Turks. The organisation has been linked to offences of extreme violence and murder.¹ In 2015, the Tottenham Turks had an ongoing feud with other OCNs, including the Hackney Bombers. In particular, there were tensions between the Eren family and other rival factions, following the murder of an Eren family member in Turkey.²
- 4.2 In April 2012, the MPS established Operation Utara to target Turkish familial OCNs, including the Tottenham Turks. In 2015, Operation Utara had a number of named targets, including Ozcan Eren and his family.³ Operation Utara's officers worked with intelligence assets to identify opportunities to obtain direct evidence against the subjects and to disrupt OCN activity by arresting individuals and seizing drugs and firearms.⁴
- 4.3 Robert Murray, at that time a detective inspector with 29 years' experience in the MPS, was the SIO. Working beneath him were the following officers:⁵
- a. DS FE19 – the investigating officer;
 - b. DC Gary Kinch – the Officer in the Case (OIC); and
 - c. DC Andrew Sparks – the deputy OIC.

The arrest of Izzet Eren

- 4.4 On 13 October 2015, as a result of intelligence received, the MPS mounted a spontaneous armed surveillance deployment during which a stolen motorbike carrying Izzet Eren and associate Erwin Amoyaw-Gyamfi was stopped by armed officers.⁶ Initially, they tried to make off, but they lost control of the motorbike and hit another vehicle. Both were thrown from the motorbike.⁷

1 [Robert Murray 22 June 2021 10/9-16; MPS0003999_002](#)

2 [MPS0001254_001](#)

3 [Robert Murray 22 June 2021 5/20-6/19](#)

4 [MPS0001254_002](#)

5 [Robert Murray 22 June 2021 14/3-10](#)

6 [Robert Murray 22 June 2021 10/18-11/4; MPS0003999_003](#)

7 [Neil Williams 24 June 2021 29/23-30/8](#)

- 4.5 Izzet Eren was detained immediately. He was carrying a Tokarev 9mm pistol and six rounds of ammunition, which he dropped to the ground when he was stopped.⁸ Mr Amoyaw-Gyamfi initially ran away across the road but was soon detained by officers.⁹ Mr Amoyaw-Gyamfi was carrying a bag with a Škorpion sub-machine pistol loaded with a full magazine.¹⁰
- 4.6 On 29 October 2015, both Izzet Eren and Mr Amoyaw-Gyamfi were produced at Wood Green Crown Court. They pleaded guilty to various offences, including possession of firearms with intent to endanger life. The case was adjourned for sentence at Wood Green Crown Court on 11 December 2015. The CPS was given four weeks to decide whether or not there would be any further charges and, if so, to apply to amend the indictment and serve further material.¹¹ In the meantime, both defendants were remanded in custody to HMP Wormwood Scrubs.

Intelligence relevant to the setting up of Operation Ankaa

- 4.7 DC Sparks, DC Kinch and FE19 were responsible for receiving intelligence in relation to Operation Utara.¹² Intelligence was shared and discussed between the three officers and was passed to DI Murray in his role as SIO, generally by FE19.¹³ Intelligence was disseminated verbally. How quickly the intelligence was disseminated would depend upon the nature and urgency of the intelligence and whether immediate action was required.¹⁴ Intelligence was disseminated usually within a couple of days of it having been received. If there needed to be urgent dissemination, then this would take place on the same day to DI Murray.¹⁵ Other officers on the Operation Utara team would receive intelligence on a “*need to know*” basis.¹⁶
- 4.8 On 29 October 2015, intelligence was received to indicate that there had been a plan involving Ozcan Eren to help his cousin Izzet Eren escape from custody while he attended Wood Green Crown Court to enter his plea.¹⁷ Ultimately, this plan did not go ahead because one of the conspirators pulled out at the last minute. Intelligence suggested that a “*go bag*” had been prepared and that the conspirators were in possession of a firearm and a hammer to overpower the guards.¹⁸ The intelligence also suggested that a stolen Audi with false licence plates was to be used in the commission of the offence.¹⁹ The MPS had not obtained any advance intelligence about the escape attempt planned for 29 October 2015.²⁰
- 4.9 On 30 October 2015, DC Sparks received the intelligence about the aborted escape attempt on 29 October 2015.²¹ He also received intelligence that there would be a further attempt by Izzet Eren to break out of custody with the assistance of Ozcan Eren.²²

8 [Gary Kinch 1 July 2021 108/15-20](#)
9 [Gary Kinch 1 July 2021 108/1-8](#)
10 [Gary Kinch 1 July 2021 108/15-20](#)
11 [CPS0000004](#)
12 [Andrew Sparks 19 July 2021 129/21-25](#)
13 [Andrew Sparks 19 July 2021 146/6-13](#)
14 [INQ0000080_002](#)
15 [Gary Kinch 1 July 2021 103/23-104/11](#)
16 [Andrew Sparks 19 July 2021 146/12-14](#)
17 [INQ0000080](#)
18 [FEO0000016](#)
19 [FEO0000061_002](#)
20 [INQ0000080_001](#)
21 [INQ0000080](#)
22 [Andrew Sparks 19 July 2021 130/23-131/4](#)

There was inconsistent intelligence as to whether those involved in the original escape plan of 29 October 2015 had access to a real firearm or only a replica. Evidence was given to the Inquiry in CLOSED hearings as to the extent to which it could be established whether, when and in what terms this intelligence was disseminated.²³

- 4.10 Having received the intelligence on 30 October 2015, DC Sparks disseminated it to DI Murray on the same day during a meeting in his office. DC Sparks said that he told DI Murray about both the aborted escape plan on 29 October 2015 and the plan to escape in the future.²⁴ DI Murray took a detailed note of the conversation.²⁵ He could not remember whether DC Sparks informed him of the aborted attempt. It did not feature in his note, and he thought he would have recorded it, had it been said.²⁶
- 4.11 DI Murray's note records that a member of the Tottenham Turks was planning to break out Izzet Eren and that the break-out would occur on the journey to, at or on the journey from a court appearance or potentially another opportunity, for example with a fake illness or heart attack that would require an ambulance to transport Izzet Eren to hospital. DI Murray was not told that the break-out would occur in this way but such was his interpretation of the potential areas of vulnerability that might allow a break-out.²⁷ DI Murray noted that the break-out would use a vehicle and weapons, specifically "1 firearm" but that the day, time, location and exact modus operandi were not known.²⁸
- 4.12 During the meeting with DC Sparks on 30 October 2015, DI Murray identified the need to pass the intelligence to the Prison Intelligence Unit (PIU) in the MPS for dissemination to HMP Wormwood Scrubs in order to allow the prison to consider and mitigate any risk and threat to prison staff or ambulance staff from a potential break-out and, in addition, to take whatever steps it considered necessary.²⁹ Those steps might have included the need to increase the security around Izzet Eren, in particular by reviewing his category status to increase it to Category A.³⁰ DI Murray agreed that, at that stage, this was a decision for the Prison Service.³¹
- 4.13 DI Murray also noted the need to consider measures that could be taken to prevent escape opportunities, for example the use of video link for court appearances or an increase in the number of officers guarding Izzet Eren.³²

23 [INQ0000080_001](#)

24 [INQ0000080](#)

25 [MPS0003712_002](#)

26 [Robert Murray 22 June 2021 33/4-16](#)

27 [Robert Murray 22 June 2021 30/13-25](#)

28 [MPS0003712_002](#)

29 [Robert Murray 22 June 2021 34/2-19](#)

30 Prisoners are given a category based on their risk of escape, the harm to the public if they were to escape and the threat they pose to the control and stability of the prison. There are four categories, with Category A being the high-security prisoners

31 [Robert Murray 22 June 2021 36/23-37/20](#)

32 [Robert Murray 22 June 2021 37/21-38/20](#)

- 4.14 DI Murray’s note shows that, while at the beginning of his meeting with DC Sparks he was not considering a strategy that would allow the conspiracy to free Izzet Eren to continue to run,³³ within the “*hour or hours*” it took him to complete his notes he was “*planning towards*” the “*strong potential*” option of allowing the conspiracy to run and mounting an armed deployment, subject to approval.³⁴
- 4.15 DI Murray immediately briefed DCI Neil Williams, whose office was next door to his own.³⁵ DCI Williams could not be sure but thought he was told about both the aborted escape attempt and the future plan.³⁶ Unfortunately, DCI Williams did not take a note of this conversation; it was not his practice to maintain a daybook.³⁷
- 4.16 On 30 October 2015, following the meeting with DI Murray, an agreed “form of words” was prepared by the MPS, which represented the extent of intelligence that could be shared within the MPS and with external agencies:³⁸ “*Intelligence indicates that Izzet EREN will escape from custody whilst in transit.*”³⁹
- 4.17 A form of words is a sanitised summary of the intelligence received that is capable of being disseminated within and used by the police without disclosing the source of that intelligence.⁴⁰ The form of words was, at the time, evaluated by the intelligence unit using the 5x5x5 process.⁴¹ The 5x5x5 process, which derives from the National Policing Improvement Agency’s *Guidance on the Management of Police Information*, requires an assessment of the provenance of the information and the reliability of the source, which in turn influences how the information should be handled and disseminated.⁴²
- 4.18 Applying the 5x5x5 process, the intelligence reports in Operation Ankaa were all given an evaluation code of B25, namely:⁴³

Source	B	“Mostly Reliable”
Intelligence evaluation	2	“Known personally to the source but not to the person reporting”
Handling codes	5	“Permits dissemination but receiving agency to observe conditions as specified”

33 [Robert Murray 22 June 2021 38/21-39/6](#)

34 [Robert Murray 22 June 2021 39/24-40/5, 49/13-50/21](#)

35 [Neil Williams 24 June 2021 32/17-34/19](#)

36 [Neil Williams 24 June 2021 33/13-25](#)

37 [Neil Williams 24 June 2021 33/3-36/3](#)

38 [Andrew Sparks 19 July 2021 131/13-133/1; Robert Murray 22 June 2021 69/16-24](#)

39 [IPC0000120_002](#)

40 [Robert Murray 22 June 2021 68/6-15](#)

41 [NCA0000019_056](#)

42 [NCA0000019_057](#)

43 [NCA0000019_129, 131, 138](#)

- 4.19** A second form of words was prepared on 6 November 2015 representing further intelligence received: *“Intelligence indicates that Ozcan Eren has access to a vehicle parked in a car park in Eastern Road, Wood Green.”*⁴⁴
- 4.20** During the period following 29 October 2015, intelligence was obtained that a number of individuals associated with Operation Utara, including at least one individual who was also associated with Operation Ankaa, were attempting to source firearms and/or ammunition.⁴⁵

44 Robert Murray 22 June 2021 70/12-21

45 INQ000080_001

Chapter 5: Operation Ankaa – the planning phase

The firearms commanders and senior officers in Operation Ankaa

- 5.1 The Inquiry’s policing experts concluded that the firearms commanders in Operation Ankaa were all occupationally and operationally competent¹ and appeared to show a good knowledge of the College of Policing’s APP-AP.²
- 5.2 DI Robert Murray was the SIO for Operation Ankaa. He was responsible for reviewing the intelligence received, setting the initial strategies and ensuring there were sufficient resources and staff for the operation. DI Murray was also responsible for arranging meetings for the operation, including with other agencies and units.³ DI Murray described his key objectives for Operation Ankaa as “*gathering evidence of the conspiracy and the removal and recovering [of] firearms ... and potential prosecution of these offenders*”.⁴ The other commanding officers remained the same as for Operation Utara – FE19 continued in the role of investigating officer, DC Gary Kinch as the OIC and DC Andrew Sparks as his deputy.⁵
- 5.3 DCI Neil Williams was the TFC for Operation Ankaa. He had been a TFC since September 2005 and had performed the role for both the Central Task Force and the Flying Squad⁶ since April 2007, acting as such in 150–200 operations. When available, DCI Williams would act as TFC for Operation Utara firearms deployments. He had acted as TFC for the operation on 13 October 2015, which had resulted in Izzet Eren’s arrest. He had completed the SFC course but was not operationally accredited and so had not previously performed the role.⁷
- 5.4 DCI Williams was the direct line manager of DI Murray and effectively the Commander of the serious organised crime branch. He accepted that a separation of roles between the SIO and the TFC was important and dated back “*the best part of two decades*”. A separation of roles was important to ensure that a balanced risk assessment was carried out, in terms of balancing the tactics against the operational objectives.⁸

1 [INQ0000004_023](#)

2 [Ian Arundale and Colin Burrows 21 July 2021 60/22-61/5](#)

3 [Robert Murray 22 June 2021 13/10-22](#)

4 [Robert Murray 22 June 2021 52/23-53/2](#)

5 [Robert Murray 22 June 2021 14/3-10](#)

6 The Flying Squad is part of SCO7 but is separate to the Central Task Force

7 [Neil Williams 23 June 2021 2/2-6/5](#)

8 [Neil Williams 24 June 2021 13/6-14/4](#)

- 5.5 DCI Williams never had any concern about the blurring of lines between his role and that of DI Murray as SIO of Operation Ankaa. Nor did he think that his role as DI Murray's line manager presented a problem.⁹ DCI Williams said that his line management role sat outside the operational day-to-day running of the unit, and he remained independent of the ongoing operations. He managed the resources of the office and worked at a "strategic" level.¹⁰
- 5.6 In 2014, the MPS carried out an internal review of the separation of roles across SCO7, in particular, the Central Task Force. This did no more than conclude that proactive detective inspectors in SCO7, in this case DI Murray, would normally not act as the TFC. The review was silent on the role of the SIO.¹¹
- 5.7 The responsibility for ensuring there is no blurring of roles between the SIO and the TFC lies with the SFC.¹²
- 5.8 The SFC for Operation Ankaa was DSupt Craig Turner. He was head of the Flying Squad and, in 2015, had been a police officer for 23 years. He qualified as a TFC in 2005 and as an SFC in 2012. He has authorised over 250 pre-planned firearm deployments¹³ and, at the time of the Inquiry, was an assessor on the SFC training course.
- 5.9 The FA3 form, completed by DSupt Turner, includes the following statement: "*I have considered the suitability of DCI Williams to act as Tactical Firearms Commander in this operation and I am satisfied that he is not the SIO.*"¹⁴
- 5.10 In the Inquiry hearings, DSupt Turner (now DCS) said he was mindful of whether or not the individual identified was truly independent, and he was happy that DCI Williams was.¹⁵ However, in the absence of any apparent consideration of the role and actions that DCI Williams would be expected to perform, I am satisfied that this was a rubber-stamping exercise on the part of DSupt Turner. The guidance states:
- 5.11 Chief Constable (CC) Simon Chesterman from the NPCC explained the rationale for the guidance that was, in his view, "quite clear":¹⁷

*The function of the strategic firearms commander (SFC) or tactical firearms commander (TFC) must not be undertaken by the senior investigating officer (SIO) responsible for the investigation of the offence(s) for which the firearms operation is being conducted.*¹⁶

So the person responsible for the gathering of evidence and the securing of prosecutions might be tempted to let the job run further, whereas a firearms commander might be tempted to arrest them slightly earlier, when the evidence

9 [Neil Williams 24 June 2021 10/4-12](#)

10 [Neil Williams 24 June 2021 5/9-6/20](#)

11 [MPS0004502_004](#)

12 [Ian Arundale and Colin Burrows 21 July 2021 66/12-14](#)

13 [Craig Turner 28 June 2021 11/8-13/12](#)

14 [IPC0001079_016](#)

15 [Craig Turner 28 June 2021 35/7-19](#)

16 [COP0000024_004](#)

17 [Simon Chesterman 28 July 2021 50/20](#)

*may not be sufficient to mount a successful prosecution. There is a bit of a conflict there and if the same person is trying to perform both roles, it puts them in a very, very difficult position.*¹⁸

5.12 The Inquiry's policing experts' view is that:

*there might be a possibility to firm up on some of this guidance to make it very, very clear. The investigator should investigate, the armed policing commander should command the armed policing deployment and there should not be a blurring of lines of responsibility.*¹⁹

The planning meeting of 10 November 2015

5.13 DI Murray arranged a planning meeting on 10 November 2015, which was attended by DCI Williams and DSupt Turner, who had, by that time, already been identified by DI Murray for the roles of TFC and SFC respectively. S48 was a qualified CTSFO and a police inspector from SCO19, the MPS Specialist Firearms Command;²⁰ he was the manager of the CTSFOs. He attended the planning meeting to act as the TacAd, a role for which he was nationally accredited and that he had fulfilled on "several hundred" operations.²¹ DSupt Brendan Gilmour also attended the meeting. He was the line manager of DCI Williams and DI Murray. DSupt Gilmour was in the process of undertaking training as an SFC and so showed an interest in the planning for Operation Ankaa.²²

5.14 The meeting on 10 November 2015 lasted no more than an hour to an hour and a half²³ and was the only real planning meeting that took place for the planned operation on 11 December 2015, despite the seriousness and complexity of that operation. The plan formulated during this meeting remained unchanged until and throughout 11 December 2015. The fact that a TFC, SFC and TacAd were identified in advance and invited to the meeting would suggest that the meeting was arranged with a predetermined outcome, namely an armed operation.²⁴ This suggestion is borne out by subsequent events, as noted below, and flies in the face of a body of evidence adduced, unsuccessfully, to attempt to persuade me that the minds of senior officers remained open throughout as to how this operation should be conducted.

5.15 No formal minutes of this meeting were prepared. As a result, the Inquiry's policing experts were unable clearly to discover who attended or what was discussed. The experts expected:

*that there would have been a log and indeed a minute of who attended, what the purpose of the meeting was, if indeed it was a planning meeting or it was a meeting of investigators to decide what they would do with the intelligence that they had just received. Because that is actually two slightly different objectives.*²⁵

18 [Simon Chesterman 28 July 2021 49/4-17](#)

19 [Ian Arundale and Colin Burrows 21 July 2021 67/6-11](#)

20 [S48 29 June 2021 58/11-25](#)

21 [S48 29 June 2021 60/2-8](#)

22 [Robert Murray 22 June 2021 72/10-19](#)

23 [S48 29 June 2021, 68/5-8; Craig Turner 28 June 2021 57/8-13](#)

24 [Ian Arundale and Colin Burrows 21 July 2021 91/11-92/19](#)

25 [Ian Arundale and Colin Burrows 21 July 2021 88/18-89/3](#)

5.16 APP-AP is clear that, as far as record-keeping is concerned:

*individual commanders must be prepared to account for their decisions and to explain their rationale at the time that those decisions were taken. All plans should be documented, including options rejected or progressed, together with the reasons why such conclusions were drawn and by whom.*²⁶

5.17 The Inquiry's policing experts thought it was "very unusual" that the person in charge of the meeting, the SFC, did not ensure there was a note taken. It was not just about creating an audit trail for the purpose of any post-incident review but also so that the SFC could make sure their directions and requirements were carried out.²⁷

5.18 The only person who took a note of the meeting was the TacAd, S48, who did so on a piece of A4 paper because he had forgotten his daybook.²⁸ His rationale for taking notes was because "it was a habit" of his – not because of any guidance or policy, or because anyone delegated that responsibility to him.²⁹

5.19 DCI Williams did not think that he was required to take any notes, though he accepted that it would have been best practice both to take notes and to prepare minutes of the meeting.³⁰ He thought that any decisions made at preparation and planning meetings should be recorded in the FA forms, which provide the audit trail for the decisions made.³¹ This suggestion could never have been acceptable, especially when the FA forms were prepared in the way that they were and at least three weeks after the meeting (see Chapter 6).

5.20 DSupt Turner accepted that, as SFC and the senior officer, he was responsible for either taking a note in that meeting or delegating that task. A note, constituting proper minutes, should have been taken. He could provide no reason for failing to do so.³²

5.21 The absence of any contemporaneous note of this and subsequent meetings (see below) was indicative of a widespread and arrogant attitude towards compliance and formality and of a failure to appreciate the importance of accountability and maintaining an audit trail.

5.22 In DCI Williams' view, the purpose of the planning meeting was to consult at an early stage with his line manager and SFC and to receive tactical advice about whether it was feasible and safe to respond operationally to the intelligence received about a planned break-out.³³

5.23 S48's note provides some indication of what was discussed:

- a. the circumstances of Izzet Eren's arrest;
- b. the intelligence received about the potential break-out attempt, including the existence of the Audi mission vehicle;
- c. the possibility that Izzet Eren had access to a mobile phone in prison;

26 [COP0000018_016-017](#)

27 [Ian Arundale and Colin Burrows 21 July 2021 90/1-15](#)

28 [S48 29 June 2021 67/17-24](#)

29 [S48 29 June 2021 68/12-15](#)

30 [Neil Williams 24 June 2021 46/2-16](#)

31 [Neil Williams 24 June 2021 43/12-44/14](#)

32 [Craig Turner 28 June 2021 40/11-42/13](#)

33 [Neil Williams 24 June 2021 46/20-47/6](#)

- d. the short-term risks around the deployment on 11 December 2015;
- e. the long-term risks and the need for sustained public protection;³⁴ and
- f. contingency planning for any feigned hospital visit by Izzet Eren.³⁵

- 5.24 The firearms commanders present should have, throughout that meeting, applied the NDM.³⁶ This means that they should have considered the intelligence available and assessed the threat and risk, in order to develop a working strategy. This should have taken place prior to a consideration of all of the powers and policies, in order to identify options and contingencies before finally taking action. DSupt Turner said that, although the NDM may not have been specifically mentioned, he “*was certainly using the national decision model*”, in particular with regard to the intelligence gaps to be filled.³⁷ DSupt Turner considered that it was “*crucial*” and “*absolutely pivotal*” to fill those gaps “*as best as possible*”.³⁸
- 5.25 While alternative tactical options to armed deployment existed, including using a prison video-link facility from HMP Wormwood Scrubs for the sentencing hearing or using the MPS special escort group,³⁹ those options were not discussed individually or in detail. Instead, there was merely a discussion as to whether to disrupt the conspiracy or to let it run.⁴⁰
- 5.26 The possibility of an application for Izzet Eren to be made a Category A prisoner was not discussed during this meeting,⁴¹ although S48’s notes show that the fact that Izzet Eren was currently assessed as a Category B prisoner was discussed.⁴² DCI Williams said that he was not aware that there was also the possibility that Izzet Eren could be placed on an escape risk list by the prison. Both changes would undoubtedly have resulted in additional security implications.⁴³ DCI Williams knew about the escape plot. If he did not know whether and how this might affect Izzet Eren’s remand conditions, it is inconceivable that he would not have made enquiries about this. The inference I draw is that he did not make those enquiries because the decision to carry out an armed operation was predetermined. S48’s note records a “*corruption issue at HMP*”, but there is no evidence about what that might have been.⁴⁴
- 5.27 Furthermore, one inference that can be drawn, and that I do draw, from the lack of any discussion at this meeting about the possibility of recategorising Izzet Eren as a Category A prisoner, is that those planning the operation knew that this would have led to the end of Operation Ankaa. Izzet Eren would have been moved from HMP Wormwood Scrubs, in all likelihood to HMP Belmarsh, with the sentencing hearing moved to Woolwich Crown Court (and the prisoner transferred to court via the underground tunnel; see paragraph 5.71 below). This would not have fitted with the apparently predetermined outcome of an armed operation.

34 Sustained public protection is the police term for protecting the public through the detection and prevention of crime over the longer term

35 [S48 29 June 2021 69/20-80/21](#)

36 [Robert Murray 22 June 2021 79/22-80/6](#)

37 [Craig Turner 28 June 2021 50/7-11](#)

38 [Craig Turner 28 June 2021 51/12-52/23](#)

39 An armed escort group trained to safely convey high-risk prisoners from prison to court at high speed

40 [Neil Williams 24 June 2021 50/21-51/11](#)

41 [Neil Williams 24 June 2021 51/24-52/8](#)

42 [S48 29 June 2021 70/18-71/6](#)

43 [Neil Williams 24 June 2021 59/4-12](#)

44 [S48 29 June 2021 72/2-10](#)

5.28 It is clear that the main focus of this planning meeting was a discussion of the proposal to conduct a firearms operation.⁴⁵ DCI Williams conceded that this was “*the direction we wished to go*”.⁴⁶ An armed operation was the preferred option for two reasons: a fear that Izzet Eren would try to escape again in the future, for example by feigning illness and escaping from hospital,⁴⁷ and the opportunity to obtain evidence against and arrest members of the Tottenham Turks.⁴⁸

5.29 While the MPS could not ignore the possibility that Izzet Eren might feign illness in the future, its likelihood and insolubility as a problem was elevated into a factor that was strongly in favour of the armed operation option. In my view, the risk of a subsequent escape plot was overplayed and heavily relied upon from the beginning – even though there had been a previous aborted escape plot, it is a fact that prisons are well used to managing the risk of escape, if necessary, but not only by recategorisation of prisoners.

5.30 Those present at the meeting were of the view that “*this provided a unique opportunity to identify and arrest unknown offenders who were willing and capable of committing serious firearm-enabled crime and to recover those firearms and ammunition in criminal circulation*”.⁴⁹ DCI Williams thought that the sustained public protection achieved by arresting the conspirators was the most important factor:

*There was genuine fear within the community ... and something needed to be done otherwise we would live to regret it in the long term ... There was a really real threat in my mind and this was the driving force for me in this operation ... That really for me was the raison d’etre of this operation and that was the driving force.*⁵⁰

5.31 In my view, the available intelligence indicated that arresting the individuals at the scene who were attempting to break out Izzet Eren would have little effect on disrupting the activity of the Tottenham Turks or on achieving sustained public protection. The idea that this operation could succeed in ridding the streets of North London of lethal firearms was delusional – in reality, one firearm was the best the MPS could hope to recover. Unfortunately, those who decided that the operation should run were unable, because of their fixation on their ability to solve the Tottenham Turks problem at a stroke, to appreciate the flaw in their approach.

5.32 It was necessary to balance the short-term risk of the operation against the longer-term protection that it might have provided. This was “*a fine balance*”. Central to that exercise, according to DSupt Turner, was control:

*to maintain control of the subjects ... through intelligence and other covert means to actually satisfy ourselves that we have overall control of the incident ... in order that we could meet the overriding strategy, and that was protection of the public, protection of police and also protection of the suspects.*⁵¹

45 [Robert Murray 22 June 2021 76/11-20](#)

46 [Neil Williams 24 June 2021 47/22-23](#)

47 [Neil Williams 24 June 2021 50/7-15](#)

48 [Robert Murray 22 June 2021 77/9-13](#)

49 [Robert Murray 22 June 2021 78/15-19](#)

50 [Neil Williams 24 June 2021 53/7-54/6](#)

51 [Craig Turner 28 June 2021 23/21-24/9](#)

- 5.33 Sustained public protection, and the risk that would arise if the Tottenham Turks were not disrupted, ought to have been balanced against more immediate risks arising from the conduct of the operation. There was a preliminary discussion at the planning meeting on 10 November 2015 about the risks inherent in the operational plan and how they could be mitigated by the selection of tactical options.⁵² S48 said that the risks to the public, to the conspirators and to the Serco staff were all discussed during the meeting,⁵³ though DSupt Turner had no recollection of specifically discussing the risks to the public.⁵⁴ S48 thought they also considered the risk that would arise from a spontaneous deployment, should Izzet Eren try to escape in the future.⁵⁵ For DSupt Turner, the risk assessment for the operation proceeding was based on the extent to which the intelligence gaps could be filled, in particular as to the identity of the conspirators.⁵⁶ Even allowing for the flawed approach to note-taking, I am satisfied that if it had been a meaningful discussion of the risk to the public as opposed to perhaps a passing mention, it would have been noted. This provides further support for my conclusion that the decision to conduct an armed operation was predetermined.
- 5.34 Sustained public protection was added to APP-AP following the 2005 Azelle Rodney shooting to address the pressure on the TFC from “*conflicting priorities between gathering enough evidence and successfully resolving the firearms element of the operation*”.⁵⁷ Generally, the SIO is driven by and focused on the investigation and the collection of evidence, while the TFC is focused on the public safety and the risks of running a firearms operation. Introducing sustained public protection to APP-AP placed the need to obtain evidence and a conviction among the factors that a TFC must consider:

*there may be occasions on which it is appropriate to let a job run to the point where you have sufficient evidence to ... put people in front of the court and convict them, whereas there may be occasions where ... in the interests of public protection the commanders might say “We have got to resolve the incident early on”.*⁵⁸

- 5.35 In relation to sustained public protection, the Command Content of APP-AP says the following:

*The objective of any police investigation must be to protect the public through the detection and prevention of crime. This includes obtaining sufficient evidence to bring arrested persons to justice ... this must be balanced against any associated risk to the public. Action taken to mitigate risk in the short term may only serve to displace or delay that risk and may not address the longer-term public safety considerations. It may only be possible to effectively eliminate risk to the public through the detention, successful prosecution and subsequent lengthy imprisonments of the subjects ... It may not, however, always be possible to develop a plan capable of securing sufficient evidence to do so without risk.*⁵⁹

52 [S48 29 June 2021 80/22-81/9](#)
 53 [S48 29 June 2021 84/10-15](#)
 54 [Craig Turner 28 June 2021 67/24-68/11](#)
 55 [S48 29 June 2021 88/7-16](#)
 56 [Craig Turner 28 June 2021 64/17-65/3](#)
 57 [Craig Turner 28 July 2021 118/7-15](#)
 58 [Simon Chesterman 28 July 2021 118/7-120/25](#)
 59 [COP0000024_010](#)

- 5.36** CC Chesterman was clear that the effect of APP-AP is not to place sustained public protection above the immediate risk of running an operation,⁶⁰ whereas Supt Ross McKibbin, the MPS Head of Counter Terrorism and Specialist Operations within SCO19, told the Inquiry that he would like to see it as an overarching principle at the top of the working strategy: *“You have to manage a risk and balance them all off effectively, achieving the best possible outcome for the public in the longer term.”*⁶¹
- 5.37** The combined effect of the evidence of DI Murray, DCI Williams and DSupt Turner reveals a determination bordering, at times, on the obsessive to achieve a successful outcome to Operation Ankaa and with it, if not the demise of the Tottenham Turks, then certainly their emasculation. While this may have been a laudable objective, the operation should not have been allowed to go ahead at virtually all costs and to the exclusion of proper and meaningful risk assessments and safety considerations. There can be no doubt that sustained public protection was the prime objective of this operation – the safety of the public and police officers was not, and should have been.
- 5.38** The Inquiry heard evidence from DSupt Turner that the previously aborted escape attempt on 29 October 2015 was mentioned at this planning meeting. Neither his statement nor the notes made by S48 make reference to this issue, but the briefing email written on 12 November 2015 after the meeting does include a reference to the aborted attempt. If this was discussed during the planning meeting, it should have been brought to the attention of others including those at the prison and the court but, as appears below, this did not happen.
- 5.39** In order for the operation to proceed, the commanders required the acquiescence of the prison service and the court, without both of which they could not have progressed the operation. However, DCI Williams did not consider it necessary to include Serco in the planning or to obtain its acquiescence.⁶² It was decided during the meeting on 10 November 2015⁶³ to exclude Serco from the planning of this operation entirely *“because of inherent corruption issues within that organisation, particularly within the prison service regime”*.⁶⁴
- 5.40** A classic example of the importance of note-taking and a consequence of its failure can be seen in the way in which the decision not to embrace Serco in the planning for the operation on 11 December 2015 was based on unspecified, undocumented and unsubstantiated corruption issues within Serco. This was, by any stretch of the imagination, a major departure from the norm, which might well have required subsequent justification.
- 5.41** Initially, the plan included installing a listening device (often described as an “audio probe”) in the prison van, for which a request was created on 4 November 2015 but cancelled on 13 November 2015.⁶⁵ DI Murray recorded on 11 November 2015 that there were *“potential corruption issues re Serco”* and that he had been advised of those issues by DI Steven Mayes in the PIU, as well as a detective sergeant from the Technical Surveillance Unit (TSU), whom DI Murray could not identify.⁶⁶ There were no specific concerns about Serco; rather, the

60 [Simon Chesterman 28 July 2021 121/1-10](#)

61 [Ross McKibbin 3 August 2021 152/18-153/11](#)

62 [Neil Williams 24 June 2021 48/13-23](#)

63 [Neil Williams 24 June 2021 68/20-69/24](#)

64 [Neil Williams 24 June 2021 48/20-49/5](#)

65 [MPS0003992_006-007](#)

66 [Robert Murray 22 June 2021 102/1-12](#)

concern was “general”.⁶⁷ DI Murray had been “*advised that there were corruption issues around Serco and around the prison*”.⁶⁸ The team did not know how the conspirators were going to break out Izzet Eren or find out which van he was in, so, in DI Murray’s view, “*there was a real consideration and fear for me that someone in the prison may be involved in this organised gang or might be paid by them*”.⁶⁹

- 5.42 In reality, there was, at worst, information suggesting that at the lower levels there was corruption within Serco. There was none at a higher level. DI Murray chose not to make any enquiries as to the level at which there was or might be corruption or whether there was anyone within Serco who could be trusted. Even though he had “*potential*” concerns about someone within the PIU bringing Serco into the loop,⁷⁰ he did nothing between 30 October 2015, when those concerns were first aired, and 10 November 2015, to seek to control what happened to information about Operation Ankaa. Furthermore, although DI Mayes knew about the break-out plan as early as 30 October 2015 and although DI Murray spoke to DI Mayes on 13 November 2015 (the same day that he spoke to Governor Peter Nichols, one of the governors of HMP Wormwood Scrubs), DI Murray did not share with DI Mayes his concerns about corruption within Serco until 8 December 2015.
- 5.43 DCI Williams’ account of the reasons for the decision to exclude Serco differed. He described the corruption within Serco as “*well known ... within the organised crime command*”.⁷¹ The corruption took a number of forms, such as “*potentially assisting and smuggling contraband, mobile phones into prison, or even worse giving information to prisoners about police activity*”.⁷² However, DSupt Turner was not aware of any corruption issues within Serco and was unaware of where the corruption concerns were coming from.⁷³ S48’s note of the meeting on 10 November 2015 records that it was not known whether it would be Serco or G4S who would be transporting the prisoner, and the corruption concerns were ascribed to “*HMP*”.⁷⁴ Nor was there any specific intelligence that Serco had links to the Erens; “*it was a general condition that we felt was in existence and we were not prepared to jeopardise this covert operation by including them in it*”.⁷⁵
- 5.44 Had the MPS included Serco in the planning of the operation, it could have controlled the van in which Izzet Eren was placed, who else was placed in that van and the route it took from the prison to the court. DCI Williams accepted that this would have significantly improved the operation’s ability to place surveillance officers at appropriate points along that route, as well as reducing the risk of losing sight of the van and reducing the risk of the Audi mission vehicle coming into contact with it.⁷⁶

67 [Robert Murray 22 June 2021 99/17-19](#)

68 [Robert Murray 22 June 2021 91/7-9](#)

69 [Robert Murray 22 June 2021 91/13-21](#)

70 [Robert Murray 22 June 2021 45/21-46/3](#)

71 [Neil Williams 24 June 2021 48/25-49/9](#)

72 [Neil Williams 24 June 2021 49/12-16](#)

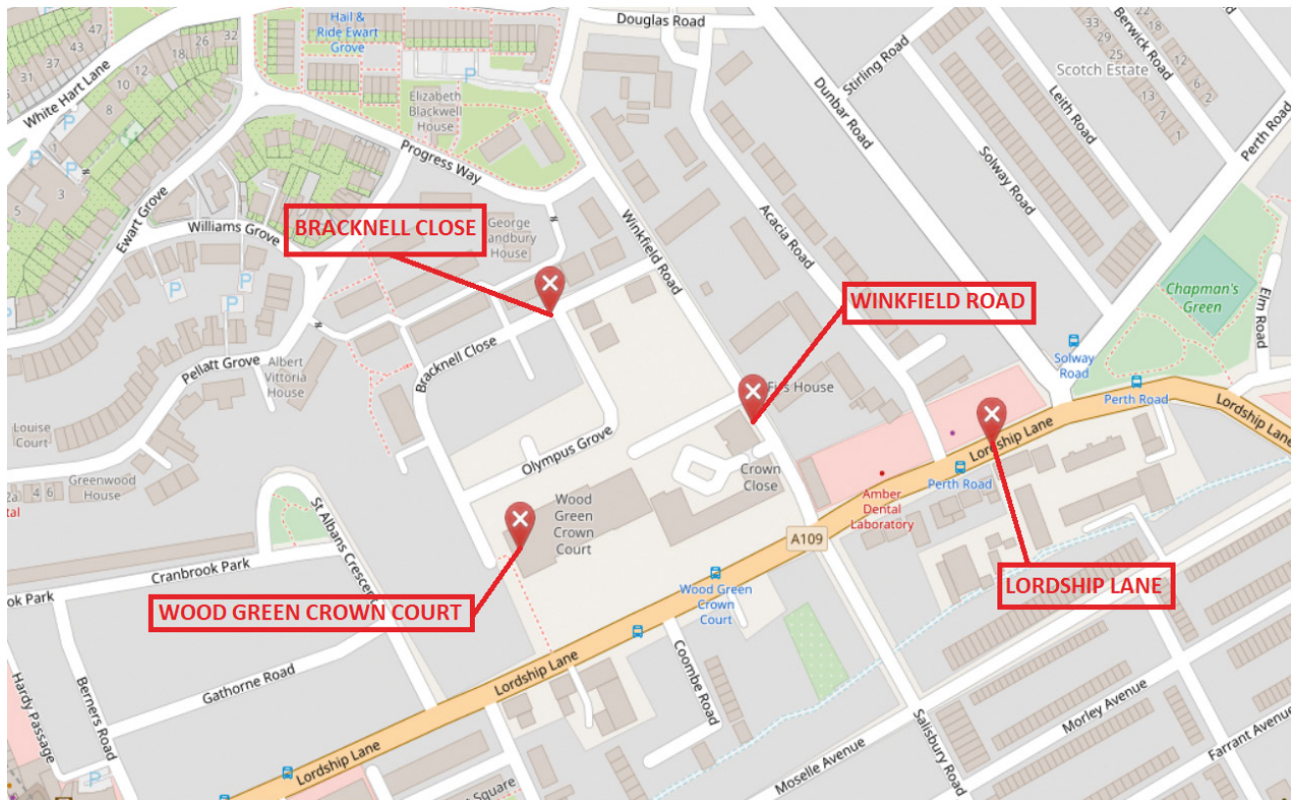
73 [Craig Turner 28 June 2021 58/25-59/1, 60/10-19](#)

74 [IPC0000515_001](#)

75 [Neil Williams 24 June 2021 73/1-9](#)

76 [Neil Williams 24 June 2021 73/11-74/18](#)

Figure 4: Map of the route of the Serco prisoner transport vehicle



- 5.45 In allowing the conspiracy to proceed and for the prison van to be driven by Serco guards oblivious to the plan, the MPS allowed there to be a risk to their safety.⁷⁷ One way of mitigating this risk, which the Inquiry's policing experts considered was available, was for the MPS to arrange with Serco to substitute their staff with police officers.⁷⁸ This could have been done quietly, without any explanation to the guards and therefore with minimum risk to the integrity of the operation. There is a conflict of recollection as to whether this option was considered and discussed. DCI Williams said that the option was not even considered because it never occurred to him;⁷⁹ DSupt Turner said it was considered and discussed during the meeting on 10 November 2015 but rejected because of the "risks around compromise of the operation".⁸⁰ S48's recollection was similar to that of DSupt Turner. His note of that meeting, however, contained no reference to that effect.⁸¹ The absence of any relevant note and the differing recollections of the officers concerned leave me in no doubt that this option was not considered. It was a matter of such potential importance that if it had been raised for consideration by the Commanders, it would have been noted by S48. This highlights the importance of taking an accurate note and the need for it to be checked for completeness.
- 5.46 Following the planning meeting on 12 November 2015, DCI Williams sent an email briefing to Commander Duncan Ball (Commander of Specialist Crime and Operations Directorate) for the purpose of obtaining authority from Assistant Commissioner (AC) Pat Gallan to install

77 [Neil Williams 24 June 2021 75/4-12](#)

78 [Ian Arundale and Colin Burrows 21 July 2021 131/8-132/3, 134/13-136/6](#)

79 [Neil Williams 24 June 2021 75/8-14](#)

80 [Craig Turner 28 June 2021 85/7-86/13](#)

81 [S48 29 June 2021 85/18-22](#)

a listening device in the Audi mission vehicle, which had by then been identified. The briefing email included the following: *“Consideration has been given to an approach to Serco ... but there are corruption issues and hence this has not been done.”*⁸²

- 5.47** Commander Ball was the Commander responsible for gangs and organised crime in 2015. Aside from this email briefing, he was not aware of any corruption issues within Serco. Commander Ball described two different corruption concerns – a specific concern about a specific individual that affects an operation and a broader concern about corruption across the organisation. For the former, Commander Ball would not expect to be made aware of it but if there were broader concerns about corruption across the organisation, that may have been brought to his attention: *“I would want to see ... that it was being managed effectively.”*⁸³
- 5.48** Commander Ball agreed that the email briefing was describing broader corruption concerns. Yet, upon receipt of the email briefing, Commander Ball did not commission any investigation or action to look into suspected corruption within Serco. Nor is there any evidence that Commander Ball asked for further detail from the Operation Ankaa team about their corruption concerns, which clearly could have had a very large impact on cases and individuals throughout London.⁸⁴
- 5.49** Having considered how Commander Ball dealt with these corruption concerns, as well as the conflicting evidence as to whether the concern about corruption related to Serco or to the prison, I am satisfied that “corruption within Serco” was used as a reason for keeping Serco out of the loop and not informing them of the operation, without any reliable evidence of it being a problem of the magnitude required to justify such an exceptional approach as this, which DI Murray asked Governor Nichols to take.
- 5.50** Notwithstanding that the Operation Ankaa firearms commanders did not rely upon any identifiable incident or evidence of corruption in Serco, for the purpose of this Inquiry, the MPS reviewed its records to determine the intelligence relating to Serco corruption available in 2015. This revealed intelligence about instances of specific Serco employees smuggling contraband and supplying drugs. None of those instances had a recorded link to HMP Wormwood Scrubs or to Wood Green Crown Court.⁸⁵
- 5.51** Gareth Davies, a former MPS senior police controller, now Investigations and Security Officer for Serco, agreed that there are rare and isolated instances of corruption within Serco, which are investigated when detected.⁸⁶ There was, in 2015, a London Prisons Anti-Corruption Team (LPACT), which included a team of specialist MPS detectives and representatives from Serco, which was the forum for sharing and addressing corruption concerns. Any intelligence associated with escape corruption/conspiracy should have been discussed at LPACT meetings.⁸⁷ Of the intelligence provided after the event by the MPS, there are only two instances associated with assisting offenders to escape, in 2007 and 2015. Neither was brought to the attention of LPACT. There is no evidence that DI Murray was aware of either instance.

82 [FEO0000061_003](#)

83 [Duncan Ball 30 June 2021 161/15-163/1](#)

84 [Duncan Ball 30 June 2021 163/6-164/14](#)

85 [MPS0004532](#)

86 [SRC0000071_002-003](#)

87 [SRC0000071_002 para 10](#)

- 5.52 Furthermore, there is no evidence of corruption with identifiable individuals within Serco associated with this operation. Most importantly, there is no intelligence or evidence of corruption within Serco's senior management team, who would have been the point of contact for the MPS had it chosen to involve Serco in the planning for Operation Ankaa.⁸⁸ Mr Davies, on behalf of Serco, emphasised that informing the Serco senior management team would not have violated the principle that the fewer people who knew about the plan the better. It would have remained confidential and restricted, shared at a senior level within Serco, as it was within HMP Wormwood Scrubs, and Serco would have sought advice from its lawyers.⁸⁹
- 5.53 The Inquiry's policing experts were of the opinion that, if there was a genuine corruption concern about Serco, a "*proper problem profile*"⁹⁰ should have been compiled, which would have given a senior person all the intelligence and assessment they required to make necessary decisions. Any corruption in Serco would have implications for the operation, through the use of the Serco van and the use of a Serco driver. Serco has a duty of care towards its own employees. Excluding it from the planning of the operation prevented it from conducting its own risk assessments in relation to that duty.⁹¹ Had Serco been informed of the intelligence and the planned operation, it would have performed its own risk assessment and "*may have decided to abort the escort*".⁹²
- 5.54 Before leaving my observations about this very important meeting – the first of only two in relation to Operation Ankaa – I conclude by noting that whatever was, or was not discussed:
- a. the thought processes which governed this highly unusual if not exceptional situation were not recorded;
 - b. no consideration was given by those in authority to raising the Serco "problem" at a higher level;
 - c. no thought was given to obtaining legal advice on the potential consequences and the impact of Article 2 ECHR, if harm befell anyone who was or ought to have been within the contemplation of the strategists; and, as a result,
 - d. key questions relating to the maintenance of control and mitigation of harm were never adequately addressed.

Meetings at HMP Wormwood Scrubs

- 5.55 On 30 October 2015, DC Sparks was tasked by DI Murray to contact DI Mayes at the PIU. DI Mayes, now retired, was a line manager in the PIU. At the time, there were prison intelligence officers in eight or nine prisons across London and a number of analysts. The purpose of the unit was to "*support the sharing of intelligence across the London prison estate, both ways ... between the police and the prison service*".⁹³

88 [SRC0000071_002 para 9](#)

89 [SRC0000071_006](#)

90 [Ian Arundale and Colin Burrows 21 July 2021 129/13-23](#)

91 [Ian Arundale and Colin Burrows 21 July 2021 132/5-133/5](#)

92 [SRC0000021_020 para 5.4](#)

93 [Steven Mayes 23 June 2021 35/17-36/12](#)

- 5.56 Later that day, DC Sparks telephoned DI Mayes and told him that there was concern that a prisoner at HMP Wormwood Scrubs, Izzet Eren, may attempt to escape from custody while in transit.⁹⁴ DC Sparks emphasised that the intelligence was “*highly sensitive*” and the fewer people who knew about it, the better it would be.⁹⁵ DI Mayes telephoned Governor Nichols at HMP Wormwood Scrubs. Governor Nichols was one of the governors at HMP Wormwood Scrubs with responsibility for security and intelligence within the prison.⁹⁶ DI Mayes had a good working relationship with Governor Nichols⁹⁷ and knew he had oversight of the Offender Management Intelligence Unit.⁹⁸ DI Mayes followed up with an email to Governor Nichols to confirm the nature of the intelligence received and cautioning him to “*please be mindful that any overt upgrade in security ... within the prison may compromise ‘duty of care’ to our own source*”.⁹⁹
- 5.57 Governor Nichols recalled that he was told that it was an ongoing police operation and that those running it did not want him to do anything that might jeopardise the operation, including segregating Izzet Eren, having him searched unnecessarily or any other unusual measures.¹⁰⁰
- 5.58 On 13 November 2015, DI Murray attended a meeting at HMP Wormwood Scrubs with DI Mayes and Governor Nichols, in order to secure the Governor’s support for the operation. The support of the prison was “*absolutely vital*” for the operation.¹⁰¹ The prison’s cooperation was required in order to identify the prison van in which Izzet Eren was going to be carried and whether or not that van was going to make any other stops en route to court.¹⁰² For these reasons, if Governor Nichols had not agreed to support the operation, it could not have gone ahead.¹⁰³
- 5.59 DCI Williams agreed that he could have attended this meeting but maintained that DI Murray had taken responsibility for it and, as he had confidence in DI Murray’s ability to do so, DCI Williams did not consider it necessary to attend himself.¹⁰⁴ The Inquiry’s policing experts were of the opinion that decisions about briefing information to, or withholding information from, external agencies were strategic decisions that are relevant to the armed deployment. The firearms commanders should have “*enabled those discussions going ahead*”.¹⁰⁵
- 5.60 During the meeting, it was agreed that the MPS would post a police officer in the prison on the morning of 11 December 2015 to identify the van and relay that information to the officers outside.¹⁰⁶ DI Murray had decided not to install a listening device in the prison van

94 [Steven Mayes 23 June 2021 38/1-6](#)
 95 [Steven Mayes 23 June 2021 48/17-21](#)
 96 [Peter Nichols 23 June 2021 73/25-74/10](#)
 97 [Steven Mayes 23 June 2021 58/15-20](#)
 98 [Steven Mayes 23 June 2021 43/14-24](#)
 99 [Peter Nichols 23 June 2021 87/13-16](#)
 100 [Peter Nichols 23 June 2021 88/9-23](#)
 101 [Robert Murray 22 June 2021 172/18-20](#)
 102 [Robert Murray 22 June 2021 86/1-24](#)
 103 [Neil Williams 24 June 2021 82/5-15](#)
 104 [Neil Williams 24 June 2021 84/7-24](#)
 105 [Ian Arundale and Colin Burrows 21 July 2021 128/4-16](#)
 106 [Robert Murray 22 June 2021 86/19-24](#)

and, as a result, would be unable to identify which van would be used that day, into which cell in the van Izzet Eren would be placed or to confirm whether Izzet Eren had a mobile phone hidden in the van with him.¹⁰⁷

- 5.61** Governor Nichols recalled a discussion during the meeting on 13 November 2015 about whether or not Izzet Eren had access to a mobile phone in prison.¹⁰⁸ Prior to the meeting, an application had been made for access to the records of the prison telephone system of calls made by Izzet Eren. These showed that Izzet Eren had not made any phone calls in the preceding four weeks.¹⁰⁹ Therefore, the assumption was made that Izzet Eren had access to a mobile phone, but no arrangements were made for his cell to be searched as there was no supporting intelligence.¹¹⁰
- 5.62** Governor Nichols acknowledged that the Mercury file maintained by the prison contained intelligence about Izzet Eren. He would have checked this after the meeting with DI Murray. The Mercury file showed that during previous prison sentences Izzet Eren had a mobile phone in prison. However, Governor Nichols considered that intelligence to be “*historical*” and, in his view, there was no “*specific intelligence*” (for example, someone overhearing him on the phone) that a phone was being used. Therefore, there was nothing to necessitate a search of Izzet Eren’s cell.¹¹¹ The fact that he was not using the prison telephone system would not prompt a search until there was a three-month picture to suggest that it was necessary.¹¹²
- 5.63** Had Governor Nichols been aware of the aborted attempt to escape on 29 October 2015, Izzet Eren’s cell would have been searched as part of the internal Escape List (E-List) restrictions that Governor Nichols would have placed on him.¹¹³
- 5.64** DI Murray agreed that it was important that Governor Nichols was fully sighted on all of the information available about the planned break-out,¹¹⁴ but he could not remember telling Governor Nichols about the earlier aborted escape attempt. However, DI Murray did not accept that he did not tell Governor Nichols, because he had not intended to hide anything from him.¹¹⁵
- 5.65** Governor Nichols, however, was clear that DI Murray did not tell him about the aborted attempt to escape,¹¹⁶ which is consistent with what Governor Nichols told a review of the Jermaine Baker case by the National Offender Management Service (NOMS) in January 2016. There is nothing in DI Murray’s contemporaneous notes of the meeting with Governor Nichols about the aborted attempt.

107 [MPS0003691_002](#)

108 [Peter Nichols 23 June 2021 117/1-14](#)

109 [Robert Murray 22 June 2021 84/17-18](#)

110 [Peter Nichols 23 June 2021 117/9-20](#)

111 [Peter Nichols 23 June 2021 126/19-128/17](#)

112 [Peter Nichols 23 June 2021 129/10-17](#)

113 [Peter Nichols 23 June 2021 129/19-25](#)

114 [Robert Murray 22 June 2021 87/4-8](#)

115 [Robert Murray 22 June 2021 98/6-18](#)

116 [Peter Nichols 23 June 2021 108/19-23](#)

- 5.66** Had Governor Nichols known about a previous aborted escape attempt, he would have placed Izzet Eren on the internal E-List, regardless of his categorisation.¹¹⁷ Placing Izzet Eren on the E-List would have resulted in him wearing blue and yellow overalls and having an officer assigned to him on every movement around the prison. His cell would have been checked daily, including its locks and fabric, to make sure nothing had been altered. It would have been changed from time to time and would have been searched every 28 days. Izzet Eren's photograph would have been displayed throughout the prison, explaining that he was an escape risk.¹¹⁸ After 28 days, his position would have been reviewed and, if no new intelligence about an escape from within the prison had come to light, he would have been taken off the E-List. Izzet Eren would have remained on an external escape risk alert list, although he would not have been aware of this. This would have meant that any transfer or transport from the prison would have required Izzet Eren to be double handcuffed and to travel with three members of staff.¹¹⁹ Governor Nichols would have prioritised the escape risk above the needs of the police operation.¹²⁰
- 5.67** As a remand prisoner, Izzet Eren had no formal category but was held under Category B conditions.¹²¹ DI Murray was informed by Governor Nichols that the prison had made an application on 3 November 2015 for provisional Category A status for Izzet Eren but that it had been declined.¹²² DI Murray could have supported a renewed application with the additional intelligence about the planned break-out, but he thought that this would only assist in the short term and would not help in the arresting of those involved in the plan and bringing them to justice.¹²³ While that may be true, I am quite satisfied that the real reason that lay behind DI Murray's failure to make a further application to recategorise Izzet Eren was the inevitable abandonment of the operation. Notwithstanding DI Murray's lack of recollection and DCI Williams' denial that there was any discussion, in my judgement it is inconceivable that there would not have been some discussion between the two of them on the topic of recategorisation. Governor Nichols explained that the intelligence about a planned break-out should have formed part of any application for Category A status and may have affected NOMS' decision.¹²⁴
- 5.68** I am satisfied that there was a deliberate decision not to share with Governor Nichols the information that Izzet Eren had been planning to escape on 29 October 2015, as well as the fact that this aborted escape plan had involved firearms. This decision emanated from DCI Williams and was implemented by DI Murray. Had DI Murray shared that information with Governor Nichols, then Izzet Eren would have been placed on the internal E-List for 28 days and everyone in the prison, Izzet Eren included, would have realised why.
- 5.69** It is artificial to differentiate between the risk of an escape from prison while detained there and the risk of an escape from a prison van en route to court. Each situation should be treated in the same way. However, by sharing the information of the 29 October 2015 escape plan with Governor Nichols, DI Murray and DCI Williams would have known that there was a real risk that the escape plan for 11 December 2015 would not go ahead. It was quite clear

117 [Peter Nichols 23 June 2021 91/10-92/8, 149/10-151/8](#)

118 [Peter Nichols 23 June 2021 109/12-15](#)

119 [Peter Nichols 23 June 2021 147/17-148/14](#)

120 [Peter Nichols 23 June 2021 109/23-110/5](#)

121 [Peter Nichols 23 June 2021 81/4-23](#)

122 [Robert Murray 22 June 2021 88/9-11](#)

123 [Robert Murray 22 June 2021 110/16-111/1](#)

124 [Peter Nichols 23 June 2021 92/12-16](#)

– even to DI Mayes – that despite the fact that DCI Williams and others were claiming to have an open mind, they had no serious intention of doing anything other than allowing Operation Ankaa to run. Furthermore, it was clear to Governor Nichols that the Operation Ankaa officers were aware that if any action was taken as a result of HMP Wormwood Scrubs staff being informed of the escape plan for 29 October 2015, there was at least a very real risk that Izzet Eren would be moved, which would ensure that sustained public protection would not be achieved.

- 5.70 Governor Nichols was asked to keep the information confidential. DI Murray made it clear to him that if the information was “*raised up*” or “*outside the establishment*” the MPS team would lose the operation.¹²⁵ The NOMS report found this request to be “*unreasonable*”.¹²⁶

*The police request to maintain secrecy about the escape plot meant that the prison staff were not able to make full and defensible decisions about the safe and secure management of [Izzet Eren]. The considerable period of time between the initial briefing on 13 November and the court appearance on 11 December left the prison with a significant risk without the ability to fully act.*¹²⁷

- 5.71 DI Murray accepted that allowing the intelligence to be used to support a renewed application to recategorise Izzet Eren as Category A would have been fatal to the planned escape and to the planned armed operation,¹²⁸ not least because it would have necessitated a transfer to a different prison, probably HMP Belmarsh, within 72 hours.¹²⁹ HMP Belmarsh has an underground tunnel linking it to Woolwich Crown Court to allow for safe transfer of high-security prisoners.¹³⁰
- 5.72 Following the meeting of 13 November 2015, Governor Nichols spoke to his line manager, Governor Emily Martin, about the information he had received. As the operation had not been finalised and approved, they did not immediately take it to the Governing Governor of HMP Wormwood Scrubs, Gary Monaghan.¹³¹ Governor Nichols also recorded on Izzet Eren’s prison record that if he were to leave the prison, he would need to be escorted by three guards rather than two, and double handcuffed.¹³²
- 5.73 During the first prison meeting, DI Murray was told that the video-link facility was not available for either sentence or trial.¹³³ DI Murray confirmed that the possibility of sentencing Izzet Eren by video link was an option he considered as soon as he had received intelligence about the planned break-out.¹³⁴ Yet this was the extent of any enquiries about the viability of a video link to be used as an alternative to an in-person hearing.¹³⁵ The video-link equipment existed but, as a result of capacity issues, it was only used for bail applications and probation

125 [Peter Nichols 23 June 2021 111/5-112/13](#)
 126 [HMP0000025_015 para 8.6](#)
 127 [HMP0000025_013 para 7.4](#)
 128 [Robert Murray 22 June 2021 93/7-94/11](#)
 129 [Peter Nichols 23 June 2021 79/6-80/19](#)
 130 [Peter Nichols 23 June 2021 105/16-21](#)
 131 [Peter Nichols 23 June 2021 112/15-113/7](#)
 132 [Peter Nichols 23 June 2021 113/12-18](#)
 133 [Robert Murray 22 June 2021 88/2-4](#)
 134 [Robert Murray 22 June 2021 89/2-13](#)
 135 [Robert Murray 22 June 2021 41/15-17](#)

interviews.¹³⁶ To have the sentencing hearing via a video link would have required transfer to another prison.¹³⁷ There was no attempt to confirm or clarify the availability of a video link, or to consider whether an exception could be made in this instance.

- 5.74** In 2015, there were protocols in place for the sharing of intelligence between the MPS and HMP Wormwood Scrubs. Those protocols were not underpinned by any formal Memorandum of Understanding but operated “*in accordance with general expected conduct*”, namely that intelligence is shared in the best interests of both parties where it is evident that there is a “*need-to-know*”.¹³⁸ Nonetheless, a report by NOMS after 11 December 2015 concluded that those arrangements were “*good and [were] normally well used*”¹³⁹ but “*these protocols and working relationships were completely bypassed in this case and were not invoked at any time*”.¹⁴⁰ There was also a National Prisons Intelligence Coordination Centre (NPICC), although this was only introduced in November 2015 and so was in its infancy at the time with which the Inquiry is concerned.
- 5.75** DI Murray was not aware of any information-sharing protocols with NOMS¹⁴¹ or of the existence of the NPICC.¹⁴² Had he known of the protocols, DI Murray said he would have followed them.¹⁴³ DI Mayes was aware that there was an information-sharing agreement in place and he “*would have read it at some point*”.¹⁴⁴
- 5.76** When read together, the “National Offender Management Service and Law Enforcement Agencies – Statement of Common Principles for Sharing Prison Intelligence”¹⁴⁵ and the “Strategic Partnership Agreement between National Offender Management Service and Law Enforcement Agencies”¹⁴⁶ make it clear that openness and information sharing are required, not only between the law enforcement agencies and prisons, but also with NOMS.
- 5.77** Governor Nichols was aware of the existence of the information-sharing protocols but had not read them – “*the protocols are at such a high level, it wouldn’t filter down to my level*”.¹⁴⁷ However, he did consider the working relationship with DI Mayes to be “*extremely healthy*” with a “*two-way street and ... open communications*”.¹⁴⁸
- 5.78** The NOMS report concluded that it would have been reasonable to expect a Prison Intelligence Officer to have been involved and, thereby, to have ensured that the principles of intelligence sharing were fulfilled and that the Governor was sighted on the risks and issues associated with the planned police operation.¹⁴⁹ DI Mayes, instead, served no more than to effect the introduction between DI Murray and Governor Nichols.¹⁵⁰

136 [Peter Nichols 23 June 2021 104/4-9](#)

137 [Peter Nichols 23 June 2021 104/19-105/21](#)

138 [HMP0000025_011 para 6.3](#)

139 [HMP0000025_011 para 6.1](#)

140 [HMP0000025_011 para 6.1](#)

141 [Robert Murray 22 June 2021 171/14-17](#)

142 [Robert Murray 22 June 2021 178/2-7](#)

143 [Robert Murray 22 June 2021 178/10-16](#)

144 [Steven Mayes 23 June 2021 63/1-9](#)

145 [HMP0000025_031-033](#)

146 [HMP0000025_024, 026](#)

147 [Peter Nichols 23 June 2021 132/9-22](#)

148 [Peter Nichols 23 June 2021 132/14-133/10](#)

149 [HMP0000025_011](#)

150 [Steven Mayes 23 June 2021 58/2-8](#)

- 5.79** Since the NOMS report into this incident, Her Majesty’s Prison and Probation Service (HMPPS) has established the National Intelligence Unit to increase the capability of the agency to collect, analyse and share intelligence on offenders in custody and in the community. This includes a Sensitive Intelligence Unit.¹⁵¹ The NOMS report recommended, in 2016, that amendments and improvements be made to the HMPPS Investigatory Powers policy framework and operations manual to improve the management of covert operations in prisons and information sharing with NOMS. Despite the fact that HMPPS published updated policies in June 2021, work to make the improvements required by the NOMS report of 2015 is still ongoing.¹⁵²
- 5.80** Quite aside from the adequacy of the information-sharing protocols, there should clearly be a greater degree of awareness of those protocols within the MPS and training provided to officers about their use.
- 5.81** The NOMS report concluded that both DI Murray and DI Mayes should have recognised *“that the possible use of firearms made this incident both high profile and high risk which would require briefing to those of sufficient seniority within NOMS”*.¹⁵³ On reflection and in hindsight, DI Murray agreed that, in view of NOMS’ responsibility to manage risk, the intelligence should have been disclosed in a sanitised format and the prison should have been allowed to take adequate steps to deal with the heightened risk.¹⁵⁴ DI Mayes’ explanation was that, in his eyes, the prison was synonymous with NOMS and that his engagement with Governor Nichols, who was going to inform his line management,¹⁵⁵ was sufficient.¹⁵⁶ The NOMS report also concluded that the risks to NOMS and to Serco should be *“properly recognised and appropriately managed both in the short and long term”*.¹⁵⁷
- 5.82** DI Murray met with Governor Nichols and an officer from the PIU for a second time at HMP Wormwood Scrubs on 8 December 2015 to confirm the planning and the arrangements for 11 December 2015.¹⁵⁸ DI Murray thought that he was the right person to attend this meeting because he had met Governor Nichols previously and had built up a relationship with him.¹⁵⁹
- 5.83** During the second meeting, means of contacting the Serco drivers on Izzet Eren’s van were discussed, as well as the process for identifying the van in which Izzet Eren would be placed and the route that it would take. The contingencies planned for the prison van were relayed to Governor Nichols, including the use of a MASTS surveillance team that could transfer from covert to overt and call upon Armed Response Vehicles (ARVs).

151 [HMP0000028_002-003 paras 12-15](#)

152 [HMP0000028_002](#)

153 [HMP0000025_013 para 7.1](#)

154 [Robert Murray 22 June 2021 182/23-183/9](#)

155 [Steven Mayes 23 June 2021 67/20-68/15](#)

156 [Steven Mayes 23 June 2021 60/24-61/8](#)

157 [Peter Nichols 23 June 2021 135/7-11](#)

158 [Robert Murray 22 June 2021 166/15-16](#)

159 [Robert Murray 22 June 2021 172/9-16](#)

- 5.84 In both meetings, Governor Nichols was assured by DI Murray that the risk to the prison van would be managed and the van would not be permitted to come into contact with the Audi mission vehicle.¹⁶⁰ The loss of surveillance on the Audi mission vehicle was discussed as one of the “*tipping points*” upon which the switch to overt protection would occur. Governor Nichols was told that intelligence suggested the planned prison break was still on.¹⁶¹
- 5.85 Governor Nichols recalled that during this second meeting with DI Murray, he was in no doubt that the operation would go ahead. He asked DI Murray whether either the senior team at NOMS HQ or Serco had been informed and was told that neither had,¹⁶² nor did DI Murray plan to do so in order to protect the operation.¹⁶³ Governor Nichols was concerned:
- Because I think they had a right to know and I think because the event was going to happen outside of Wormwood Scrubs it is not in my remit and someone more senior ... needs to be aware.*¹⁶⁴
- 5.86 The Inquiry’s policing experts were of the view that this discussion between DI Murray and Governor Nichols was beyond DI Murray’s brief as SIO – “*that should be a strategic decision in relation to withholding information*”.¹⁶⁵ The experts also pointed out the matter of fundamental importance to any such consideration – that Izzet Eren was in the lawful custody of HMPPS and not of the MPS.¹⁶⁶
- 5.87 Following the meeting, Governor Nichols spoke again to Governor Martin, the Deputy Governor of HMP Wormwood Scrubs. He also spoke with Governor Monaghan, the Governing Governor. He relayed his conversation with DI Murray that neither NOMS HQ nor Serco had been informed of the operation. He told Governor Monaghan that he was concerned that he had been asked to keep it “*in house*”.¹⁶⁷ Such a request was “*unusual*” – Governor Nichols had never before been asked to withhold information from NOMS HQ.¹⁶⁸ The NOMS report concluded that such a request was “*unreasonable*”.¹⁶⁹
- 5.88 Governor Nichols could not remember what Governor Monaghan said, but he thought that Governor Monaghan was going to speak with Nick Pascoe, the Deputy Director of Custody for the London Region. The NOMS report heard from Governor Monaghan that, in fact, he “*mistakenly assumed that the police operation had been approved by a senior official in NOMS*”.¹⁷⁰ Governor Nichols maintained that he had told Governor Monaghan, on the telephone, that NOMS HQ was not aware of the operation but that Governor Monaghan has since told him that he “*misheard that*” or “*misunderstood*”.¹⁷¹

160 [Peter Nichols 23 June 2021 121/19-122/6](#)

161 [Robert Murray 22 June 2021 164/1-165/22](#)

162 [Peter Nichols 23 June 2021 121/6-18](#)

163 [Robert Murray 22 June 2021 175/24-176/19](#)

164 [Peter Nichols 23 June 2021 123/3-10](#)

165 [Ian Arundale and Colin Burrows 21 July 2021 128/4-8](#)

166 [Ian Arundale and Colin Burrows 21 July 2021 128/4-129/4](#)

167 [Peter Nicholls 23 June 2021 123/23-25](#)

168 [Peter Nichols 23 June 2021 133/11-24](#)

169 [HMP0000025_015 para 8.6](#)

170 [HMP0000025_009 para 1.4](#)

171 [Peter Nichols 23 June 2021 131/1-24](#)

The planning meeting on 3 December 2015

5.89 Between 10 November 2015 and 3 December 2015, there were no further meetings between DSupt Turner and DCI Williams, or with the operational team.¹⁷² Nor did DCI Williams provide any updates to DSupt Turner either on the investigation under way to fill the intelligence gaps identified or on the planning for the operation.¹⁷³ A meeting was held on 3 December 2015 with DSupt Turner, DCI Williams, S48 and two officers from the TSU, who were present to advise on covert audio equipment and other technical options.¹⁷⁴ DCI Williams and DSupt Turner¹⁷⁵ described the primary purpose of that meeting as being to discuss whether the deployment of the listening device in the Audi mission vehicle should be supported by SCO19 firearms officers, which required a separate application and the completion of separate FA forms.¹⁷⁶

5.90 Again, no formal minutes were taken of the meeting. There is not even an accurate record of who was present. DI Murray recorded that DSupt Gilmour was present, but he was not. S48 recorded that two CTSFOs were present, but others confirmed that they were not.¹⁷⁷ DSupt Turner agreed that, again, it was his responsibility to ensure an accurate record of the meeting was maintained.¹⁷⁸ Although there were some aspects of the meeting where sensitive intelligence would be discussed, there were many where that was not the case. DSupt Turner could provide no explanation for the complete lack of notes or formal minutes, save that it was an oversight on his part, though he did consider that the FA forms would create an auditable record.¹⁷⁹ The FA forms for the armed deployment to support the TSU operation were not to be created until a week later.¹⁸⁰

5.91 To have failed to take formal minutes or to ensure that they were being taken and to check them, during the second planning meeting, displays a wanton disregard for accountability. It is all the more lamentable that DSupt Gilmour was shadowing DSupt Turner to learn from his experience, not his bad habits. The Inquiry's policing experts observed:

It is quite surprising that the person in charge of that meeting didn't ensure that there was a note ... It is not just about creating an audit trail so that there could be a post-incident review, it is about good practice and basic management techniques to make sure that there is proper communication of what needed to be done, by whom and by when, so that can be revisited at the next meeting itself.¹⁸¹

5.92 While the meeting focused on whether or not the test for the deployment of armed officers to protect the TSU deployment was met and the planning of that deployment,¹⁸² there was then a discussion about the use of a covert police operations room on 11 December 2015. The power to authorise the use of the covert police operations room, C3000, lay with DSupt Turner. It was not regular practice to make use of C3000 in such cases

172 [Craig Turner 28 June 2021 76/15-24](#)
 173 [Craig Turner 28 June 2021 77/6-78/8](#)
 174 [Robert Murray 22 June 2021 136/5-137/6](#)
 175 [Craig Turner 28 June 2021 78/9-12](#)
 176 [Neil Williams 24 June 2021 87/2-22](#)
 177 [Robert Murray 22 June 2021 139/22-140/21](#)
 178 [Craig Turner 28 June 2021 82/14-83/6](#)
 179 [Craig Turner 28 June 2021 84/2-7](#)
 180 [Craig Turner 28 June 2021 84/9-20](#)
 181 [Ian Arundale and Colin Burrows 21 July 2021 90/1-19](#)
 182 [Steve Alexander 3 August 2021 22/1-10](#)

but doing so allowed greater command and control of the operation as a whole.¹⁸³ It would allow for the live audio feed from the listening device to be relayed directly to the Covert Monitoring Post (CMP) in C3000.¹⁸⁴

The TSU deployment on 8 December 2015

5.93 The key functions of the TSU are:

- a. to assist the MPS in its strategic objectives of reducing crime and disorder;
- b. to satisfy an operational requirement by using covert technical deployments to gather intelligence and evidence; and
- c. to guide and advise the SIOs in their investigative and operational strategies.¹⁸⁵

5.94 On 18 November 2015, the TSU fitted a tracker to the Audi mission vehicle. The necessary authorities were then obtained to fit a listening device in the Audi mission vehicle.¹⁸⁶ A number of strategy meetings were held between the TSU and the investigative team to discuss the deployment and make practical arrangements.¹⁸⁷ National guidance for the TSU requires that comprehensive records are maintained by TSU departments:

*It is important to keep comprehensive and accurate records of all TSU operations and deployment activities so that robust and credible evidence can be presented if required ... The need to protect sensitive equipment and techniques from exposure is not an excuse for failing to record their use.*¹⁸⁸

5.95 The MPS Obelisk computer log provides a chronological record of the actions taken by the TSU. However, it provides only “high-level” information to confirm that a meeting has taken place and does not contain any documentary decision logs or actions to come from the meetings. It is therefore “very difficult to determine” from the computer log what was discussed in those meetings.¹⁸⁹ The Inquiry’s subject-matter advisers on the TSU thought that there was “information lacking in the documents ... it is just not detailed enough” and would have expected to see “more information ... the outcomes of meetings and any actions that arise from those meetings, who dealt with them, what the rationale behind the decision was and what the outcomes were”.¹⁹⁰

5.96 The Inquiry’s subject-matter advisers on the TSU considered the type of listening devices chosen to have been appropriate. The MPS TSU decided to fit two devices to the Audi mission vehicle. One would provide a live feed to the MPS C3000, and a second “store and retrieve” device would simply record the audio to be listened to at a later date, if necessary. The latter type of device is of superior quality and provides a backup, should the live feed fail. The Inquiry’s TSU subject-matter advisers praised the decision to deploy two devices.¹⁹¹ The live feed was remotely switched on from the C3000, while the “store and retrieve”

183 [Craig Turner 28 June 2021 78/20-79/12, 89/5-18](#)

184 [Craig Turner 28 June 2021 92/10-24](#)

185 [Mark Brown and William Storey 23 July 2021 5/9-24](#)

186 [Mark Brown and William Storey 23 July 2021 8/1-6](#)

187 [Mark Brown and William Storey 23 July 2021 15/5-9](#)

188 [Mark Brown and William Storey 23 July 2021 16/23-17/25](#)

189 [Mark Brown and William Storey 23 July 2021 16/7-21](#)

190 [Mark Brown and William Storey 23 July 2021 21/4-17](#)

191 [Mark Brown and William Storey 23 July 2021 25/19-26/14](#)

device was activated when it detected sound. The TSU subject-matter advisers were of the opinion that the quality of the feed from the “store and retrieve” device was as good as it could be. The live feed device experienced some interference, but it did not “*detract immensely*” from the speech captured.¹⁹²

- 5.97 The listening devices were fitted by the TSU on 8 December 2015. The deployment had been planned for 7 December 2015 but, in the event, was delayed.¹⁹³ The MPS records of the fitting of the devices were significantly lacking in detail. They did not even identify who installed the devices into the Audi mission vehicle or what testing was carried out.¹⁹⁴
- 5.98 The TSU deployment on 8 December 2015 was protected by armed officers, including W80, the CTSFO who shot Mr Baker. There were no incidents during the deployment.

The application for an armed deployment within Wood Green Crown Court

- 5.99 The relevant Criminal Practice Direction (CPD) 3M¹⁹⁵ sets out the procedure for making and handling applications for authorisation for the presence of armed police officers within the precincts of any Crown Court or Magistrates’ Court building, save for in emergency situations.¹⁹⁶ There are a number of Crown Court centres that are designated for armed police presence, and applications can be made for deployment to those centres. Wood Green Crown Court was not, and is not, such a designated Crown Court centre.¹⁹⁷
- 5.100 The CPD 3M confirms that a request for the deployment of armed officers in court precincts must be made in writing. It should be considered first by the Lead Presiding Judge for the relevant circuit – in this case, the South Eastern Circuit, for which Mr Justice Sweeney was then the Lead Presiding Judge. The application would then pass to the Senior Presiding Judge of England and Wales, who at that time was Lord Justice Gross.¹⁹⁸
- 5.101 If the MPS was unable to obtain authority to deploy armed officers at Wood Green Crown Court to “*provide the security to the courts*” that was thought to be “*necessary*”, then the operation could not have gone ahead as planned.¹⁹⁹
- 5.102 DI Murray decided that he personally should attend Wood Green Crown Court to “*seek support of Wood Green Crown Court for a police proactive operation ... [and to] seek authority for covert AFOs to be in the court as a contingency only*”.²⁰⁰ He was not aware that Wood Green Crown Court was not a designated court, nor was he aware of the proper procedure for the application.²⁰¹

192 [Mark Brown and William Storey 23 July 2021 41/14-42/17](#)

193 [Neil Williams 24 June 2021 100/25-101/16](#)

194 [Mark Brown and William Storey 23 July 2021 31/13-32/21, 34/3-35/16](#)

195 [Dated 29 September 2015: \[2015\] EWCA Crim 1567](#)

196 [INQ0000020_001](#)

197 [INQ0000020_001](#)

198 [Nigel Sweeney 23 June 2021 158/15-159/20](#)

199 [Neil Williams 24 June 2021 82/5-15](#)

200 [MPS0003693_002](#)

201 [Robert Murray 22 June 2021 142/25-143/12](#)

- 5.103 On 7 December 2015, DI Murray met with Zeb Johnson and Anthea Rodgers, the court manager and accommodation manager at Wood Green Crown Court respectively.²⁰² There was no discussion during this meeting about the possibility of using a video link instead of an in-person sentencing hearing on 11 December 2015.²⁰³
- 5.104 While at court, DI Murray, together with two firearms officers, conducted a reconnaissance of the court building.²⁰⁴ They walked around the outside of the building and were shown doors and approach ways to assist “*their understanding of the area*”.²⁰⁵
- 5.105 This was described as the “*firearms survey*” for the purpose of the application to Mr Justice Sweeney to deploy armed officers in the court precinct.²⁰⁶ The Inquiry’s policing experts were clear that the application should not have been made by DI Murray. This application and this visit were part of the armed deployment “*so good practice would indicate that the commanders of the armed policing deployment would be part of that ... good practice would indicate you need to separate the investigative from the armed policing deployment issues.*”²⁰⁷ DSupt Gilmour agreed that, while he would have found it odd if the TFC was conducting a reconnaissance, DI Murray stepped beyond the boundaries of what was expected of him under the separation of powers. He thought an experienced firearms officer would be the best person to conduct the reconnaissance and report back to the TFC.²⁰⁸
- 5.106 DI Murray was of the impression, following the meeting, that the application had been informally and provisionally approved by the acting Resident Judge at Wood Green Crown Court, Judge Pawlak (subject to the approval of the Presiding Judge, Mr Justice Sweeney). This was despite the fact that Judge Pawlak had not received any written application form, he had not met any OIC and the CPD had not been complied with.²⁰⁹ In fact, emails sent within Wood Green Crown Court show that it was the assumption of those at Wood Green Crown Court that the sentence could not take place there but would be transferred to one of the designated courts, which included Woolwich Crown Court.²¹⁰ That was an option that could and should have been considered as an alternative to the need for authorisation for the need of firearms at Wood Green and I have no doubt would have been if Mr Justice Sweeney had been given the full picture (see below).
- 5.107 Later the same day, Mr Johnson telephoned DI Murray to tell him that Mr Justice Sweeney had considered the request and there were two options, upon which they awaited a final decision:

(1) ... *approve request*

(2) *Refuse*

202 [Robert Murray 22 June 2021 141/14-142/4](#)

203 [Robert Murray 22 June 2021 150/3-6](#)

204 [Robert Murray 22 June 2021 154/11-17](#)

205 [Robert Murray 22 June 2021 155/4-7](#)

206 [23 June 2021 164/7-18](#)

207 [Ian Arundale and Colin Burrows 21 July 2021 126/25-127/10](#)

208 [Brendan Gilmour 1 July 2021 78/15-79/13](#)

209 [Robert Murray 22 June 2021 154/1-24, 155/9-18](#)

210 [IPC0001121_001-002](#)

- (i) *Move prisoners to HMP Belmarsh and have hearing at Woolwich CC [Crown Court]*
- (ii) *Conduct hearing by video-link*²¹¹

- 5.108 If the application for armed deployment at Wood Green Crown Court was refused, then either of the options above would frustrate the planned strategy to allow the conspiracy to run. It was vital, therefore, that Mr Justice Sweeney be persuaded to grant the application.²¹²
- 5.109 An officer at ACPO level and the OIC were asked to attend upon Mr Justice Sweeney on 8 December 2015.²¹³ Commander Ball was selected as the officer of ACPO rank. This was the first such application he had seen in his 25-year career, and he was not aware of the relevant procedure.²¹⁴ The prescribed form was drafted by DCI Williams, though it was submitted in the name of Commander Ball who read and endorsed it. As to the accuracy of the information on that form, Commander Ball was reliant on DCI Williams.²¹⁵ There were errors on the form, such as the date of the last appearance at Wood Green Crown Court and the number of weeks given to the CPS to consider whether or not to amend the indictment.²¹⁶
- 5.110 The form also recorded that alternatives to an armed deployment had been considered but discounted, including the use of a video link or transferring the hearing to a different court:
- Video Link the Court appearance or transfer Court – Temporary disruption of Friday’s plan will reduce risk on the day but there will be ongoing public protection vulnerabilities should an attempt be planned at a later stage, for example, hospital visit or other manufactured reason for leaving prison. At this stage police would not be in possession of the same quality of intelligence or have the operational assets available.*²¹⁷
- 5.111 This does not make any mention of the fact that video links were not used at HMP Wormwood Scrubs for sentencing hearings. It was important that DI Murray relay this relevant information to DCI Williams and DSupt Turner, but DI Murray could not remember if he did so.²¹⁸ DCI Williams would have expected DI Murray to tell him.²¹⁹
- 5.112 On 8 December 2015, Commander Ball was unavailable for the meeting with Mr Justice Sweeney, and DCI Williams and DCS Tom Manson attended. DCI Williams attended in place of DI Murray because DI Murray was at HMP Wormwood Scrubs for his second meeting with Governor Nichols.²²⁰ DCS Manson attended in place of Commander Ball even though he was not an officer of ACPO rank.²²¹ DCS Manson was the detective chief superintendent in charge of SCO7 and deputised for Commander Ball.

211 [MPS0003712_018](#)
212 [Robert Murray 22 June 2021 161/20-162/6](#)
213 [IPC0001121_001-002](#)
214 [Duncan Ball 30 June 2021 181/10-182/17](#)
215 [Duncan Ball 30 June 2021 186/18-187/13](#)
216 [CTS0000009](#)
217 [MPS0003735_003](#)
218 [Robert Murray 22 June 2021 89/14-24](#)
219 [Neil Williams 24 June 2021 83/4-22](#)
220 [Robert Murray 22 June 2021 159/11-160/16](#)
221 [Duncan Ball 30 June 2021 190/24-191/9](#)

- 5.113 There appeared to be a lack of knowledge within the higher ranks of the MPS as to how such applications should be made.²²² The rules are clear and readily accessible; even if what they contain is not at the fingertips of those making the applications, physical access to them should be immediately available to anyone making such an application.
- 5.114 The intelligence about the conspiracy to break out Izzet Eren was summarised on the application form, but it did not make any mention of the earlier aborted break-out attempt. DCI Williams believed that he would have informed Mr Justice Sweeney verbally, although he could not be 100 per cent sure as he did not recall doing so.²²³ Had he done so, I am satisfied that Mr Justice Sweeney would have insisted that the application form be amended to refer to it; accordingly, I reject any suggestion that DCI Williams did tell Mr Justice Sweeney during the course of their meeting. The combined effect of the failure to share that information with Governor Nichols and Mr Justice Sweeney creates an irresistible inference that it was a deliberate omission to minimise the risk of any procedural action being taken either by NOMS or Her Majesty's Courts and Tribunals Service (HMCTS) that would hold, or might have had the effect of holding, Operation Ankaa below the watermark.
- 5.115 During the meeting, Mr Justice Sweeney indicated that, in the event that the prison van was not attacked prior to its arrival at court, more needed to be done to secure the safety of all court users and that a firearms survey needed to be carried out.²²⁴ As the Criminal Procedure Rules require, the application was referred to the Senior Presiding Judge, Lord Justice Gross, who was generally supportive but asked that the written application be amended to reflect the discussions held.²²⁵ The application was approved by both judges on 9 December 2015.²²⁶ That permission was limited only to the deployment of officers within the precincts of the court and focused on the safety of court premises and those within the court precincts. It did not involve a consideration by the judiciary of the conduct of the police operation.²²⁷
- 5.116 The effect of CPD 3M, as presently drafted, is that the application is made and, where appropriate, granted without the need for a witness statement, sworn evidence or any record of the proceedings. Judges who consider such applications are not required to provide any reasons for their decisions.
- 5.117 Common sense and good practice required that any decision that was taken that might put safety at risk, without the knowledge of a judge (Mr Justice Sweeney in the application for a firearms presence at the court) or the prison service (and Serco), should have been cleared at the highest level within the MPS – the higher the risk, the higher the level to which the person in strategic command must go in order to obtain the necessary clearance, even to the extent of obtaining legal advice, which was apparently not done.

222 [Duncan Ball 30 June 2021 181/5-186/23](#); [Neil Williams 24 June 2021 135/22-137/19](#)

223 [Neil Williams 24 June 2021 144/23-145/17](#)

224 [Nigel Sweeney 23 June 2021 162/12-20](#)

225 [Nigel Sweeney 23 June 2021 162/16-163/7](#)

226 [MPS0003735_001-004](#)

227 [Nigel Sweeney 23 June 2021 167/6-19](#)

Chapter 6: Operation Ankaa – preparations for the deployment on 11 December 2015

The operational plan

- 6.1 As a result of the record-keeping failures described in Chapter 5, the only record that exists of the plan drawn up during the only real planning meeting, that of 10 November 2015, is an emailed briefing note prepared on 12 November 2015 by DCI Neil Williams. The purpose of the briefing note was to seek authority from AC Pat Gallan to install a listening device (often described as an “audio probe”) in the Audi mission vehicle, which had by then been identified:

Whilst there is still three weeks to go, the likely tactic which is feasible, is to run two MASTS operations, one on the Prison Van and one on the Audi. Once sufficiency of evidence was obtained of conspiratorial discussions or other intelligence was in existence, to intercept the Audi long before the van arrived in the vicinity of Wood Green.¹

- 6.2 The plan was based on the Audi mission vehicle being used by the conspirators on 11 December 2015, though the commanders accepted before the Inquiry that it was possible that the conspirators would decide not to use it.²
- 6.3 The operational plan involved the use of three teams:
- Team Alpha – a MASTS team to accompany the prison van;
 - Team Bravo – a MASTS team covering the Audi mission vehicle; and
 - Team Charlie – an unarmed covert surveillance team to follow Ozcan Eren.
- 6.4 The reasons for the decision to use an unarmed team to follow Ozcan Eren are unclear. DCI Williams stated at the time that:

Ozcan Eren represents a significant threat in his own right as a criminal within Haringey, with intelligence linking him to firearms ... The current intelligence regarding the plot to free his brother [is] indicating he had access to another firearm.³

1 [FEO0000061_003](#)

2 [Craig Turner 28 June 2021 70/6-71/7](#)

3 [Neil Williams 24 June 2021 67/7-12](#)

In the briefing on 12 November 2015, DCI Williams said, in so many words, that Ozcan Eren was “*clearly in possession of another firearm which we have a duty to recover*”⁴ Commander Duncan Ball (Commander of Specialist Crime and Operations Directorate) was clear that this statement implied that Ozcan Eren “*had it in his possession, or in a position where he could get ready access to it. In a room in his house, for example.*”⁵

- 6.5 DCI Williams’ attempt to explain the contradiction between these two assessments was that although there was a firearm out there that could have been used by the conspirators, Ozcan Eren “*on the day would be involved in the command and control of the plot, and the intelligence ... suggested he was not habitually armed*”⁶
- 6.6 The intelligence profile available to DCI Williams at the time of Operation Ankaa noted two dates in 2013 on which information suggested that Ozcan Eren was carrying a gun.⁷ This intelligence profile, relied upon throughout the planning and briefing for Operation Ankaa, was undated. However, it must have predated 10 July 2015 because, had an up-to-date intelligence check been carried out for the purpose of Operation Ankaa, further information dated 10 July 2015 had recorded that Ozcan Eren was in possession of a German Luger firearm.⁸ Inexcusably, DCI Williams was not aware of that intelligence.⁹ Rather than obtain up-to-date profiles for those believed to be part of the conspiracy, he simply took the latest profiles already available on the shared drive.¹⁰
- 6.7 The intelligence outlined above makes clear beyond any doubt that the risk posed by Ozcan Eren was never properly evaluated by DCI Williams, and the intelligence was not fully appreciated. The fact that he was described, inaccurately, as “*clearly in possession of another firearm*”¹¹ when he should have been described as “*having access to firearms*”, represents a slapdash approach to potentially, if not actually, important information.
- 6.8 On 17 November 2015, as part of the preparations for the TSU deployment on 8 December 2015, DC Andrew Sparks was asked to complete a “PLAICE” risk assessment form¹² provided by the TSU. The errors in the completion of this form were numerous, and DC Sparks was unable to provide an explanation for them. By way of example, despite having completed the form, DC Sparks was unable to explain how the risk assessment recorded on the form was completed or the significance of the risk scores entered.¹³
- 6.9 When called upon to assess the risk posed by Ozcan Eren, DC Sparks wrote: “*Subjects have previous convictions for firearms but no current intelligence that Ozcan has ready access at his home address.*”¹⁴

4 [FEO0000061_003-004](#)

5 [Duncan Ball 30 June 2021 169/3-8](#)

6 [Neil Williams 24 June 2021 66/13-67/2](#)

7 [IPC0001118_008-009](#)

8 [MPS0003645](#)

9 [Neil Williams 24 June 2021 68/7-11](#)

10 [Neil Williams 24 June 2021 133/15-18](#)

11 [FEO0000061_004](#)

12 Physical, Legal, Assets, Information Management, Compromise, Environmental

13 [Andrew Sparks 19 July 2021 158/8-159/10](#)

14 [Andrew Sparks 19 July 2021 160/11-17](#)

- 6.10 Therefore, even though the Audi mission vehicle was not stored at Ozcan Eren’s address and the OCN were known to have, and had a history of, access to firearms, DC Sparks only considered the risk in these very simplistic terms:

*If he is at home on the night of the deployment, do we believe that he would have ready access to a firearm ... we don’t believe he has ready access at the home address where we expect him to be. However, if he wasn’t at that home address, that would obviously then be an issue.*¹⁵

- 6.11 Further, the PLAICE assessment made no reference to the fact that, on 10 July 2015, intelligence suggested that Ozcan Eren was in possession of a firearm.¹⁶ The way in which the risk posed by Ozcan Eren was handled by DC Sparks was incompetent. DC Sparks explained that he was looking solely at whether or not Ozcan Eren could arm himself if he was at home on the night of the deployment,¹⁷ when by DC Sparks’ own admission, suspects will often have access to firearms but they “rarely will keep them at the home address” and the Audi mission vehicle was not at Ozcan Eren’s home address.¹⁸
- 6.12 Finally, DC Sparks’ assessment and summary of the available intelligence on Ozcan Eren, that there was “no current intelligence that Ozcan has ready access at his home address”,¹⁹ is wholly contradictory to that of DCI Williams, who had written that he was “clearly in possession of another firearm”.²⁰
- 6.13 The plan drawn up during the planning meeting on 10 November 2015 did not make any mention of how the individuals in the Audi mission vehicle would be arrested.²¹ However, it is clear from the undated form submitted in support of the application for armed officers at Wood Green Crown Court to Mr Justice Sweeney on 8 December 2015 that the clear expectation and intention was to carry out an armed interception:

*It is our intention to conduct an armed interception of this vehicle once there is sufficiency of intelligence and in advance of the prison van arriving at the court.*²²

The FA forms in Operation Ankaa and the consideration of tactical options

- 6.14 FA forms are important in that they create an audit trail of the various stages of firearms operation applications.²³ There are blank electronic documents available for each of the forms, which are completed by the relevant officer.²⁴

The absence of an FA1 form

- 6.15 The FA1 form would generally have been completed by a detective constable or a detective sergeant and submitted to DCI Williams to inform him, as the potential TFC of the operation, of the background, setting out the basic intelligence²⁵ and asking the

15 [Andrew Sparks 19 July 2021 160/18-161/16](#)
 16 [Andrew Sparks 19 July 2021 161/22-164/16](#)
 17 [Andrew Sparks 19 July 2021 163/16-164/15](#)
 18 [Andrew Sparks 19 July 2021 165/13-17](#)
 19 [MPS0000496_004](#)
 20 [FEO0000061_004](#)
 21 [Ian Arundale and Colin Burrows 21 July 2021 89/17-18](#)
 22 [CTS0000009_010-011](#)
 23 [Robert Murray 22 June 2021 133/14-17](#)
 24 [Neil Williams 24 June 2021 90/16-23](#)
 25 [Robert Murray 22 June 2021 133/1-9](#)

TFC whether it would support an armed deployment. It gives the TFC the opportunity to conduct a threat assessment and to identify intelligence gaps, which would need to be filled before a formal application to mount a firearms operation was made.²⁶

- 6.16 No FA1 form was completed for either the armed deployment to support the TSU deployment on 8 December 2015 or the main deployment on 11 December 2015. DCI Williams took the view that he was the applicant and so an FA1 form was “*an administrative form*” and was not necessary:

*I was already aware of the situation, it wasn't a case of somebody ringing me up with fresh information ... and it seemed ... unnecessary ... telling myself something which I already knew.*²⁷

- 6.17 While accepting the importance of the FA forms for maintaining an audit trail, DSupt Craig Turner thought the need for an FA1 form in this case to be an unnecessary “*bureaucracy*” because it would have repeated what DCI Williams recorded in the FA2 form.²⁸
- 6.18 The evidence is clear that the purpose of the FA1 form was to inform the TFC about intelligence received. In this case, there is no reason why an FA1 form could not have been completed by DC Sparks or DI Robert Murray during, or as a result of, their meeting on 30 October 2015. The Inquiry has benefitted from the detailed contemporaneous note made by DI Murray of that meeting, but the information should have been formally recorded and retained on an FA1 form. This would have created an audit trail and could have been used to flag up intelligence gaps to be filled.
- 6.19 In some cases, there may exist a good reason for not completing an FA1 form. However, it seems to me that it is outweighed by the importance of having a good audit trail in the interests of accountability, and provision is specifically made for such a form in the MPS SOP.
- 6.20 The fact that the FA1 form was not only dispensed with in this operation, but that no one picked it up and/or queried it, speaks volumes for the casual approach to formality and compliance that seems to have been the hallmark of much of Operation Ankaa. This left me with the impression that such forms may well have been dispensed with by the MPS in the course of other deployments.

FA2 form

- 6.21 Although there may have been some uncertainty as to who was responsible for the completion of the FA1 form, the FA2 form (to apply for authority for an armed operation) is unquestionably the responsibility of the TFC. Despite the fact that, as set out above, the plan for an armed deployment on 11 December 2015 was settled upon on 10 November 2015, the FA2 form was not completed or submitted until early December 2015.
- 6.22 On 4 December 2015, DCI Williams prepared an FA2 form for an armed deployment on 8 December 2015 to provide protection for the TSU during the insertion of a listening device in the Audi mission vehicle. On 7 December 2015, he prepared his first draft of an FA2 form for the deployment on 11 December 2015. An examination of the contents of the two FA2 forms shows a lack of care and attention in their completion and provides yet another example of a casual approach to complying with MPS formal procedures.

26 [Neil Williams 24 June 2021 88/12-89/2](#)

27 [Neil Williams 24 June 2021 89/3-24](#)

28 [Craig Turner 28 June 2021 97/1-3](#)

- 6.23 Both the FA2 form for the TSU deployment on 8 December 2015 (dated 4 December 2015) and the FA2 form for the deployment on 11 December 2015 (dated 7 December 2015)²⁹ bore the wrong operation name.

Figure 5: Tactical Firearms Commander’s Policy File, FA2 form dated 4 December 2015 (left) and FA2 form dated 7 December 2015 (right), both with incorrect operation name – Operation Morguld

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Date Commenced:	Date Completing:	Reference No:
4.12.15		Op Ankaa
TACTICAL FIREARMS COMMANDER'S Policy File & Decision Log		
OPERATION MORGULD		

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7.12.15		Op Ankaa/150960
TACTICAL FIREARMS COMMANDER'S Policy File & Decision Log		
OPERATION MORGULD		

- 6.24 In fact, Operation Morguld was a previous armed deployment unrelated to either Operation Ankaa or Operation Utara. DCI Williams said that it “*was obviously the template for the form that I went back to each time ... my explanation is that it is some form of cut and paste from a previous operation, which I am very disappointed about*”³⁰
- 6.25 Coincidentally, DSupt Turner was also the SFC on Operation Morguld and thought he may have shared a copy of the FA2 form in that operation with DCI Williams.³¹ He denied that the form was provided to copy but rather to provide a “*workable*” file as those on the MPS intranet sometimes developed formatting issues.³² However, in the 200 or more operations for which DSupt Turner had been the SFC, he had not sent a copy of another operation’s FA2 form to the TFC.³³
- 6.26 DSupt Turner, who was responsible for reviewing the FA2 form before providing his authority for the armed deployment in the FA3 form (the repeat authorisation for firearms form), did not notice that the wrong operation name had been included on the forms dated 4 December 2015 and 7 December 2015. The error was not corrected until the form was updated on 10 December 2015.
- 6.27 Deputy Assistant Commissioner (DAC) Laurence Taylor, who previously held responsibility for SCO19 in the MPS, accepted that, while it was not consistent with policy, a TFC might use an FA2 form from a previous operation as a template. However, he was clear that every operation is different and the documentation completed must be bespoke.³⁴

29 [IPC0001080_002](#)

30 [Neil Williams 24 June 2021 102/11-21](#)

31 [Craig Turner 28 June 2021 101/7-11](#)

32 [Craig Turner 28 June 2021 101/4-25](#)

33 [Craig Turner 28 June 2021 107/11-108/17](#)

34 [Laurence Taylor 29 July 2021 107/21-108/17](#)

6.28 The incorrect operation name is not the only aspect to suggest that the FA2 forms were prepared without sufficient specificity or regard to the requirements of Operation Ankaa. A comparison of the FA2 forms for the TSU deployment on 8 December 2015 and the deployment on 11 December 2015 shows that:

- a. Large sections of the FA2 form for the TSU deployment on 8 December 2015 were copied and pasted and remained unchanged on the FA2 form for the deployment on 11 December 2015, including references throughout to the need to protect the TSU, which was not relevant to the later operation.³⁵
- b. The powers and policy considerations were wholly replicated from one form to the other, without consideration being given to their relevance.³⁶ They were no more than a list of statutes and policies. DCI Williams accepted that, in his mind, these were standard powers and so they are only included as a matter of routine:

*Did I consider them individually ... I would suggest not, but they were obviously constant considerations for any firearms deployment.*³⁷

- c. The FA2 form includes a section entitled “ECHR principles” including “Proportionality”, “Legality”, “Accountability” and “Necessity”.³⁸ Despite the importance of those principles, DCI Williams accepted that he probably copied and pasted those sections. He accepted that the contents were generic and did not specifically relate to Operation Ankaa.³⁹

The Inquiry’s policing experts did not consider this to be an adequate reflection of how the principles behind Article 2 of the Convention applied to this operation. They would have expected a proper consideration of the issues, as they relate to a number of parties, and a record of the TFC’s reasoning.⁴⁰ I agree with their observations.

35 [Neil Williams 24 June 2021 125/18-127/14](#)

36 [Neil Williams 24 June 2021 120/7-12](#)

37 [Neil Williams 24 June 2021 100/11-16](#)

38 [IPC0001083_027](#)

39 [Neil Williams 24 June 2021 124/11-126/11](#)

40 [Ian Arundale and Colin Burrows 21 July 2021 119/5-120/16](#)

Figure 6: Extracts from Tactical Firearms Commander’s Policy File, FA2 form dated 4 December 2015 (left) and FA2 form dated 10 December 2015 (right), highlighting the Article 2 consideration

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4.5	ECHR PRINCIPLES					
Proportionality	<p>The method to be employed on this operation is proportional to the serious crime being undertaken by the subjects. It can be seen from this initial application that there is an ongoing conspiracy to commit serious crime, i.e. crimes for which a previously unconvicted person of 21 years or more would be sentenced to three years or more imprisonment upon first conviction. The use of SC&O19 AFO’s is a measured response commensurate to the level of criminality being investigated and provides a level of protection to all parties. The issue of firearms surrounding the deployment is justified and proportionate to the aims it seeks to achieve, safety of the public and police.</p>					
Legality	<p>Police have powers under legislation to deploy and use firearms; S3 Criminal Law Act, Common Law and s17 PACE. There is also provision under ECHR to protect life and prevent harm to others. Both the issue of firearms and directed surveillance are legal and properly authorised pursuant to the serious crime being undertaken and the need to prevent and detect persons involved in such offences. These powers are dependant upon a justifiable need being demonstrated that shows that the deployment and use of firearms in the individual circumstances was reasonable and necessary. Once authority is granted for a firearms operation then strict supervision is put in place to ensure that police tactics and deployments are appropriate to the circumstances and that any activity would withstand the scrutiny of an independent and intrusive enquiry. The aims of the operation are legitimate and justified, this is to protect the public and police and apprehend those believed involved in firearm related offences</p>					
Accountability	<p>In this operation, it is appropriate to deploy firearms to protect the public, TSU and police. To deploy without this ability would put officers and staff at risk with insufficient measures in place to counter any threat, and by implication the public at large would be exposed to violent and dangerous criminals without a layer of protection from police. It must always be borne in mind by both the Tactical Firearms Commander and Authorised Firearms Officers that the mere fact that authority exists to deploy a firearms, this does not justify the use of firearms and that this is an individual responsibility placed upon officers to make that judgement having considered all the circumstances. The use of less lethal options is always available via Taser CS Spray, handcuffs, asp and arrest/restraint techniques. This operation is subject to an ongoing review of police activity that is periodically formally documented and re-authorised. All police activity is carried out within the terms of appropriate legal and organisational guidelines. Any transgressor from authorised activity may be subject to disciplinary or judicial proceedings.</p>					
Necessity	<p>The outlined deployment is a necessary means of dealing with the problem and unknown threat. Other options such as early arrest, have been considered and discounted as inappropriate in favour of the proposed method. The operational tactics are necessary to provide the maximum opportunity to protect the public and TSU from those who carry and use firearms and allow the operational team protection from the prospect of a firearm being used against them.</p>					
Least Intrusive	<p>The deployment of less intrusive methods, such as Taser and PPE alone, would not achieve the objective of this operation with the least risk to police, the public and the subjects.</p>					
Time	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;">Date</td> <td>4/12/2015</td> <td style="width: 15%;">Signed</td> <td>DCI</td> <td style="width: 15%;">FE16</td> </tr> </table>	Date	4/12/2015	Signed	DCI	FE16
Date	4/12/2015	Signed	DCI	FE16		

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4.5	ECHR PRINCIPLES		
Proportionality			
	<p>The method to be employed on this operation is proportional to the serious crime being undertaken by the subjects. It can be seen from this initial application that there is an ongoing conspiracy to commit serious crime, i.e. crimes for which a previously unconvicted person of 21 years or more would be sentenced to three years or more imprisonment upon first conviction. The use of SC&O19 AFO's is a measured response commensurate to the level of criminality being investigated and provides a level of protection to all parties. The issue of firearms surrounding the deployment is justified and proportionate to the aims it seeks to achieve, safety of the public and police.</p>		
Legality			
	<p>Police have powers under legislation to deploy and use firearms; S3 Criminal Law Act, Common Law and s117 PACE. There is also provision under ECHR to protect life and prevent harm to others. Both the issue of firearms and directed surveillance are legal and properly authorised pursuant to the serious crime being undertaken and the need to prevent and detect persons involved in such offences. These powers are dependant upon a justifiable need being demonstrated that shows that the deployment and use of firearms in the individual circumstances was reasonable and necessary. Once authority is granted for a firearms operation then strict supervision is put in place to ensure that police tactics and deployments are appropriate to the circumstances and that any activity would withstand the scrutiny of an independent and intrusive enquiry. The aims of the operation are legitimate and justified, this is to protect the public and police and apprehend those believed involved in firearm related offences</p>		
Accountability			
	<p>In this operation, it is appropriate to deploy firearms to protect the public, TSU and police. To deploy without this ability would put officers and staff at risk with insufficient measures in place to counter any threat, and by implication the public at large would be exposed to violent and dangerous criminals without a layer of protection from police. It must always be borne in mind by both the Tactical Firearms Commander and Authorised Firearms Officers that the mere fact that authority exists to deploy a firearms, this does not justify the use of firearms and that this is an individual responsibility placed upon officers to make that judgement having considered all the circumstances. The use of less lethal options is always available via Taser CS Spray, handcuffs, asp and arrest/restraint techniques. This operation is subject to an ongoing review of police activity that is periodically formally documented and re-authorised. All police activity is carried out within the terms of appropriate legal and organisational guidelines. Any transgressor from authorised activity may be subject to disciplinary or judicial proceedings.</p>		
Necessity			
	<p>The outlined deployment is a necessary means of dealing with the problem and long term threat. Other options such as early arrest, have been considered and discounted as inappropriate in favour of the proposed method. The operational tactics are necessary to provide the maximum opportunity to protect the public and TSU from those who carry and use firearms and allow the operational team protection from the prospect of a firearm being used against them.</p>		
Least Intrusive			
	<p>The deployment of less intrusive methods, such as Taser and PPE alone, would not achieve the objective of this operation with the least risk to police, the public and the subjects.</p>		
Time	9.50am	Date	10/12/2015
Signed	DCI: FE16		

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4.6	SFC THREAT & RISK				
Agreed Threat & Risk with SFC	What is the AGREED level of risk identified				Final Order
General Public	H	M	L	UK	
Serco staff or other custodians	H	M	L	UK	
Police Officers (unarmed)	H	M	L	UK	
Police Officers (armed)	H	M	L	UK	
Subjects seeking to effect the escape	H	M	L	UK	
Izzet EREN and any other prisoners on the Serco Prison Van	H	M	L	UK	
	H	M	L	UK	
	H	M	L	UK	
	H	M	L	UK	
	H	M	L	UK	
	H	M	L	UK	
	H	M	L	UK	
	H	M	L	UK	

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- 6.29** The FA2 form also contained errors and inaccuracies, including:
- a. the date of Izzet Eren’s last appearance at Wood Green Crown Court;⁴¹
 - b. the date on which intelligence had been received;⁴² and
 - c. the current state of discussions with outside agencies.
- 6.30** Furthermore, the FA2 form submitted on 7 December 2015 stated that the Resident Judge and Court Manager at Wood Green Crown Court were “*content with the MPS response and have provided authority for MPS officers to operate within their respective premises*”.⁴³ In reality, permission to deploy armed officers at Wood Green Crown Court had not been granted, nor in fact did the Resident Judge have the authority to grant it; the proper application had not yet been made.⁴⁴ For the position of the Resident Judge and Court Manager to be misrepresented in this or in any way in a document of this importance is both unacceptable and inexcusable.
- 6.31** While cutting and pasting from another document or the use of a template is sometimes a necessary and acceptable approach, it should never be allowed to conceal the importance of accuracy and thoroughness; it leads to a perception of sloppiness and gives rise to the opinion that a rubber-stamping approach has been adopted. In this case, the cut and paste approach adopted by DCI Williams, coupled with the misidentification of the operation, was evidence of a generally slapdash and unprofessional approach to the care and attention that needed to be applied to this operation before it could properly go ahead. Indeed, the way in which the FA2 forms were completed leads me to conclude that DCI Williams had, as TFC, an agenda for the conspiracy to be allowed to run without sufficient consideration for Article 2 principles.
- 6.32** The Inquiry’s policing experts thought that the introduction of a document management system, which could record what documents were created, when and by whom as well as the dates on which they were amended or updated, may provide the required transparency.⁴⁵
- 6.33** The FA2 form, dated 7 December 2015 for the 11 December 2015 deployment, recorded the state of the intelligence, as at that date:
- a. There had been intelligence to suggest that the conspirators for the first aborted break-out attempt had had access to a stolen vehicle and weapons, including a firearm.⁴⁶
 - b. Intelligence received on 3 December 2015 indicated that Ozcan Eren was still in contact with Izzet Eren and was putting together a team of suitable individuals to effect the escape, but the identity of the individuals involved was unknown.⁴⁷ Intelligence received on 7 December 2015 indicated that the offence was still planned and that Ozcan Eren

41 [Neil Williams 24 June 2021 105/12-18](#)

42 [Neil Williams 24 June 2021 106/19-107/6](#)

43 [IPC0001083_005](#)

44 [Neil Williams 24 June 2021 111/14-21](#)

45 [Ian Arundale and Colin Burrows 21 July 2021 107/20-108/9](#)

46 [Neil Williams 24 June 2021 58/1-13; IPC000001083_004](#)

47 [IPC0001083_004-005](#)

had recruited a team that included unknown black males. The Audi mission vehicle was moved on that date for about 20 minutes, which was taken to indicate that the Audi mission vehicle would still be used.⁴⁸

- c. The intelligence suggested that the intention was to “*attack the van in the Bounds Green area before it arrives at Wood Green Crown Court*”.⁴⁹
- d. Intelligence also indicated that a man called Sinan Ozger had been involved in moving and storing firearms and had also performed the same function in the events leading to Izzet Eren’s arrest on 13 October 2015 with a Škorpion sub-machine pistol.⁵⁰
- e. DCI Williams noted that there had been no further intelligence updates to indicate that firearms would be used. Nonetheless, he took the view that firearms would be used “*given the antecedents of this OCG [organised crime group] and the fact that any successful attempt would involve considerable threat and duress to any custodians*”. DCI Williams thought that was “*a reasonable conclusion that most people would come to*”.⁵¹

6.34 The 5x5x5 intelligence grading “A1” had been ascribed to all of the intelligence listed on the FA2 form. DSupt Turner and DCI Williams agreed that, in fact, A1 should only have been used for the first box on the form. In any event, DCI Williams was aware of the source of the remainder of the intelligence, which was not within DSupt Turner’s knowledge.⁵² Although it is not necessary to consider what the intelligence grading should have been, the importance of recording accurate intelligence grading on the FA forms cannot be overstated.

6.35 The FA2 form identified, in priority order, the objectives for the operation:

- a) *Maximise the safety of the public by removing firearms from the streets and ensuring EREN remains in custody*
- b) *Maximise the safety of Serco and court staff engaged in providing custody facilities for EREN*
- c) *Obtain movements and activities of subjects*
- d) *Identify criminal associates, their addresses and vehicles*
- e) *Obtain intelligence and evidence of criminality*
- f) *Arrest offenders and prosecute for firearm related offences or other offences that demonstrate their level of criminality*
- g) *Recover items used in this offence, i.e. firearms, clothing, vehicles or mobile phones.*⁵³

48 [IPC0001083_004](#)

49 [Neil Williams 24 June 2021 108/23-109/24](#)

50 [IPC0001080_004](#)

51 [Neil Williams 24 June 2021 110/5-20](#)

52 [Craig Turner 28 June 2021 117/6-15](#)

53 [IPC0001083_003 para 1.1](#)

6.36 As TFC, it was DCI Williams' responsibility to make a threat assessment and to continue to do so throughout the course of the operation.⁵⁴ The College of Policing's APP-AP provides clear guidance on the approach to be taken to threat assessment:

*A threat assessment refers to the analysis of potential or actual harm to people, the probability of it occurring and the consequences or impact should it occur. It is based on fact, information and intelligence and will vary over time. A threat assessment is used to develop a prioritised working strategy and ultimately forms the basis on which the proportionality of the police response will be judged.*⁵⁵

6.37 DCI Williams was aware that a threat assessment should be dynamic and will change throughout the life of an operation.⁵⁶ Yet, in completing the FA2 form, DCI Williams assessed the threat and risk posed, in order of priority, to all of those listed below, as low:

- a. the general public;
- b. Serco or other custodians;
- c. police officers (unarmed);
- d. police officers (armed);
- e. subjects seeking to effect the escape; and
- f. Izzet Eren and any other prisoners on the Serco van.⁵⁷

6.38 However, DCI Williams was assessing the risk as it stood at the commencement of the surveillance stage of the operation on 11 December 2015, which is before the prison van even left HMP Wormwood Scrubs and long before any interception was to take place.⁵⁸

6.39 CC Simon Chesterman, the national lead for armed policing at the NPCC, explained that "*understanding the threat and risk posed by the subject of the armed operation, the type of weapons they might be carrying, et cetera, is absolutely vital*".⁵⁹ A multidimensional risk assessment acknowledges that the risk will change throughout an operation, depending on what is happening at any given time:

*You cannot just assess risk and it stays static, the risk will change according to what's happening in that particular operation at that particular time, the vicinity of victims, whether the firearms are present or not, whether the police are overt or covert.*⁶⁰

6.40 CC Chesterman was clear that the multidimensional threat and risk assessment should be carried out at the planning stage of the operation, anticipating that it will change throughout the operation. The TFC is responsible for that assessment as they build the working strategy. The threat assessment "*should include ... the threat to officers at various stages of the operation, depending on whether it is overt or covert*".⁶¹

54 [Neil Williams 24 June 2021 11/4-8](#)

55 [COP0000018_006](#)

56 [Neil Williams 24 June 2021 11/22-12/7](#)

57 [IPC0001083_011](#)

58 [Neil Williams 24 June 2021 11/4-18](#)

59 [Simon Chesterman 28 July 2021 36/15-22](#)

60 [Simon Chesterman 28 July 2021 37/8-12](#)

61 [Simon Chesterman 28 July 2021 37/16-38/3](#)

- 6.41 Since the inquest into the death of Mark Duggan in 2014, concerns have been raised about the MPS approach to multidimensional risk and threat assessments. In May 2014, the Coroner in that inquest recommended:

*that the Metropolitan Police remind their tactical firearms commanders of the need to undertake effective and multidimensional threat and risk assessments throughout their involvement in an operation to record their rationale in their policy logs.*⁶²

- 6.42 Supt Ross McKibbin, Head of Counter Terrorism and Specialist Operations during the Inquiry hearings, accepted that, although multidimensional threat assessments have been in place since the recommendation above, he was not convinced that the MPS has “nailed it down”. In his view, the FA forms, which are issued by the College of Policing, were not fit for that requirement because:

*they invite the person filling them out to pick a point in time to do an overarching threat assessment or an overarching working strategy ... that becomes the dominant threat assessment and working strategy for the deployment. Failing to recognise ... that that can change throughout the deployment.*⁶³

- 6.43 The Inquiry’s policing experts agreed that, at all stages of the operation, a multidimensional threat and risk assessment was important and should have been conducted and recorded by the TFC at and from the planning stage. The threat and risk assessment drives the activity in the operation, in particular the selection of tactics, which according to APP-AP should be based upon capability, feasibility and risk.⁶⁴ A properly conducted multidimensional threat and risk assessment at the planning stage may result in the conclusion that a proposed tactic is too high risk and, therefore, will be abandoned. Alternatively, it will highlight where action is required to mitigate that risk. This process is necessary in order to comply with the Article 2⁶⁵ requirement to “*minimise, to the greatest extent possible, recourse to lethal force*”.⁶⁶

- 6.44 As the operation progressed, DCI Williams considered the key to mitigating risk lay in maintaining surveillance control of the prison van and of the Audi mission vehicle. There was always the possibility that the conspirators would use an additional vehicle or a different vehicle entirely.⁶⁷ If control was lost of the Audi mission vehicle or the conspirators were to use a different vehicle, the operation had the contingency of switching to an overt armed presence around the prison van “*so it would have been clear to anyone approaching that van that the police were providing protection to it*”.⁶⁸ However, the FA2 form also recorded that “*overt disruption may frustrate the evidential opportunities, however this is not the primary objective*”.⁶⁹ The primary objective was, according to DCI Williams, to ensure the “*safety of all parties during the commission of the operation and the safe delivery of Izzet Eren*”.⁷⁰

62 [Ross McKibbin 3 August 2021 62/1-8](#)

63 [Ross McKibbin 3 August 2021 62/9-63/5](#)

64 [Ian Arundale and Colin Burrows 21 July 2021 109/10-110/14](#)

65 [Ian Arundale and Colin Burrows 21 July 2021 112/11-113/9](#)

66 [McCann and Others v United Kingdom \(1995\) 21 EHRR 97 at \[194\]](#)

67 [Neil Williams 24 June 2021 118/3-14](#)

68 [Neil Williams 24 June 2021 113/12-24, 116/13-117/9](#)

69 [Neil Williams 24 June 2021 121/12-122/7](#)

70 [Neil Williams 24 June 2021 122/4-7](#)

- 6.45 The potential consequence of a meaningless low risk assessment, in the policing experts' view, was that the operation was more likely to be signed off but also that those involved in the command of the operation may have a false sense of security. In particular, it would affect the safety of the CTSFOs involved in the operations. For every operation there must be a proper assessment of the risk that they will face and the steps to be taken to mitigate the risk to those officers.⁷¹
- 6.46 There was no multidimensional risk assessment in this case. In reality, this was always going to be a high-risk operation for the MPS – and should have been acknowledged as such – but because of the sustained public protection (the police term for protecting the public through the detection and prevention of crime over the longer term) that it expected to achieve, a high-benefit operation. There are clearly situations in which high-risk operations can and should be run, but the firearms commanders must always ensure that the risks of allowing a criminal enterprise to run longer than is necessary to achieve sustained public protection, particularly when coupled with the potential for the use of firearms, are fully considered and assessed.
- 6.47 As with the briefing email of 12 November 2015, the FA2 form made no mention of what would take place at the point of any interception or intervention. There cannot, therefore, have been any consideration of the risk that might arise at that time. DCI Williams accepted as much:

*Did I have a plan in my mind as to how that would happen? The answer simply is no, I did not.*⁷²

- 6.48 As SFC, DSupt Turner said he would not have expected the FA2 form to set out in detail the tactics to be deployed at the point of interception because there were “so many different variables”.⁷³ If the SFC is right, there is no prospect of the FA2 form ever serving as an adequate substitute for the tactics discussed at planning meeting(s) (see Chapter 5). In addition, if there is no record of the tactics at the point of interception, there can be no meaningful threat and risk assessment.

FA3 form

- 6.49 The FA3 form is the responsibility of the SFC. The Inquiry's policing experts described the core of the SFC's duty as being:

*to determine the strategic direction of an operation ... That person retains a strategic oversight and is in overall command and we would expect not only would they approve the tactical plan made by a tactical firearms commander, but they would ensure the integrity of that operation, its compliance with the authorised professional practice and the Code of Practice and the wider legislative requirements, but particularly issues relating to Article 2.*⁷⁴

DSupt Turner agreed that the “buck stops” with him and that, ultimately, he was responsible for that operation.⁷⁵

71 [Ian Arundale and Colin Burrows 21 July 2021 116/9-117/22](#)

72 [Neil Williams 24 June 2021 127/22-128/7](#)

73 [Craig Turner 28 June 2021 164/19-165/19](#)

74 [Ian Arundale and Colin Burrows 21 July 2021 63/17-64/12](#)

75 [Craig Turner 28 June 2021 14/10-12](#)

- 6.50 DSupt Turner was not concerned by the delay in preparing and submitting the FA forms. In his mind, he wanted to leave as much time as possible to fill the intelligence gaps, “*until the point ... where we were satisfied that we had exhausted all possible intelligence inquiries*”.⁷⁶
- 6.51 Close examination of the FA3 forms completed by DSupt Turner shows, again, some use of cut and paste. Nevertheless, when contrasted with the FA2 form, it was both understandable and acceptable on this occasion. The FA3 form for the TSU deployment on 8 December 2015 contained the following copied information:
- a. The summary of the intelligence received was copied from the FA2 form to the FA3 form.⁷⁷
 - b. The powers and policy considerations were taken from a template DSupt Turner maintained for powers and procedures.⁷⁸
 - c. The proposed options and the operational plan were copied from the FA2 form to the FA3 form.⁷⁹
- 6.52 However, as with the FA2 forms, the FA3 form did not include any multidimensional or dynamic assessment of the threat and risk to each of those identified. Once again, the risk was assessed as low, and assessed at the commencement of the surveillance stage of the operation.⁸⁰ In relation to the subjects of the operation, DSupt Turner recognised the possibility that the risk may change:
- The subjects may be subjected to an armed interception/intervention if circumstances dictate. Those chosen location, tactics and the use of trained personnel who will be in possession of appropriate equipment, including less-lethal options, will reduce the threat posed to the subjects. The subjects’ own actions will dictate the level of police response which will be directly proportional to the threat they pose to the public and/or police.*⁸¹
- 6.53 He did not, however, reach an assessment of that threat or risk, “*because there are so many variables in relation to what this could actually look like*”.⁸² As a result of amendments made to APP-AP after the death of Mr Baker, in response to recommendations by the Anthony Grainger Inquiry, it is the responsibility of the SFC to “*keep the threat and risk assessment and working strategy under review for the duration of armed deployment*”.⁸³
- 6.54 The recording of the threat and risk assessment in the FA3 form shows two errors:
- a. The Serco custodians and prisoners in the van were included twice – a clear duplication for which DSupt Turner had no explanation.⁸⁴

76 [Craig Turner 28 June 2021 79/18-24](#)

77 [Craig Turner 29 June 2021 1/22-2/10](#)

78 [Craig Turner 29 June 2021 12/9-19](#)

79 [Craig Turner 29 June 2021 12/21-14/15](#)

80 [Craig Turner 29 June 2021 5/9-6-13](#)

81 [Craig Turner 29 June 2021 6/15-23](#)

82 [Craig Turner 29 June 2021 7/3-10](#)

83 [Simon Chesterman 28 July 2021 65/25-66/19](#)

84 [Craig Turner 29 June 2021 7/24-10/4](#)

- b. While the detailed consideration of the threat and risk to the categories of individuals at risk was listed in priority order, consistent with the FA2 form, the summary is in a different order and contains fewer categories.

6.55 DSupt Turner could not explain these mistakes and could not rule out that he had pasted the summary from a different operation.⁸⁵ Given his practice of so doing, I think he probably did.

FA5 form

6.56 On 9 December 2015, Inspector S48, a CTSFO, prepared and circulated the FA5 form for the deployment on 11 December 2015.⁸⁶ The FA5 form provided advice about the armed surveillance on both the Audi mission vehicle and the prison van.

6.57 A substantial portion of the FA5 form is made up of a series of generic tactical options of contingencies. S48 explained that this was because of the state of the intelligence available at the time, but nonetheless a lot was specific to the operation.⁸⁷ Colour coding was used to distinguish between the generic and specific, with operationally specific content in red or blue text, which the Inquiry's policing experts considered to be good practice.⁸⁸ Overall, the Inquiry's policing experts considered the FA5 form to be "*thoroughly considered, well recorded and consistent with national training and guidance*".⁸⁹

6.58 It is worthy of note that, despite no FA1 form ever being completed, S48 stated in his FA5 form that "*I have also had the opportunity to read the FA1 and FA2 and attached document*".⁹⁰ He made this mistake because he would usually expect to have both forms available to him when preparing an FA5 form⁹¹ – the reason is as unimpressive as the mistake was avoidable.

6.59 The FA5 form provided five possible tactical arrest options, and S48 was in favour of option 2:⁹²

1. *Arrest subject(s) at identified premises **prior** to the commission of an offence*
2. *Conduct Mobile Armed Surveillance to establish sufficiency of evidence and on the direction of the TFC intercept/arrest Subject(s) **prior** to substantive offence taking place*
3. *Intervene/arrest subjects **prior** to offence taking place at a known location*
4. *Intervene/Arrest subjects **during** the commission of the offence*
5. *Arrest subjects **after** the commission of the offence⁹³*

85 [Craig Turner 29 June 2021 10/22-12/4](#)

86 [IPC0001132](#)

87 [S48 29 June 2021 133/1-8](#)

88 [Ian Arundale and Colin Burrows 21 July 2021 123/11-19](#)

89 [Ian Arundale and Colin Burrows 22 July 2021 7/8-12](#)

90 [IPC0000533_006](#)

91 [S48 29 June 2021 134/19-135/10](#)

92 [S48 29 June 2021 141/10-21](#)

93 [IPC0000533_013](#)

- 6.60 The FA5 form does not provide a settled plan for the point of interception or intervention but informs the TFC and the SFC about the options that are available.⁹⁴ The options included in the form for the interception of subjects in a vehicle were:
- a. natural stop – “where the subject vehicle stops of its own accord”;
 - b. compliant stop – “where the subject voluntarily pulls over to the side of the road when [signalled] to do so”; and
 - c. enforced stop – “where the subject vehicle is brought to rest without prior warning, by the positioning of police vehicles to provide containment”.⁹⁵

- 6.61 The FA5 form notes that:

*once the vehicle has come to rest the subjects can be dealt with by utilising a number of tactics, these include, Armed Enquiry, Containment, Communication and Extraction. This will be determined by the application of the NDM based upon factors such as numbers of subjects, their actions, and the perceived level of threat.*⁹⁶

In this case, extraction and containment were the only two options available.⁹⁷ The form makes plain that extraction should not be a predetermined outcome following the stop of a vehicle; the NDM should be applied and a conscious decision should be made about the correct tactic to be used.

- 6.62 The FA5 form does not provide advice about how or when each tactic would be deployed in relation to subjects in vehicles. The only detailed discussion and advice in relation to the contain and call out tactic is for its use for intervention in buildings, for which the implications and considerations for how and when the tactic may be used have been itemised.⁹⁸

- 6.63 In fact, the FA5 form states explicitly that:

*On many MASTS based deployments a Covert armed vehicle interception utilising ‘Enforced Stop’ and ‘Extraction’ is often the preferred tactical option.*⁹⁹

- 6.64 In 2013, as a result of the death of Azelle Rodney, the NPCC commissioned a review into the use of the enforced stop tactic. The report was completed in September 2013. The data considered in the report suggested that, nationally, “there is an increased likelihood of the enforced stop followed by the extraction of the subjects tactic being used in the context of a planned MASTS deployment”.¹⁰⁰ CC Chesterman, on behalf of the NPCC, did not find this surprising given the nature of the criminality and subjects that usually justify authorisation of a MASTS operation.¹⁰¹

94 [Craig Turner 28 June 2021 95/11-17](#)

95 [IPC0000533_009](#)

96 [IPC0000533_010](#)

97 [S48 29 June 2021 140/2-11](#)

98 [IPC0000533_010-011](#)

99 [IPC0000533_010](#)

100 [Simon Chesterman 28 July 2021 95/25-96/7](#)

101 [Simon Chesterman 28 July 2021 96/14-98/13](#)

- 6.65** The review did not, however, consider expressly whether the regularity with which extraction was used meant that it was becoming a default or predetermined outcome in MASTS operations. Nor did the review allow CC Chesterman to answer that question.¹⁰²
- 6.66** CC Chesterman said he would be concerned to learn that an individual force had decided it was never going to employ a specific tactic, such as contain and call out. In each operation, he would expect it to be considered by the planners. If it is discounted, they should be able to explain why.¹⁰³ Any decision to discount contain and call out in favour of extraction should be justified and justifiable. It is not sufficient to pay mere lip service to the existence of other options, including contain and call out.¹⁰⁴
- 6.67** However, no review has ever been commissioned or carried out to consider the use of contain and call out by the police. CC Chesterman did not consider such a review to be necessary because he thought it would “*tell us what we already know, that it is a good tactic, that if the intelligence and the circumstances and the risk assessment are right, then it works perfectly well*”.¹⁰⁵
- 6.68** I do not agree with CC Chesterman’s assessment. CC Chesterman said that he would be concerned to be informed that any force had adopted a default position, whether deliberately or through the development of practice. Yet there is no evidence of a clear understanding nationally about whether, how or when the contain and call out tactic is used by police forces – in particular, whether or how it is used for suspects in vehicles. Extraction is a higher-risk tactic and has resulted in a number of deaths from police shootings that have necessitated inquests and public inquiries to scrutinise its use. There is no evidence of such scrutiny having been applied to the tactic of contain and call out, nor even to understand the regularity with which it is utilised.
- 6.69** Supt McKibbin denied that the MPS has a predisposition in favour of always using the tactic of extraction. In his view, contain and call out could not be used in circumstances where it is not possible to minimise adequately the risk to the public by ensuring that they are no longer present at the scene. He considered that, for this reason, contain and call out is often simply not an option in London.¹⁰⁶ Nonetheless, he agreed that the suitability of contain and call out should be considered by the TFC throughout the operation and no tactics should ever be abandoned on day one.¹⁰⁷ Despite this, the vast majority of the CTSFOs who gave evidence – many of whom were extremely experienced – had never seen the contain and call out tactic used in relation to subjects in vehicles.¹⁰⁸
- 6.70** The Inquiry’s policing experts were “*astounded*” to hear the MPS claim that contain and call out could not be used safely within London, where there are busy areas but also significantly less busy streets. There is some risk in every possible tactic, but the statistics show that the majority of subjects challenged by officers are compliant.¹⁰⁹

102 [Simon Chesterman 28 July 2021 99/14-100/17](#)

103 [Simon Chesterman 28 July 2021 103/19-104/2](#)

104 [Simon Chesterman 28 July 2021 106/19-107/6](#)

105 [Simon Chesterman 28 July 2021 105/5-13](#)

106 [Ross McKibbin 3 August 2021 149/4-150/8](#)

107 [Ross McKibbin 3 August 2021 150/10-151/5](#)

108 [Andrew Whitewood 12 July 2021 19/9-11; Keely Smith 12 July 2021 89/13-90/20; S111 14 July 2021 4/22-5/9; V68 14 July 2021 121/16-122/8; R116 15 July 2021 44/17-18](#)

109 [Ian Arundale and Colin Burrows 21 July 2021 171/2-23](#)

6.71 While this Inquiry was told that the use of contain and call out should be, and always has been, considered as an option for the conclusion of every MPS operation, the evidence demonstrated that, in Operation Ankaa, it was paid little more than lip service through a passing mention in the FA5 form. I have seen no evidence that contain and call out was ever considered as a realistic means of concluding this deployment. In the planning stage and particularly at the activation stage (see Chapter 9), little or no real thought appears to be given for selecting the appropriate tactic to be used at the point of interception or intervention.

The tipping points identified

6.72 A “tipping point” is the point at which it is necessary for State Amber¹¹⁰ to be declared. Tipping points can be:

- a. risk based, when the risk posed by the operation passes an acceptable threshold;
- b. geographic, where the subject(s) reach or enter a defined area; or
- c. evidential, where the threshold for arrest has been met.

6.73 In drafting the FA5 form, it was the unequivocal expectation of S48 that clear tipping points would be identified in Operation Ankaa:

- a. *“It is not possible to predict the tactical option which would be most likely to achieve success within the working strategy at this time ... It is recommended that the **TFC explore the evidential and intelligence thresholds in detail** to ensure the OFC is in the best position to understand when an interception/arrest is likely to be required.”*¹¹¹ (Emphasis per original.)
- b. *“**Clear tipping points** need to be established to ensure the subject(s) have no opportunity to come together with the escort.”*¹¹² (Emphasis per original.)

6.74 DSupt Turner was not able to state clearly what he had believed to be the tipping points. In his mind, the threshold for the climax of the operation was very much centred on the issue of “control”, that is, *“if the TFC had lost control of the vehicle, ie it started to move and the gap started to narrow between ... Serco and the mission car”*.¹¹³

110 State Amber refers to the stage of the operation at which the TFC declares that the activation of an arrest plan is now both justified and appropriate. It signifies to the OFC that they have the authority and discretion to call the timing of a move to arrest

111 [IPC0000533_018](#)

112 [IPC0000533_017](#)

113 [Craig Turner 28 June 2021 171/13-21](#)

- 6.75** Though DCI Williams said he “*had an idea*” about the tipping points, at no point in the planning of Operation Ankaa did he articulate or record any defined tipping points.¹¹⁴ DCI Williams said that his priority was the ability to “*arrest for substantive criminality that would meet the threat assessment and deal with the threat in the long term*”; so, for example, as follows:
- a. Once he had evidence or intelligence that confirmed that he could recover firearms, “*allowing the operation to continue past that point is simply not sustainable*”.¹¹⁵ Specifically, “*if I was presented with compelling intelligence or evidence that there was a viable firearm in that vehicle, I would have acted at the earliest opportunity*”.¹¹⁶
 - b. Once he had evidence to prove a “*substantive criminal conspiracy ... in relation ... to the escape*” or other serious criminality.¹¹⁷
- 6.76** In addition, DCI Williams said that he considered there would be a geographic tipping point: namely, how close he would allow the prison van to get to Wood Green Crown Court or the Audi mission vehicle if he had not received the necessary evidence or intelligence. At the time that he filled in the FA2 forms, DCI Williams was aware that such a geographic tipping point was necessary, but he hadn’t “*finalised that*” in his mind.¹¹⁸ By the morning of 11 December 2015, DCI Williams believed the A1 junction of the A406 to be the geographic tipping point, should the prison van reach that point. DSupt Turner was likewise under the impression that the North Circular junction with the A1 represented a geographic tipping point.¹¹⁹
- 6.77** None of the above considerations or tipping points were recorded in the FA2 form. I note that there is no box in the templates for either the FA2 or the FA3 forms expressly requiring the identification of tipping points.
- 6.78** DCI Williams agreed that a failure to record his thoughts on the possible tipping points meant that there was no opportunity for these to be considered or approved by the SFC. Although DCI Williams said that he had a discussion with DSupt Turner about tipping points, there is no evidence of such a discussion or of the outcome.¹²⁰ I do not accept in these circumstances that there was such a discussion. Had there been, DSupt Turner would have been able to state clearly what he believed to have been the tipping points.
- 6.79** CC Chesterman acknowledged that APP-AP provides for an operation being allowed to run up to the point where there is sufficient evidence for the police to arrest and charge, but it follows that the TFC must know and understand clearly what evidence they need to achieve this aim; if the TFC does not have that knowledge, operations will inevitably run, and possibly longer than necessary, with an increase in risk.

114 [Neil Williams 24 June 2021 146/7-147/19](#)

115 [Neil Williams 24 June 2021 146/13-25](#)

116 [Neil Williams 24 June 2021 148/19-22](#)

117 [Neil Williams 24 June 2021 147/3-8](#)

118 [Neil Williams 24 June 2021 147/24-148/4](#)

119 [Craig Turner 28 June 2021 18/13-21](#)

120 [Neil Williams 24 June 2021 152/23-153/9](#)

- 6.80 The responsibility for assessing how far an operation should run and the point at which there is sufficient evidence for a successful prosecution lies with the TFC in discussion with the SIO.¹²¹ Remarkably, as SIO, DI Murray had not identified any evidential tipping points – “*it was a case of just gathering the information, and then assessing the evidence from there*”.¹²²
- 6.81 The Inquiry’s policing experts found it “*very surprising*” that there was no identified evidential threshold or tipping point recorded for Operation Ankaa.¹²³ They would have expected the possible offences and the sentencing options available to be considered carefully, including whether or not they would achieve the desired sustained public protection. They would have expected the SIO to be very much focused on those issues and, in their experience, the CPS is used in these discussions on many occasions. It is not about seeking a charging advice but about good management and assisting the police service.¹²⁴ The assessment of the available charges and sentences should be recorded clearly and kept under review as the intelligence and evidence develops.¹²⁵
- 6.82 It is quite apparent that neither DI Murray nor DCI Williams had given any thought to, or discussed in any detail, the possibility of an evidential tipping point being reached, which would justify an arrest for offences of conspiracy to escape and/or conspiracy to possess an imitation firearm with intent to commit an indictable offence. This was because they considered that only an offence of conspiracy to possess a firearm with intent to endanger life/commit an indictable offence would or might lead to a sentence that would achieve sustained public protection. What was clearly lacking was any discussion or understanding, oral or written, between them about the necessary evidence. A tick list of what they needed would have been an obvious and simple way to assist them in deciding whether an evidential tipping point had been reached and, if so, for which offence(s).

The investigative plan

- 6.83 DSupt Turner repeatedly told the Inquiry about the importance he placed upon filling the intelligence gaps in this case, both to assess the risk posed by the operation and to mitigate this risk.
- 6.84 DSupt Turner said that the MPS team looked “*at every single opportunity along the way in order to deal with this issue ... apart from putting firearms out on 11 December*”, which included further investigations to plug the evidence gaps, tasks that had been allocated to the SIO and the TFC.¹²⁶ Plugging the intelligence gaps “*would perhaps and hopefully negate having to run the operation*”.¹²⁷ DSupt Turner hoped that the team could have identified some of the co-conspirators before 11 December 2015, which may have presented the opportunity “*to uncover some other criminality that would have disrupted the conspiracy and this operation*”.¹²⁸

121 [Simon Chesterman 28 July 2021 122/5-19](#)

122 [Robert Murray 19 July 2021 46/10-24](#)

123 [Ian Arundale and Colin Burrows 21 July 2021 165/8-17](#)

124 [Ian Arundale and Colin Burrows 21 July 2021 167/18-168/6](#)

125 [Ian Arundale and Colin Burrows 21 July 2021 167/18-168/17](#)

126 [Craig Turner 28 June 2021 25/7-20](#)

127 [Craig Turner 28 June 2021 24/4-28/5](#)

128 [Craig Turner 28 June 2021 29/8-20](#)

- 6.85** Throughout November and until 11 December 2015, DCI Williams planned to gather further evidence about:
- the identity of the conspirators;
 - the location of any firearms;
 - the plan for how they were going physically to attack the vehicle and effect the escape; and
 - whether there were any other vehicles involved.
- 6.86** In order to identify those involved in the conspiracy, DCI Williams said he would have commissioned intelligence enquiries and looked at known associates of the OCN and their previous activities.¹²⁹ The MPS planned to continue liaising with the NCA, which was an important source of intelligence for the operation, and use the information to deploy surveillance to turn the intelligence into evidence.¹³⁰ The MPS also explored opportunities around the prison for intelligence and evidence gathering,¹³¹ including applications to the prison service for access to Izzet Eren’s and Erwin Amoyaw-Gyamfi’s telephone calls and visitor logs.
- 6.87** In the event, the MPS was not able to fill any of the above gaps before 11 December 2015,¹³² which was a source of apparent “*frustration*” for DSupt Turner.¹³³ When DCI Williams submitted an updated FA2 form on 10 December 2015, there had been no significant developments in the investigation:
- There have been no intelligence updates since 7 December 2015 to indicate any change in the intentions of the conspirators. The identities of the team recruited for this task remains unknown. Authority was granted on 10 December 2015 by Lord Justice Peter Gross, the senior presiding judge for the deployments of both overt and covert armed officers at Wood Green Crown Court.*¹³⁴
- 6.88** Despite the absence of any intelligence or investigative updates throughout the planning period, no action was taken by DSupt Turner. Given his stated frustration, it is surprising that as the SFC he did not call a further planning meeting to consider the continuing viability of the operation.¹³⁵
- 6.89** According to DI Murray, it had been the plan to conduct unarmed surveillance on Ozcan Eren throughout this period, in order to gather evidence of the conspiracy.¹³⁶ However, despite knowing about the crucial role to be played by Ozcan Eren in the conspiracy, he was ultimately not placed under constant surveillance in the days and weeks before 11 December 2015.

129 [Neil Williams 24 June 2021 134/18-23](#)
130 [Neil Williams 24 June 2021 79/21-80/1](#)
131 [Neil Williams 24 June 2021 78/14-79/19](#)
132 [Neil Williams 24 June 2021 80/6-17](#)
133 [Craig Turner 28 June 2021 78/3-8](#)
134 [IPC0001086_006](#)
135 [Craig Turner 28 June 2021 78/3-8](#)
136 [Robert Murray 22 June 2021 138/4-6](#)

- 6.90** The Inquiry heard from Mr Mason, one of the other passengers in the Audi mission vehicle on 11 December 2015, that he met with Ozcan Eren a number of times in the weeks before the day of the attempted break-out:
- a. On or around 4 December 2015, Ozcan Eren approached Mr Mason in the Tottenham area to ask him to become part of the conspiracy.¹³⁷
 - b. Ozcan Eren visited Mr Mason's house in Tottenham on 8 or 9 December 2015, when Ozcan Eren provided him with the mobile phones to be used and the imitation firearm.¹³⁸
 - c. Ozcan Eren met Mr Mason in a barber shop in Tottenham on 10 December 2015.
- Ozcan Eren was not under surveillance on any of those dates and, as a result, Mr Mason had not been identified as a conspirator prior to 11 December 2015.
- 6.91** While there was some surveillance on a number of days, Ozcan Eren was not under surveillance on any of the significant dates above. The decision not to carry out constant surveillance was taken by DS FE19, in conjunction with DI Murray. FE19 said that constant surveillance was not deployed because it would have been extremely labour-intensive to do so and because of the challenges posed by the areas of London that Ozcan Eren frequented. The individuals involved in criminal activity in the Tottenham area frequented by Ozcan Eren move within a small area and so there was a risk of being noticed, compromising both the officer and the operation.¹³⁹
- 6.92** During the course of the Inquiry, questions were asked of the MPS about the extent to which cell site technology could or should have been used by the investigation team to discover the locations or identities of the conspirators. Cell site evidence obtained after Mr Baker's death showed that Ozcan Eren's mobile phone had been in the vicinity of Woody's, the shop in Wembley where the imitation firearm ultimately used by the conspirators was purchased.¹⁴⁰ However, the imitation firearm was purchased on 28 October 2015, before the intelligence about a planned break-out was passed to DC Sparks and DI Murray. To expect them, at that time, to apply for cell site data for the preceding weeks would be unrealistic and did not guarantee any useful evidence. Cell site data may have shown Ozcan Eren in the Wembley or Tottenham areas in the weeks before Operation Ankaa, but it would not have shown precisely where or with whom he was meeting.
- 6.93** The MPS placed a static camera overlooking the Palace Gates Car Park where the Audi mission vehicle was parked. The purpose of the camera was to *"assist with the gathering of evidence and the identification of the people that may be using that vehicle. And particularly for ... the 11th, it would be very useful in relation to the movement."*¹⁴¹
- 6.94** From 23 November 2015, the MPS was aware that, during the hours of darkness, the mission vehicle could not even be seen on the static camera, let alone anyone who may be getting in or out of it.¹⁴² Alternatives and "work arounds" were proposed and a reminder logged on 25 November 2015 by the TSU, but no action was taken to seek to rectify the problem.

137 [Nathan Mason 13 July 2021 143/18-144/14](#)

138 [Nathan Mason 13 July 2021 149/18-152/6](#)

139 [FE19 6 July 2021 64/12-66/10](#)

140 [MPS0004498](#)

141 [Robert Murray 22 June 2021 126/12-18](#)

142 [MPS0003993_011-012](#)

- 6.95** DI Murray was not involved in the decisions taken in response to this information and was not aware of the lack of action taken,¹⁴³ in spite of the fact that he was SIO and, therefore, responsible for evidence-gathering opportunities and that he had been expressly tasked in the FA3 form by DSupt Turner to identify conspirators. This was a missed opportunity and a very poor use of equipment, time and money.
- 6.96** DC Gary Kinch thought that the problem with the camera was not corrected because the TSU did not have the opportunity in the time available to move the camera or fit better lighting. The TSU records do not contain any such explanation.¹⁴⁴
- 6.97** The most significant investigative step had been the installation of the listening device in the Audi mission vehicle on 8 December 2015. The stated purpose of installing the listening device was to *“obtain conspiratorial evidence ... which potentially would have given us other arrest opportunities before 11 December and therefore negated the necessity to deploy on that day”*.¹⁴⁵ In reality, however, it was unlikely to assist the investigative team prior to 11 December 2015 when it captured the conversation of the conspirators.

143 [Robert Murray 22 June 2021 127/2-17](#)

144 [Gary Kinch 1 July 2021 126/2-7](#)

145 [Neil Williams 24 June 2021 79/13-19](#)

Chapter 7: Operation Ankaa – briefings for the deployment on 11 December 2015

- 7.1 In accordance with APP-AP, it is the TFC's responsibility to ensure that officers are properly briefed:

All staff involved in situations where AFOs are deployed must be given as full a briefing as possible. The briefing should include the objectives and tactics that have been authorised. The level of additional detail given will depend on the circumstances prevailing at the time and the time available.¹

- 7.2 In the words of Sergeant Darren Stewart, a CTSFO:

Mindset is an incredibly important thing when you are a firearms officer. So it is really important that the facts are presented properly and rationally and proportionately.²

The TFC briefing at New Scotland Yard on 10 December 2015

- 7.3 A briefing was arranged at New Scotland Yard on 10 December 2015 because DCI Neil Williams was of the view that this was not a “run-of-the-mill” operation.³ The purpose of the briefing was to bring together representatives from the many different units involved in the operation, so that they could be informed about the operation in advance.⁴ Operation Ankaa was a multidimensional deployment with a number of teams and intelligence coming in from different areas. DCI Williams wanted to bring together as many people as possible in advance of deployment to understand “*what we were trying to do, why we were trying to do it, and where they sat in it*”.⁵ In particular, he wanted to bring together the other teams and their team leaders so that they could provide their advice and experience on whether or how the plan might be improved.⁶
- 7.4 There was a clear expectation that the surveillance and firearms officers to be involved in the deployment would be present at the briefing. Inspector Christopher Davies, the surveillance commander, specifically sought to clarify that SCO19 would be there for the briefings to prevent a “*blue on blue*” situation.⁷ He was reassured that it was intended that

1 [COP0000018_013](#)

2 [Darren Stewart 30 June 2021 210/8-12](#)

3 [Neil Williams 6 July 2021 79/16-18](#)

4 [Gary Kinch 1 July 2021 138/7-19](#)

5 [Neil Williams 6 July 2021 79/20-80/20](#)

6 [Neil Williams 6 July 2021 80/21-81/8](#)

7 “Blue on blue” describes a situation where two police teams come together, with the suspects in the middle

SCO19 would attend.⁸ In a further exchange of emails, Inspector Davies emphasised that he would like all of the teams to be briefed together and that he would like as many of the CTSFOs as possible to attend. There was the possibility of rearranging their taskings, in order to make them available if necessary.⁹ Inspector Davies was disappointed to learn that only one CTSFO (W80, the CTSFO who shot Mr Baker) had attended the briefing.¹⁰

- 7.5 The understanding in SCO19 was that the briefing was for firearms commanders and that the CTSFOs would be briefed on the day of the operation. The intention was to send one CTSFO as a representative and W80 was selected because he had been part of the reconnaissance carried out in advance of the deployment.¹¹ S105, W80's sergeant, explained that he would not have "*deemed it necessary for multiple officers from the same team to go and listen to the same briefing*" and to do so would have caused him a problem in the logistics and shift patterns of the CTSFOs.¹²
- 7.6 OFC S111 did not think that the CTSFOs were at a disadvantage in not attending, as they would hear the same information in the morning briefings on 11 December 2015 and W80 was sufficiently experienced to represent them and to answer any questions that may arise.¹³ W80 was not surprised that only one CTSFO was selected to attend and he expected to be responsible for "*cascading*" the information he received to others in the team.¹⁴
- 7.7 The absence of CTSFOs was also a source of disappointment for DCI Williams, who was not aware that they would not be attending until the briefing commenced:¹⁵
- I know everyone is not here, for example we've not got all surveillance operatives here or all the firearms operatives here, because obviously they are out doing their day to day responsibilities, but we have representatives from all the units here.*¹⁶
- 7.8 An advanced detailed briefing that brought together all of the individuals and teams who would be deployed was clearly a good idea. On the face of it, DCI Williams' decision to have the CTSFOs present at the briefing was a sensible one – his failure to find out why so many were absent is something for which he had no explanation and which I cannot understand. As TFC, it is quite extraordinary that he was – and remained – unaware why none of the CTSFOs whose attendance he had requested at the briefing were present.
- 7.9 The briefing was not long and was delivered by DC Gary Kinch and DCI Williams. It involved an intelligence overview and a short PowerPoint presentation.¹⁷

8 [IPC0000538_001-002](#)

9 [IPC0000414](#)

10 [Christopher Davies 7 July 2021 108/12-109/3](#)

11 [S111 14 July 2021 8/2-9/3](#)

12 [S105 30 June 2021 23/5-17](#)

13 [S111 14 July 2021 9/5-16](#)

14 [W80 20 July 2021 50/9-53/17](#)

15 [Neil Williams 6 July 2021 82/18-24](#)

16 [IPC0000315_002](#)

17 [FE19 6 July 2021 21/20-22/6](#)

7.10 DCI Williams emphasised to those present the importance of the operation and how dangerous those involved in the conspiracy were likely to be:

*The individual [Izzet Eren] ... is a dangerous individual, his associates are dangerous individuals and we believe by removing these threats we can make a long-term impact ... the people coming together to carry out this offence tomorrow will be dangerous individuals.*¹⁸

7.11 DC Kinch then gave the PowerPoint presentation, which included the identities of some members of the Tottenham Turks, details of the vehicles known to be used by them and also the Audi mission vehicle.¹⁹ Neither Mr Baker, Mr Mason nor Mr Sogucakli, the occupants of the Audi mission vehicle, were among the known associates of Izzet or Ozcan Eren or the possible conspirators identified by the MPS.²⁰

7.12 The briefing included, in broad terms, the different teams that would be deployed and the role that each would play. DCI Williams described the objectives of the operation as:

*To make sure that [the] prisoner gets from A to B without any incident and no one is put under undue risk ... Hopefully in an ideal world we will maintain control and we will arrest some very dangerous individuals for very serious offences and remove the threat they pose to London in the long term.*²¹

7.13 Throughout the briefing, there was no explicit mention of the tipping points that would apply. DCI Williams did say that “Once ... we have got sufficiency of evidence or intelligence to effect an interception, then obviously I will be communicating that to either [of the ground TFCs]”²² but there was no explanation of what might amount to sufficiency of evidence and no mention of the geographic tipping points that DCI Williams claimed he had in mind. As can be seen from DI Keely Smith’s briefing at Lincoln Road (see paragraph 7.28) and my comments in Chapter 8, this approach to evidential tipping points in particular did not change, and is further evidence of DCI Williams’ failure to appreciate the importance of these.

7.14 The briefing did not include any plan for, or identify, the tactic to be used at the point of any intervention or interception. An amendment to APP-AP in 2017, after this operation, would support this position:

*In some circumstances, such as MASTS deployment, it may not be known at the time of briefing whether or how an operation may be tactically concluded.*²³

7.15 CC Simon Chesterman explained that this amendment had been made to recognise that the authorisation of a MASTS deployment did not necessarily mean the authorisation of a certain tactic to resolve the operation. The tactics must not be predetermined and a conscious decision must be made at the appropriate moment as to what tactic to use.²⁴

18 [IPC0000315_002](#)

19 [Gary Kinch 1 July 2021 134/22-135/17](#)

20 [Gary Kinch 1 July 2021 148/24-149/9](#)

21 [Neil Williams 6 July 2021 88/8-14](#)

22 [Neil Williams 6 July 2021 89/8-13](#)

23 [Simon Chesterman 28 July 2021 70/5-8](#)

24 [Simon Chesterman 28 July 2021 69/18-71/10](#)

The 03:00 OFC briefings at Lemn Street

- 7.16 On 11 December 2015, at 03:00, a briefing was delivered to the CTSFOs in Team Alpha (on the prison van) and Team Bravo (on the Audi mission vehicle). The briefing was delivered at Lemn Street Police Station, by Sergeant Stewart (the OFC for the firearms team), W97 (a CTSFO) and W80, each of whom had been involved in some way in the preparations for this deployment. It lasted half an hour.²⁵
- 7.17 The briefing covered:
- the methodology, the firearms tactics ... where we would position, where we would hold our vehicles ... some detail around the court building ... if ... we were required to move forward and provide armed support to the court. Things like radio channels, logistics, areas of responsibility, who would be responsible for what and ... where people would go under what eventuality. So quite ... an in-depth tactical specific briefing.*²⁶
- 7.18 Sergeant Stewart dealt with the intelligence and the communication plans, W97 explained the surveillance aspect of the operation and W80 provided part of that briefing and, with the use of maps and plans, he explained the location of the Audi mission vehicle, Wood Green Crown Court and other key locations.²⁷
- 7.19 PC Ronan O'Connor, attending that briefing, recalled being told that those organising the conspiracy had requested “*that no boys were used for this job*”. He also recalled that “*there was mention of getting four big black males to carry this plan out*”.²⁸
- 7.20 The briefing was not audio-recorded but Sergeant Stewart prepared a detailed briefing note in advance,²⁹ which he read out during the briefing.³⁰ The briefing note makes no mention of the use of “*four big black males*”³¹ but, in the absence of an audio recording, the confusion cannot be resolved.
- 7.21 Following the shooting of Azelle Rodney, a clear recommendation was made that TFC briefings should be recorded.³² This is a recommendation that has appeared time and again in inquests and inquiries into police shootings. APP-AP, as it was at the time of Operation Ankaa, said:

A record should be maintained of all briefings, including the persons present and information given. The method of recording may include:

- *contemporaneous notes*
- *use of formal briefing documents*
- *audio recording*

25 [Darren Stewart 30 June 2021 217/18](#)

26 [S105 30 June 2021 36/3-15](#)

27 [W80 20 July 2021 70/2-9](#)

28 [Ronan O'Connor 15 July 2021 101/10-15](#)

29 [IPC000537](#)

30 [Darren Stewart 30 June 2021 212/7-13](#)

31 [Ronan O'Connor 15 July 2021 101/10-15](#)

32 [Ross McKibbin 3 August 2021 49/5-14](#)

- *ICT systems*
- *command and control logs.*

*As far as practicable, the most comprehensive method of providing an accurate record of the briefing should be used.*³³

- 7.22 The College of Policing does not mandate how that briefing is to be recorded³⁴ but, according to Supt Ross McKibbin, Head of Counter Terrorism and Specialist Operations within SCO19, without exception, the TFC's briefing is now audio-recorded throughout the UK.³⁵
- 7.23 It is the MPS's position that, while the TFC's briefing will be recorded, the subsequent OFC briefing will not be.³⁶ The OFC briefing is currently called the tactical briefing but is soon to be renamed the operational briefing. The reason given for not recording the OFC briefing was that this briefing could occur on the morning of the operation and may include no more than an explanation of who is going to be travelling in which cars. There may then be four or five other briefings over the phone or over the radio as the operation develops and intelligence is "*nailed down*"³⁷ and a decision is made about what action is going to be taken and whether some kind of interception will occur or whether an operation will be permitted to run. In the view of Supt McKibbin, this creates the difficult question of which briefing is recorded. His concern was that audio recordings may include sensitive evidence such as officers' names, tactics and tradecraft.
- 7.24 In the opinion of the Inquiry's policing experts, all briefings should be recorded.³⁸ CC Chesterman would expect there to be a recording where there is a "*formal briefing*" and "*the officers are being deployed*".³⁹ Based upon that evidence, there appears to be no good reason for the distinction drawn by the MPS. Furthermore, no such distinction appears in the MPS Armed Policing SOP:
- It is the responsibility of the TFC to ensure that all main briefings for firearms operations are audio recorded. This is the minimum standard and Commanders may wish to consider recording **all** briefings for best practice.*⁴⁰
- 7.25 Transparency and any subsequent inquest or inquiry would require the creation of an accurate record of the latter briefings by the OFC, in particular those in which crucial decisions about the continuation or conclusion of an operation were made. To do so does not require investment in sophisticated equipment – a Dictaphone or body-worn camera would be sufficient. The argument that to do so would undermine the anonymity of officers or risk the disclosure of sensitive tactics is without foundation, as this Inquiry has shown that any recording or transcript can be suitably redacted. Furthermore, previous recommendations have clearly envisaged the recording of all briefings, not simply the TFC's briefing:

33 [COP0000018_014](#)

34 [Ross McKibbin 3 August 2021 105/19-24](#)

35 [Ross McKibbin 3 August 2021 105/21-106/10](#)

36 [Ross McKibbin 3 August 2021 106/11-107/24](#)

37 [Ross McKibbin 3 August 2021 107/19](#)

38 [Ian Arundale and Colin Burrows 22 July 2021 47/8-12](#)

39 [Simon Chesterman 28 July 2021 52/13-15](#)

40 [IPC0000082_015](#) para 7.46

- a. Following the shooting of Mark Duggan in 2014, it was recommended that: *“The MPS equip their firearms commanders and tactical advisers with suitable equipment to audio record briefings, tactical discussions and other communication to provide a transparent record of communication and decision making during an operation.”* This would dictate that, not only should all briefings be recorded, but the sole planning meeting of 10 November 2015 should also have been recorded.⁴¹
- b. The IPCC (as it then was) recommended, in its 2016 report into the shooting of Mr Baker, that the SOP and training should be amended to *“ensure that all briefings relating to firearms deployments are audio-recorded, including intelligence elements”*.⁴²

The 05:00 briefings at Alperton, Lincoln Road and Holborn

- 7.26 At 05:00, Team Alpha were briefed again at Alperton garage by DI Andrew Whitewood, one of the ground TFCs. He used a standard briefing template and completed it based upon the information that was provided to him at the New Scotland Yard briefing on 10 December 2015.⁴³ An officer from the investigation team, DS Robert Wiggins, provided the intelligence portion of the briefing. Team Charlie (the unarmed team focusing on Ozcan Eren) were briefed in Holborn, near to where they would deploy.
- 7.27 Team Bravo were briefed at Lincoln Road by DI Smith, the other ground TFC. DI Smith was not available to attend the briefing on 10 December 2015 at New Scotland Yard.⁴⁴ She received the FA forms and was briefed personally by DCI Williams on 10 December 2015.⁴⁵ DI Smith prepared her 05:00 briefing from this information, the intelligence profiles relating to Ozcan Eren, Izzet Eren and known associates, as well as a table that described the incidents involving the Tottenham Turks and rival gangs.⁴⁶ DI Smith briefed the team about the overall strategy, the control measures in place and the relevant legislation and police powers.
- 7.28 Despite her discussions with DCI Williams, DI Smith was not aware of any identified tipping points, whether evidential or geographic. She only knew that DCI Williams was determined that the Serco van would not be permitted to come into contact with the Audi mission vehicle.⁴⁷ Nor was DI Smith informed of the plan for the point at which State Amber would be declared.⁴⁸ She thought it was too early for a settled plan to be made when she met with DCI Williams; too many variables and unknowns remained.⁴⁹ As a result, neither tipping points nor the plan for any intervention or interception were included in the briefing of the CTFOs at Lincoln Road.

41 [Ross McKibbin 3 August 2021 82/7-16](#)

42 [Ross McKibbin 3 August 2021 104/20-25](#)

43 [Andrew Whitewood 12 July 2021 29/6-30/18](#)

44 [Keely Smith 12 July 2021 76/25-77/6](#)

45 [Keely Smith 12 July 2021 77/7-19](#)

46 [Keely Smith 12 July 2021 77/9-78/8](#)

47 [Keely Smith 12 July 2021 81/16-25](#)

48 State Amber refers to the stage of the operation at which the TFC declares that the activation of an arrest plan is now both justified and appropriate. It signifies to the OFC that they have the authority and discretion to call the timing of a move to arrest

49 [Keely Smith 12 July 2021 82/21-83/16](#)

- 7.29 As a result of the shooting of Mark Duggan, the MPS was asked to “*remind officers to include threat assessment and strategy in the briefing for any operation*”.⁵⁰ Consistent with the FA2 form prepared by DCI Williams, DI Smith’s briefing presented the threat and risk assessment for all identified individuals as low, including the general public, Serco, police and suspects.⁵¹
- 7.30 DI Smith’s briefing template described the stage at which she had assessed the risk as “*low*” as “*at potential points of contact*”.⁵² However, as with DCI Williams, DI Smith was in fact assessing and briefing the threat and risk at the point of deployment. At this time, the CTSFOs were in Lincoln Road and the Serco van was still at HMP Wormwood Scrubs. On reflection, DI Smith accepted that she should have made this clearer.⁵³
- 7.31 During the deployment, DI Smith maintained a threat matrix⁵⁴ through which she carried out a multidimensional threat assessment. She did not, however, carry out or brief any such assessment in advance. She thought that to do so would have been “*guessing*”,⁵⁵ but the evidence of CC Chesterman was clear that a multidimensional assessment of the threat and risk throughout the operation should be carried out in the planning stages and should anticipate that it will change as the operation progresses (see Chapter 6).
- 7.32 The Inquiry’s policing experts described the inclusion of the risk assessment made at the point of deployment, particularly delivered by a ground TFC to the CTSFOs on the morning of the deployment, as “*meaningless*”.⁵⁶
- 7.33 The CTSFOs listening to the briefing, those who would actually have to face any threat that materialised, were surprised by and disagreed with the low threat assessment. In evidence to this Inquiry, W108 said:
- In my mind it should have been high, but then my job is to come up against somebody who might have a firearm as opposed to somebody who is not going to do that, they are going to just control the operation itself ... it is two different jobs at the end of the day.*⁵⁷
- 7.34 Most CTSFOs would only consider the threat and risk at the point of interception and would not be concerned with the risk at the start of the deployment:⁵⁸
- a. W108’s personal risk assessment was high. He was “*convinced that we would definitely face armed subjects*”. The corporate risk assessment was so unrealistic that W108 remembers turning to other CTSFOs to express his disbelief or confusion. As a result, the corporate risk assessment was, for him, “*almost irrelevant*”.⁵⁹

50 [Ross McKibbin 3 August 2021 82/3-5](#)

51 [Keely Smith 12 July 2021 93/15-94/17](#)

52 [MPS0003301_007](#)

53 [Keely Smith 12 July 2021 94/11-23](#)

54 This is a table that assesses the level of risk at various points as being between “low”, “medium” and “high”

55 [Keely Smith 12 July 2021 94/25-95/16](#)

56 [Ian Arundale and Colin Burrows 21 July 2021 114/8](#)

57 [W108 12 July 2021 158/20-159/4](#)

58 [R116 15 July 2021 26/6-14](#)

59 [W108 12 July 2021 159/6-21](#)

- b. V68's personal risk assessment was "*the highest it has ever been for an operation*"; because of the information he had been given about the individuals involved and their ability to source firearms, he "*believed that these people would use firearms to do this, and when confronted by the police, ... honestly believe[d] that they would use them ... to escape*".⁶⁰ He, likewise, found the corporate risk assessment to be irrelevant to the position of the CTSFO.⁶¹
- c. R116 thought that it was an extremely high-risk and dangerous operation. His assessment of the risk at the point of interception was medium to high.⁶²
- d. For W80, the threat assessment was towards the highest it has ever been. His state of mind was:

*that the attack was likely to happen, that it would be undertaken by a group of experienced and dangerous individuals who would be armed and would use firearms in the course of the offence. The fact that the main suspect had previously been caught in possession of a loaded machine pistol caused my threat assessment to be very high ... Based on the information given at the briefing I believed that the suspects would be armed with weapons, possibly machine pistols, to enable the attack.*⁶³

- 7.35** One consequence of the failure to carry out a dynamic risk assessment at the planning stage was that it could never be included at the briefing stage. As a result, many CTSFOs receiving the briefing understandably disagreed with the risk assessments made to the extent that they applied to them, because they did not reflect the reality of the situation that the CTSFOs faced at the point of interception.
- 7.36** DC Kinch presented the intelligence portion of the Lincoln Road briefing using a version of the PowerPoint presentation prepared for the 10 December 2015 briefing at New Scotland Yard and including details about Ozcan Eren's known associates, vehicles and addresses.⁶⁴
- 7.37** The state of the intelligence at this time, and throughout the operation, was that Ozcan Eren would be using "*professionals*" for this job.⁶⁵ The briefing simply stated that there wasn't "*any intelligence*" and DC Kinch clarified this as no "*accurate intelligence about who was going to be involved*". Likewise, although intelligence had been received that one or more of those in the car may be a black male, this was not included in the briefing because, in the absence of specific intelligence about who it may be, their race was not considered important.⁶⁶ Although the Tottenham Turks OCN did not generally include black males, it was known to recruit black males to do work for it.⁶⁷

60 [V68 14 July 2021 123/18-124/2](#)

61 [V68 14 July 2021 125/8-22](#)

62 [R116 15 July 2021 25/8-26/24](#)

63 [W80 19 July 2021 82/15-23](#)

64 [Gary Kinch 1 July 2021 144/19-25](#)

65 [Gary Kinch 1 July 2021 149/12-21](#)

66 [Gary Kinch 1 July 2021 148/2-5; 150/2-23](#)

67 [Gary Kinch 1 July 2021 151/1-14](#)

- 7.38 S105, the OFC for Team Alpha, recalled that, following the briefing, after the recording had been switched off, he specifically enquired whether there was any additional information available about the types of firearms they could expect the conspirators to have. He was told, probably by DC Kinch, that there was no further information.⁶⁸ At this time, DC Kinch was not aware that further intelligence had arisen overnight. He had a copy of the FA5 form regarding tactical advice and it would be for him and DCI Williams to review this repeatedly as the operation developed.⁶⁹
- 7.39 As a result of the briefings received, at least the CTSFOs W80,⁷⁰ V68,⁷¹ R116⁷² and W109⁷³ were under the impression that the conspirators in the Audi mission vehicle would have use of a firearm. W109 was specifically expecting an automatic weapon similar to that which Izzet Eren had been arrested in possession of. Some officers, including R116, received the impression that it was possible, but not definite, that they would be in possession of a firearm.⁷⁴
- 7.40 Even though the OFC briefing did not expressly describe the tactic to be deployed at the time of any interception, at the conclusion of the briefing, V68 believed that the CTSFOs would be executing an enforced stop and extraction because of the nature of the intelligence, the fact that the subjects would have access to firearms and were believed to be in possession of firearms, and because of the likely inability to isolate the car from any members of the public to carry out a contain and call out.⁷⁵

C3000 briefing

- 7.41 At approximately 5am, DCI Williams briefed the staff who would be working in the control centre, C3000. His TFC log for 11 December 2015 recorded that he carried out introductions, and informed them that *“intelligence suggests conspiracy is still ongoing for today”*.⁷⁶
- 7.42 The C3000 briefing was not recorded because DCI Williams did not consider it to be *“a firearms briefing”* and, as a result, in his view, *“there was no requirement for it to be recorded and ... there was no need for it to be recorded”*.⁷⁷
- 7.43 Consequently, there is no record of who within C3000 was actually briefed by DCI Williams, or, if they were, how much information about the operation they received. For example, A179, who would be responsible for monitoring the radio communications and passing that information to others in the control room,⁷⁸ did not hear the 05:00 briefing from DCI Williams but was briefed separately by S48, even though S48 was the TacAd and not a firearms commander on that day.⁷⁹

68 [Gary Kinch 1 July 2021 157/11-21](#)

69 [Gary Kinch 1 July 2021 164/2-22](#)

70 [W80 20 July 2021 76/14-25](#)

71 [V68 14 July 2021 116/11-117/15](#)

72 [R116 15 July 2021 29/7-25](#)

73 [W109 14 July 2021 170/17-171/4](#)

74 [R116 15 July 2021 22/2-20](#)

75 [V68 14 July 2021 120/9-121/15](#)

76 [MPS0003577_005](#)

77 [Neil Williams 6 July 2021 97/1-3](#)

78 [A179 5 July 2021 2/21-25](#)

79 [A179 5 July 2021 4/15-24](#)

7.44 Although DCI Williams agreed that, with hindsight, the briefing should have been recorded,⁸⁰ it is disingenuous to say that this was not a firearms briefing. It was a briefing for officers and staff who would be involved in the control centre from which the TFC was controlling a firearms operation. The fact that the MPS procedures allowed a matter of terminology to avoid the obligation to make a note led to a highly unsatisfactory situation. As stated above and as has previously been emphasised, all briefings about operations in which the use of firearms has been approved, or considered with a view to seeking future approval, should be recorded.

80 Neil Williams 6 July 2021 97/5-8

Part Four: The Conduct of Operation Ankaa on 11 December 2015

Chapter 8: Conduct of the operation on 11 December 2015 from C3000

The establishment and staffing of C3000

- 8.1 “C3000” was the name given to the covert police operations room which was used for Operation Ankaa. It has also variously been referred to as the “covert command suite” or “covert command post”. As set out in Chapter 5, it was DSupt Craig Turner’s responsibility, as SFC, to authorise the use of C3000.
- 8.2 DSupt Turner explained that the “*whole purpose of C3000*” was to receive the incoming intelligence “*product*” from the listening device (often described as an “audio probe”) in the Audi mission vehicle and to ensure that it was passed to key decision-makers in a timely manner.¹ Those key decision-makers could then consider the developing picture and react to any dynamic situation that might develop.²
- 8.3 The key officers in C3000 on 11 December 2015 with DSupt Turner were DCI Neil Williams (TFC), S48 as TacAd, Inspector Christopher Davies (Surveillance Commander) and DI Robert Murray (SIO).

The staffing of C3000 and the roles of the SIO and the firearms commanders during deployment

- 8.4 From about 7am on 11 December 2015, DSupt Turner was in C3000. He had not planned to attend the 05:00 briefing, since he wanted to give DCI Williams “*space*”, as “*he was in tactical command*”.³ DSupt Turner recognised that it was the role of the SFC to be “*intrusive*” and to be available for the TFC.⁴ His reason for being in C3000 was “*to show leadership to the TFC*”.⁵ DSupt Turner had no discussion with DCI Williams at any stage during the course of the morning.⁶

1 [Craig Turner 28 June 2021 92/19-24](#)

2 [Craig Turner 28 June 2021 204/13-22](#)

3 [Craig Turner 29 June 2021 40/17-41/7](#)

4 [Craig Turner 29 June 2021 41/19-25](#)

5 [Craig Turner 29 June 2021 46/8-13](#)

6 [Craig Turner 29 June 2021 49/16-18](#)

- 8.5 The Inquiry heard from DAC Laurence Taylor, who was operationally responsible for SCO19 and for its training. He said that, in the role of SFC, “*they should be objective, they should be intrusive and they should be supportive*”.⁷ He went on to define “*intrusive*” as “*asking questions of the TFC, understanding how the tactical plan will meet your strategic intentions and ensuring that you are satisfied with the tactical plan that is in place*”.⁸ The Inquiry’s policing experts described DSupt Turner’s actions as the SFC as “*a passive role rather than a proactive and intrusive role*” and accordingly “*not in keeping with the requirements of the APP*”.⁹ In my judgement, this was a legitimate criticism. DSupt Turner could easily have “*achieved intrusiveness*”, as defined by the Inquiry’s policing experts, without infringing on DCI Williams’ space. DSupt Turner’s mere presence in C3000 did no more than “*pay lip service*” to his obligation to show leadership to his TFC.
- 8.6 DCI Williams, as TFC, said that he “*wanted to know anything and everything, unless it was obvious it had no relevance*”.¹⁰ It was then his role “*to assess that intelligence*”.¹¹ He said that he considered on an ongoing basis whether there was “*any opportunity that would allow any effective or sustainable action to remove or permanently disrupt the conspiracy without the need for a firearms deployment*” and recorded the same in his notes.¹² He said that he had in mind evidential tipping points, as to when he was in receipt of sufficient evidence to arrest and subsequently prosecute the subjects for either a firearms offence or the escape plot.¹³ If that is the case, he did not identify at any stage in his evidence to the Inquiry, or in his contemporaneous notes, what he considered those evidential tipping points to be. He said that he was aware that he needed to know the locations of each of the three key vehicles (the prison van, the Audi mission vehicle and Ozcan Eren’s vehicle), so as to monitor the state of the three separate deployments on each of those vehicles.¹⁴
- 8.7 DCI Williams explained that he would have expected to have contact with the ground TFCs during the deployments, who would in turn have contact with their OFCs.¹⁵ DSupt Brendan Gilmour and DSupt Turner were not to play any part in DCI Williams’ tactical decision-making, and DCI Williams confirmed that they did not do so.¹⁶
- 8.8 S48, as TacAd, was in C3000 almost continuously from 05:00 until 09:00.¹⁷ He followed events closely and said that throughout the morning he had a number of conversations with DCI Williams, not all of which were logged or noted.¹⁸ At times, S48 was standing in very close proximity to DCI Williams.¹⁹

7 [Laurence Taylor 29 July 2021 106/21-23](#)

8 [Laurence Taylor 29 July 2021 107/5-8](#)

9 [Ian Arundale and Colin Burrows 21 July 2021 214/5-10](#)

10 [Neil Williams 6 July 2021 125/18-25](#)

11 [Neil Williams 6 July 2021 135/2-10](#)

12 [Neil Williams 6 July 2021 103/16-19](#)

13 [Neil Williams 6 July 2021 136/16-22](#)

14 [Neil Williams 6 July 2021 145/22-146/6](#)

15 [Neil Williams 6 July 2021 97/16-21](#)

16 [Neil Williams 6 July 2021 101/9-13](#)

17 [S48 29 June 2021 154/6-21](#)

18 [S48 29 June 2021 170/2-23](#)

19 [S48 29 June 2021 171/15-16](#)

- 8.9 Inspector Davies was in C3000 as the coordinator of the three surveillance teams. A179, who was part of the Specialist Firearms Support Team, was present to monitor the radio, and he used a map and iPad to review and note the location of the various subject vehicles. He assisted S48.²⁰
- 8.10 Near to the main control room, within C3000, was a separate room containing the intelligence support cell. This room contained two members of staff, an analyst and a researcher, who were there to assist with identifying the subjects and obtain supporting intelligence. They played a limited role on the day.²¹
- 8.11 DCI Williams had a CLIO loggist, Emily Blakeney (see paragraphs 8.41 to 8.47). She was with DCI Williams at times, but at other times DCI Williams moved away from her. He said that one of the reasons for moving away was because of the sensitivity of the information that he was receiving, which he was not permitted to share with her. DCI Williams had anticipated he would receive sensitive intelligence but had not looked into obtaining the services of a loggist with appropriate security clearance.²²
- 8.12 DI Murray, as SIO, was not involved in commanding the operation but rather was there so that he could observe the gathering of evidence and how the operation progressed, and so that he might “*task any opportunities*”.²³ Although in the circumstances he did not give any such taskings,²⁴ he wanted to “*gather as much evidence as [he] possibly [could] of a conspiracy prior*” to overt action being taken.²⁵ As evidence was obtained, he described that he “*occasionally had short discussions with DCI Williams*” to assess the available information.²⁶ He was “*hoping for strong evidence against all the people that were involved*”.²⁷ He saw the investigation as “*relatively straightforward*” and believed that it would turn on uncomplicated evidence: “*what are the people in that car saying they are going to do and what is their movement*”.²⁸ As with the TFC, DI Murray was short on specific details as to what evidence, strong or otherwise, he had in mind before an arrest could be made.

The establishment and staffing of the Covert Monitoring Post

- 8.13 The listening device in the Audi mission vehicle transmitted a live audio feed to equipment positioned in the Covert Monitoring Post (CMP).
- 8.14 The CMP had its own separate room but in the same suite of rooms as C3000. Five officers were posted to the CMP: FE12, DC David Reddy and three listening officers. FE12 and DC Reddy were designated as the officers who would be passing the information received from the Audi mission vehicle listening device to the TFC in C3000. The listening officers were DC Paul Hawthorn, FE24 and FE25. FE24 and FE25 were officers who spoke both Turkish and English.

20 [Neil Williams 6 July 2021 116/3-11](#)

21 [Neil Williams 6 July 2021 119/6-120/5](#)

22 [Neil Williams 6 July 2021 120/7-121/4](#)

23 [Robert Murray 19 July 2021 67/14-68/15](#)

24 [Robert Murray 19 July 2021 68/16-18](#)

25 [Robert Murray 19 July 2021 46/12-17](#)

26 [Robert Murray 19 July 2021 46/23-47/6](#)

27 [Robert Murray 19 July 2021 48/23-24](#)

28 [Robert Murray 19 July 2021 52/3-53/8](#)

8.15 FE12 described the CMP room in this way:

It wasn't particularly big ... There were tables around the perimeter of the room, and we were all sat on chairs in the centre of the room ... Myself and DC Reddy were facing towards the table and then to my left-hand side were the three listening officers.²⁹

8.16 The officers were generally seated, save for when an officer went to deliver a message to those outside the room, or when they “*were standing up and maybe walking around, when it went quiet and stuff like that*”.³⁰

8.17 FE19, a detective sergeant and the investigating officer, briefed the officers but, when giving evidence, could not recall the nature of the briefing that he gave on that day. His witness statement in this regard was not detailed, and in evidence he accepted that he could have expanded on the nature of the briefing in his statement but had not done so.³¹ The evidence I heard was consistent with no specific instructions being given to the officers as to what details they should concentrate upon, record and report back to DCI Williams; he wanted to know everything.

8.18 DC Hawthorn had had some previous involvement in Operation Utara and had “*a little bit of understanding about the job*”.³² He had worked in a CMP before, including a number of weeks on a single operation involving a CMP in 2010,³³ but he had never received any formal training for this role,³⁴ nor could he recall whether the listening equipment of which he had experience was fitted with a rewind facility. He could not recall whether he was given any demonstration of how to use the replay function on the listening equipment, although he did think that the engineers would have made sure that everything worked.³⁵ He attended a familiarisation programme two days before 11 December 2015 at the CMP, although nobody told him what he would be doing or where. He attended a briefing on 10 December 2015 but did not remember what had been said. He did recall that there was no discussion about the type of slang that might be used, or its meaning. He did not know clearly what his job was to involve on 11 December 2015, and his previous CMP experience had been different. There was no discussion as to who was going to listen and who was going to take notes. Indeed, DC Hawthorn was not even told what he should be listening out for.

8.19 DC Reddy was no more experienced than DC Hawthorn and had also received no formal training. He had limited experience of using listening equipment, which had nevertheless not changed during the previous seven years, and had received very little informal familiarisation with the equipment. A “*very basic overview*”³⁶ was provided by the MPS TSU, which DC Reddy attended by chance, so had he not been there, the first he would have known about the operation would have been when he attended on the morning of 11 December 2015.

29 [FE12 1 July 2021 6/10-7/3](#)

30 [Paul Hawthorn 5 July 2021 103/15-21](#)

31 [FE19 6 July 2021 52/19-25](#)

32 [Paul Hawthorn 5 July 2021 92/20-93/1](#)

33 [Paul Hawthorn 5 July 2021 93/19-94/2](#)

34 [Paul Hawthorn 5 July 2021 94/14-15](#)

35 [Paul Hawthorn 5 July 2021 96/23-97/18](#)

36 [David Reddy 5 July 2021 38/12-17](#)

- 8.20** FE12 attended the TFC briefing in the main room of C3000 at 05:00 on 11 December 2015. He had attended the briefing at New Scotland Yard on the previous day.³⁷ He took no notes in either briefing, nor was he given any documents to take away. He received no specific instructions that he could recall as to particular information for which he should be listening.³⁸ He intended, in carrying out his work, “*to record everything and then tell the TFC everything*”.³⁹ DC Hawthorn attended the same briefings⁴⁰ but was unable to recall whether he had been given any indication as to what he might be listening to on 11 December 2015.⁴¹ DC Hawthorn had no recollection of being told that the suspects were likely to be armed,⁴² and was not told that he should listen for anything in particular.⁴³
- 8.21** FE12 was highly trained in covert policing, but he was untrained in the communication of covertly monitored calls, although such training would have been easy to achieve in the MPS. He understood that he and DC Reddy were there so that the listening officers might relay to them what they heard, and that it was for FE12 and DC Reddy to make written notes on their behalf.⁴⁴ DC Hawthorn described that he and the officers “*kind of worked ... out ourselves*” how to divide the roles between them, rather than the roles being directed by an officer in charge.⁴⁵
- 8.22** FE19 was responsible for selecting the staff for the CMP.⁴⁶ He described in oral evidence that he had canvassed the members of SCO7 and made enquiries as to who had previously carried out relevant roles and who had good experience, before he “*chose those officers specifically for their skills and experience and training*”.⁴⁷ However, FE19 said also that he was of the view that “*attending a course does not make you any more adept at hearing*” and that specific training for working in a CMP did not seem to be valuable.⁴⁸
- 8.23** I found FE19 to be a singularly unimpressive witness. His efforts to justify the way in which he selected CMP officers were wholly unsatisfactory. Having tried initially to convince the Inquiry that there was a selection process during which he had spoken to “*quite a number of people*”,⁴⁹ he was unable to give any more assistance to the Inquiry about who had been approached other than that he had “*canvassed the Central Taskforce North*”.⁵⁰ He did not know when or where the selection process had been carried out or what form it had taken and eventually conceded that there may have been no selection process at all.⁵¹ FE19 was also unable to identify any criteria by which selection had been undertaken. He tried to suggest that attending a training course (the existence of which he was unaware) would not be of

37 [FE12 1 July 2021 10/22-24](#)

38 [FE12 1 July 2021 11/12-15](#)

39 [FE12 1 July 2021 12/1-2](#)

40 [Paul Hawthorn 5 July 2021 98/8-12](#)

41 [Paul Hawthorn 5 July 2021 96/4-22](#)

42 [Paul Hawthorn 5 July 2021 98/25-99/3](#)

43 [Paul Hawthorn 5 July 2021 109/4-12](#)

44 [FE12 1 July 2021 12/3-11](#)

45 [Paul Hawthorn 5 July 2021 105/13-106/1](#)

46 [FE19 6 July 2021 30/1-21](#)

47 [FE19 6 July 2021 32/1-8](#)

48 [FE19 6 July 2021 37/2-38/24](#)

49 [FE19 6 July 2021 30/22-31](#)

50 [FE19 6 July 2021 31/8-13](#)

51 [FE19 6 July 2021 32/1-25](#)

assistance and never considered whether the absence of training was, or would be, an issue. He believed that there were more than enough operatives to do the job properly,⁵² yet none was provided with either a briefing or a crib sheet.

- 8.24** The training of the officers in the CMP was at best inadequate and at worst non-existent. This failure, like so many others, may not have been causative of any particular problem, but it is just one of many shortcomings, and in any event, I am looking at a far bigger picture. The mantra “it may have amounted to a failure, but did not make any difference” rings very hollow the more frequently it is recited. Errors and shortcuts at almost every stage cannot be justified or condoned, even if the decision to run the operation and/or the way in which it was carried out on the ground are not themselves the subject of justified criticism or complaint. It is an inescapable conclusion that had there not been a tragic fatality, none of these shortcomings would have been the subject of detailed external or internal scrutiny, and the operation would have been hailed as a resounding success for the MPS.

Replaying the audio product

- 8.25** EG39 was employed by the MPS as a Band N engineer working within the MPS TSU. He has qualifications in electronic engineering. He was not involved in fitting the listening device in the Audi mission vehicle on 8 December 2015 but became involved in Operation Ankaa on 10 December 2015 and continued that involvement on 11 December 2015.⁵³ EG39 said that, on 10 December 2015, he conducted a test of the listening equipment in the CMP that was to be used on 11 December 2015, and he gave evidence that he used a separate audio source to check that the record function in the CMP was working correctly.⁵⁴
- 8.26** In oral evidence, EG39 explained the workings of the listening equipment in the CMP, referring to “*live record*” and “*live replay*” functions.⁵⁵ He described the following features:
- a. The device will not play audio unless it is also recording that audio feed.⁵⁶
 - b. When the “*record*” button is pressed, the device transfers the audio to the output equipment (i.e., headphones and/or speakers). That is what EG39 called “*live record*” because the audio which can be heard through the output equipment is the same as the audio that is being recorded in real time, as it is received in the CMP.⁵⁷
 - c. If somebody rewinds the recording in order to listen to something that was previously said, then every person listening on every set of headphones and/or speakers will listen to the same previous recording. This is what EG39 called “*live replay*” mode. The system does not allow some listeners to hear historic audio while others hear real time.⁵⁸
 - d. The limitation of the “*live replay*” mode is that if a listener chooses to listen to historic audio for a period of time, they and their colleagues have no method by which they might make up the “*lost*” time, and continue to listen contemporaneously without having missed something.⁵⁹

52 [FE19 6 July 2021 29/19-24](#)

53 [EG39 7 July 2021 29/11-18](#)

54 [EG39 7 July 2021 29/19-25](#)

55 [EG39 7 July 2021 30/19-21](#)

56 [EG39 7 July 2021 31/15-25](#)

57 [EG39 7 July 2021 30/23-31/25](#)

58 [EG39 7 July 2021 32/1-18](#)

59 [EG39 7 July 2021 32/19-33/2](#)

- e. At the relevant time, the MPS had access to equipment which would allow some listeners to review historic audio while others continued to review live audio, but this equipment had such a “*notable failure rate*” that EG39 said it would have been inappropriate for a fast-moving operation such as Operation Ankaa.⁶⁰

- 8.27 It is of significant concern to me that the listening equipment in the CMP could have been set up differently so that it could have provided two audio outputs, one that was truly live and one that would replay historic audio. The equipment was capable of being wired differently, so that the part playing historic audio would have been “*completely in isolation of the live feed*”,⁶¹ according to subject-matter advisers Mark Brown and William Storey. If the equipment had been set up in this way, it would have been possible for two officers to listen to different audio outputs at the same time, allowing for repeated review of passages that were difficult to hear, without losing any of the live feed.
- 8.28 The set-up and choice of the equipment, as described by EG39, was deeply flawed in that there was no split-feed, and it was not possible to hear what was being recorded if another person was listening to a review. There was no excuse, either in the operational requirements or in the equipment itself, for the failure to set up a split-feed – “*that should have been an easy task to perform*” and one that could have been reasonably expected in December 2015.⁶²
- 8.29 Initially, there were three sets of headphones in the CMP. It became clear to the officers in the CMP that the replay feed was not working correctly. At that time, one or two extra sets of headphones were brought into the CMP by the TSU. When these further headphones were made available, there was sufficient equipment for every officer in the CMP to have their own set and therefore listen to the audio product. FE12 was asked whether, when he received these headphones, he felt that his role had changed into a listening one; he replied that he did not feel that way, and he did not keep his headphones on the whole time.⁶³
- 8.30 EG39 could not recall whether those who activated the review function were told at any stage that they would not then be able to follow the live feed. I am led to conclude, in accordance with their evidence, that they were not.⁶⁴
- 8.31 On 11 December 2015, during the operation, EG39 was told about the problem with the replay function on the equipment and went to the CMP. He did not know why the fault had occurred and could not diagnose it while the equipment was live.⁶⁵
- 8.32 At the time, there was nothing that he could do because, with only one piece of equipment recording and amplifying the feed from the Audi mission vehicle, to turn off and restart the equipment would mean that approximately six minutes⁶⁶ of audio would be lost in the process of rebooting the equipment. EG39 therefore decided that doing nothing was the lesser of two evils, since taking the equipment offline, and ceasing the recording for a number of minutes, was “*not an option from an evidential point of view*”.⁶⁷

60 [EG39 7 July 2021 35/3-7](#)

61 [Mark Brown and William Storey 23 July 2021 45/5-20](#)

62 [Mark Brown and William Storey 23 July 2021 57/4-11 and 81/6-9](#)

63 [FE12 1 July 2021 9/9-11/23](#)

64 [EG39 7 July 2021 37/24-38/21](#)

65 [EG39 7 July 2021 42/11-43/5](#)

66 [EG39 7 July 2021 40/5-41/17](#)

67 [EG39 7 July 2021 40/19-41/9](#)

- 8.33 One possible solution that EG39 failed to consider was replacing the screen of the equipment with a keyboard, monitor and mouse.⁶⁸ This might have resolved the playback issue and would have had no effect on the officers' ability to listen to the live audio. Another possible solution would have been to install a split-feed facility when the fault became apparent, which might have had the effect of resetting the fault without interrupting the live feed.⁶⁹
- 8.34 EG39 was not aware that there was also an audio-recording device fitted to the Audi mission vehicle itself, recording the audio feed as it was transmitted to the CMP (the "store and retrieve" device).⁷⁰ He said that had he known about the store and retrieve device, he would still have concluded that he should not reboot the CMP device while the operation was live, because it might be that the store and retrieve device had malfunctioned as well and that, accordingly, the audio product would be lost. Before deciding not to reboot the CMP device, EG39 did not discuss the problem with any senior officer in the CMP, nor with FE19,⁷¹ although he did speak to one colleague from the TSU. It would have been preferable for this to have been brought to the attention of the TFC and the SIO in the CMP, before a decision was made whether or not to reboot the equipment, because they had the overall picture and carried responsibility for Operation Ankaa. They might have reached the same decision as EG39, but it should have been their decision and not his.

No CMP manager

- 8.35 A CMP manager's role is to manage the day-to-day running of the CMP, including ensuring that sufficient staff are allocated to the CMP, deciding the length of time for which it will be operational, ensuring that staff are briefed on the objectives of the operation and ensuring that appropriate recording systems are in place.⁷² Had there been a CMP manager on 11 December 2015, they would have been the obvious person to inform about the problem with the replay function on the listening equipment.⁷³
- 8.36 There was no CMP manager in C3000 on 11 December 2015. "*In hindsight*", DI Murray accepted that there should have been a CMP manager, albeit he considered that FE19 was fulfilling the task of supervising the officers that were in the CMP.⁷⁴ DI Murray stated that "*a lot of the responsibilities and tasks required of the CMP manager were not required*"⁷⁵ because it was expected to be such a succinct operation. He could not recall, when giving evidence, what conversation he had had with FE19 in advance of 11 December 2015 as to whether there should be a CMP manager.

68 [Mark Brown and William Storey 23 July 2021 49/2-12](#)

69 [Mark Brown and William Storey 23 July 2021 50/19-57/11](#)

70 [EG39 7 July 2021 45/8-13](#)

71 [FE19 6 July 2021 55/5-16](#)

72 [Robert Murray 19 July 2021 90/10-91/4](#)

73 [Paul Hawthorn 5 July 2021 176/19-177/3](#)

74 [Robert Murray 19 July 2021 86/8-14](#)

75 [Robert Murray 19 July 2021 87/2-9](#)

- 8.37** It is correct that FE19 did carry out some of the tasks that would normally be the responsibility of the CMP manager, particularly taking responsibility for the staffing of the CMP. However, appointing a CMP manager would have brought other important benefits and safeguards to the operation, including:
- a. the presence of an experienced and trained individual who should have recognised that many of the other staff working in the CMP on 15 December 2015 did not have the necessary skills and experience;
 - b. ongoing supervision of the staff in the CMP, in order to ensure that the staff were properly instructed and carried out their roles as anticipated; and
 - c. as FE19 conceded, “*an extra pair of hands*” that would have made it “*run better*”,⁷⁶ with every possibility that the CMP manager would have stayed in the room during the morning of 15 December 2015 and provided ongoing guidance.⁷⁷
- 8.38** In contrast, FE19 intentionally removed himself from the CMP when the officers started work, so as to avoid any confusion as to the source of intelligence,⁷⁸ and spent most of the operation at a desk in another room.⁷⁹ FE19 had very limited experience of working in a CMP, having previously been in a CMP once, in 2004 to 2005, during an operation involving surveilled conversations in a foreign language that he could not understand, and in around 2011 in a second operation in which he took part in live monitoring of a listening device, on occasion.⁸⁰ In reality, he had no more experience than the officers whom he selected.
- 8.39** DI Murray recognised and accepted, in oral evidence, that the responsibility for the failure to appoint a CMP manager rested with him.⁸¹ The absence of the appointment of such an individual is indefensible.
- 8.40** DC Reddy said that he became aware early on that the playback function was not working and “*assumed*” that the technical surveillance officers came into the CMP to fix it,⁸² yet none of the team seemed to know whether it had been repaired or not, nor was any form of contingency plan discussed or implemented. This is because no one was in effective control and command of the CMP team or their duties.

The use of the CLIO log and the recording of operational decisions

- 8.41** The acronym CLIO stands for “Computer Logging of Intelligence Operations”. It is a computer system that was used in C3000 at the time of Operation Ankaa and was available to log any information received, instruction given or decision made. CLIO functions as a running log, and its entries are visible to all users who are logged in on a particular operation. It can be easily checked and audited.⁸³

⁷⁶ FE19 6 July 2021 70/12-16

⁷⁷ FE19 6 July 2021 75/2-14

⁷⁸ FE19 6 July 2021 56/1-7

⁷⁹ FE19 6 July 2021 74/5-16

⁸⁰ FE19 6 July 2021 70/3-71/14

⁸¹ Robert Murray 19 July 2021 89/6-23

⁸² David Reddy 5 July 2021 51/16-21

⁸³ Ross McKibbin 3 August 2021 100/9-101/6

8.42 CC Simon Chesterman described CLIO in this way:

*it is a contemporaneous electronic record that can be shared and seen within the control room or on handheld devices, so people can see what decisions are being made as they are being made. It is a very useful electronic tool that enables everybody to see the direction of travel in terms of decision making et cetera, it can be shared and updated.*⁸⁴

8.43 DCI Williams accepted that, in December 2015, he had no “direct experience myself of using” CLIO.⁸⁵ He said that he “tried as best”⁸⁶ as he could to use the CLIO system alongside his own handwritten log but recognised that there were differences between the information in his handwritten log and that which was recorded on CLIO. This meant that DCI Williams was making and recording decisions to which other officers and staff in the room were not party because that information was not being recorded on the running electronic log.

8.44 Ms Blakeney was the CLIO loggist allocated to DCI Williams. Ms Blakeney was surprised that somebody in DCI Williams’ position and of his rank had not used CLIO before.⁸⁷ Her role was only to make entries on the CLIO system when DCI Williams told her to do so.⁸⁸ At the beginning of the operation, DCI Williams volunteered updates as regularly as Ms Blakeney expected but “then it sort of petered out a little bit”.⁸⁹ She could see that he was making his own handwritten notes but never saw what they said. She made 13 entries on 11 December 2015 before Mr Baker was shot. She was not instructed to make any entries between 08:35 and 10:07.⁹⁰ The last entry was at 10:07. When DCI Williams was not instructing Ms Blakeney to make any entries, she said things to him to remind him to use her if he needed to record any messages.⁹¹

8.45 At 10:07, DCI Williams instructed Ms Blakeney to make a long entry. It covered events which had occurred since 08:35, with individual parts of the entry referring to events timed at 08:45, 08:48 and so on.⁹² Ms Blakeney’s evidence was that DCI Williams had initially asked her to enter a series of messages, but she pointed out to him that each message would be time stamped and so it would be clearer if she entered one single compendium message. He accepted that proposal.⁹³ When asked whether she believed that DCI Williams had wanted to create the impression that the entries had been made contemporaneously, Ms Blakeney said that she did think that had been his wish but “not out of any sinister reason”.⁹⁴ Notwithstanding Ms Blakeney’s attempt to exonerate DCI Williams, it is difficult to think of a wholly innocent reason for wanting notes that were not contemporaneously recorded to appear as such.

84 [Simon Chesterman 28 July 2021 127/11-17](#)

85 [Neil Williams 6 July 2021 121/23-4](#)

86 [Neil Williams 6 July 2021 122/3-18](#)

87 [Emily Blakeney 7 July 2021 11/17-12/2](#)

88 [Emily Blakeney 7 July 2021 13/3-21](#)

89 [Emily Blakeney 7 July 2021 15/15-21](#)

90 [Emily Blakeney 7 July 2021 16/7-17/2](#)

91 [Emily Blakeney 7 July 2021 17/3-16](#)

92 [Emily Blakeney 7 July 2021 17/17-19/4](#)

93 [Emily Blakeney 7 July 2021 19/5-21](#)

94 [Emily Blakeney 7 July 2021 20/3-6](#)

- 8.46 Whether Ms Blakeney was right or not in her exoneration of DCI Williams' motive for seeking to make a non-contemporaneous document appear as such, she was undoubtedly right to express surprise at DCI Williams' unfamiliarity with such a widely recognised and used system.
- 8.47 Of course, DCI Williams was not the SIO, but he was the TFC. DCI Williams would not necessarily have seen that Ms Blakeney was using the "SIO *loggist*" profile, unless he read every message on CLIO.⁹⁵ Nevertheless, Ms Blakeney understood DCI Williams to be the SIO.⁹⁶ It is notable that Ms Blakeney was an alert observer of events in C3000 and yet she was not aware of any person other than DCI Williams assuming the role of SIO.

The receipt of intelligence at 06:58 and the sharing of that intelligence

- 8.48 By 06:58, the MPS had received intelligence that indicated that those involved in the Izzet Eren escape plan had only a replica firearm available to them. FE19 was the individual within the MPS who received this intelligence, and he immediately passed it to DCI Williams. FE19 was unable to assist the Inquiry with the words that he used at the time but said he "*would have made him aware that they have only managed to source ... an imitation firearm*".⁹⁷ DCI Williams then made a handwritten note that the subjects would have "*at least an imitation firearm*", but FE19 did not think that he would have described the intelligence in this way to DCI Williams.⁹⁸
- 8.49 FE19 was aware that the intelligence related to the previous evening, rather than being entirely up to date. He described it as "*quite historic in terms of it is many hours old*" and expressed the opinion that anything could have happened in the hours that followed.⁹⁹
- 8.50 At the time of receiving the information, DCI Williams was sitting with DI Murray. DCI Williams understood the intelligence at 06:58 to be specific to an imitation firearm, as opposed to an air weapon.¹⁰⁰ He said that the intelligence gave him "*reason to believe that that ... situation may change between when that intelligence was first received and when we were passed it*".¹⁰¹
- 8.51 DCI Williams did not pass this intelligence to Inspector Davies, the Surveillance Commander,¹⁰² nor did he pass it to the CTSFOs. He considered it, he said, to be old, and he had reason to believe that it might change; it was not the time, he said, for "*any sort of knee-jerk reaction*".¹⁰³ FE19 accepted, in response to my question, that "*clear information about the presence of an imitation firearm only would have been important to disseminate*" to CTSFOs¹⁰⁴ and "*certainly*" to the TFC.¹⁰⁵

95 [Emily Blakeney 7 July 2021 11/12-16](#)

96 [Emily Blakeney 7 July 2021 6/19-20](#)

97 [FE19 6 July 2021 57/19-58/3](#)

98 [FE19 6 July 2021 58/9-22](#)

99 [FE19 6 July 2021 59/9-21](#)

100 [Neil Williams 6 July 2021 214/15-25](#)

101 [Neil Williams 6 July 2021 133/4-10](#)

102 [Christopher Davies 7 July 2021 90/15-25](#)

103 [Neil Williams 6 July 2021 135/12-136/8](#)

104 [FE19 6 July 2021 76/5-77/2](#)

105 [FE19 6 July 2021 77/3-12](#)

- 8.52 The CTSFOs and ground commanders were asked whether they would have wanted to know this information. The majority of those officers said that they would not have needed to know the information. W80, the CTSFO who shot Mr Baker, gave his reasons for this:

*an imitation firearm, if it is pointed at me or a colleague, ... I am going to treat that as a real firearm until I know otherwise. Also, with everything that I knew, they had had access to real firearms in the past and that is one imitation firearm and there may be other firearms in that vehicle as well.*¹⁰⁶

- 8.53 W108, in contrast, said:

*I think [it] is always ideal to get that sort of information ... Because you are forming a picture of what you are coming up against. If it is at that stage, at the briefing before, and everyone understands that, the planning and the tactics given out by the TFC, SFC, possibly are different to what it would be if they believed it was a real firearm ... It has come up a number of times where it has been shared and other times where it hasn't been shared.*¹⁰⁷

- 8.54 Furthermore, the intelligence was not passed to the officers in the CMP. FE19 did not want the intelligence disseminated to the officers in the CMP because of the risk that it might “taint what they were listening to” and because FE19 did not know whether the intelligence continued to be accurate and up to date.¹⁰⁸ Moreover, FE19 was of the view that to tell the officers in the CMP to pay particular attention to intelligence concerning whether the subjects had access to either a real or imitation firearm would create a risk that they might “mishear something” or “misinterpret it”.¹⁰⁹

- 8.55 It was put to DCI Williams that the officers in the CMP might have been given information in these terms: “I have received intelligence that the gang have only managed to get an imitation firearm, it is very important that we seek to establish whether or not that position has been maintained or has changed, so I want you to concentrate on anything that you hear about firearms, canisters, anything of that nature.”¹¹⁰ DCI Williams responded that it was not necessary to have given such an instruction to the CMP officers because they already knew that they should tell him “anything and everything”.¹¹¹

- 8.56 I accept that there is no doubt that a firearm ought to be treated as real unless and until the opposite is proved. However, it appears that there is currently no policy or guidance on whether or not to share intelligence with officers in relation to imitation firearms.¹¹² APP-AP and the curriculum both state that officers conducting briefings should be mindful that the content of the briefing does not overstate the threat, or give a misleading impression to firearms officers.¹¹³

106 [W80 20 July 2021 100/16-22](#)

107 [W108 12 July 2021 155/17-156/9](#)

108 [FE19 6 July 2021 59/9-21](#)

109 [FE19 6 July 2021 60/4-13](#)

110 [Neil Williams 6 July 2021 133/18-23](#)

111 [Neil Williams 6 July 2021 134/7-19](#)

112 [Ian Arundale and Colin Burrows 22 July 2021 39/18-40/13](#)

113 [Ian Arundale and Colin Burrows 22 July 2021 37/2-16](#)

- 8.57 In this case, although the information was a number of hours old when DCI Williams received it, there had been no new or updated information at the time that the decision was taken not to share it. The Inquiry’s policing experts expressed the view that, although it was “*historical*”, there was nothing to say that it was irrelevant.¹¹⁴ In my view, to disseminate it certainly could not have been described as a “*knee-jerk reaction*” (see paragraph 8.51).
- 8.58 The Inquiry’s policing experts’ settled view was that the intelligence should have been shared with officers but “*with an appropriate health warning*”.¹¹⁵ The experts gave a number of reasons for reaching this view:
- a. Police officers in this field know that intelligence is not perfect and that it can change.
 - b. To withhold the intelligence from officers is to remove from them the opportunity of making informed decisions.
 - c. The operation could develop in different ways. It might be that the firearms officers have time to look at the weapon held by the subject “*with a very informed eye in slow time when not under pressure*”.¹¹⁶ In those circumstances, the officers should have all the available information.
 - d. If officers do not believe they are given the full picture in firearms operations, it will affect their decisions in future operations.
 - e. In any event, whatever briefing is given, officers are trained to treat a gun as real until they know that it is not.
 - f. Any decision to withhold the information is one that should be taken in conjunction with the SFC.
- 8.59 The evidence of the CTSFOs on the lack of dissemination of this intelligence, and their lack of surprise at the same, suggests that this may have been common practice. The decision to withhold information that is relevant to an operation needs to be carefully considered and documented, with reasons provided specific to each piece of withheld information. Such information (which suggests a lower level of threat) can be shared with CTSFOs without in any way detracting from their approach to treat anything that appears to be a firearm as real, until the contrary is proved. CTSFOs are highly trained individuals who can and should be entrusted with all relevant information, even if it is accompanied by an inevitable “health warning”.
- 8.60 The Inquiry’s policing experts were strongly against information such as this being withheld from firearms officers:
- First of all, all police officers who work in this field know that intelligence is not perfect, that intelligence can change and it can change right up to the last moment. It was a natural assumption that people who were going to spring somebody from a prison van would have a means of coercion, which would probably be a firearm or some other sort of weapon. There was intelligence that these people had used ... in*

114 [Ian Arundale and Colin Burrows 22 July 2021 43/1-3](#)

115 [Ian Arundale and Colin Burrows 21 July 2021 152/6-157/25](#)

116 [Ian Arundale and Colin Burrows 21 July 2021 153/18-19](#)

*their history weapons of the nature that Izzet Eren and his compatriot were found with. But to denude them of intelligence is to rob them from the position of making informed decisions.*¹¹⁷

- 8.61 It does not seem to me to be a healthy approach to the relationship between superior and subordinate officers to share only information that points to a heightened level of danger or risk, and to withhold that which points in the opposite direction. Trust is a key part of that relationship and does not need to be put at risk by a failure to provide the full picture. I am firmly of the view that, as a general rule, the advantages of maintaining a relationship of trust and sharing all relevant information, with an appropriate “health warning”, far outweigh any perceived advantage in being selective in this regard. I draw this conclusion while recognising that there are documented and specific examples where a departure from what should be the norm may be justified.¹¹⁸
- 8.62 In my opinion, it is crucial that a uniform approach is adopted to the dissemination of such information, not least because it is not unusual for “cross-force” operations to be conducted, and it is vital that the same approach to the sharing of information is adopted by all.

The use of the term “firearm enabled” and related transmissions

- 8.63 Shortly before 07:30 at C3000, Inspector Davies and DCI Williams discussed what updates could be given to the surveillance officers.
- 8.64 Sergeant Bill Scammell was posted as a CLIO loggist in C3000. His role was as one of three “blue loggists”¹¹⁹ for the Blue Commander Inspector Davies. He was responsible for monitoring the channel used by one of the three teams of officers.¹²⁰ At 07:29, Sergeant Scammell made a CLIO entry reading:

*Team advised that intelligence suggests that any offence will be FIREARM enabled.*¹²¹

- 8.65 His record indicates that he made a radio transmission at that time using the words “intelligence suggests that any offence will be firearm enabled”.¹²² He was instructed to do so, he said, by Inspector Davies.
- 8.66 Inspector Davies was asked who chose the words “firearm enabled”. He responded:

*I am aware this has been a discussion point. I have been thinking about it and I am not sure. It is not a word I would normally use ... Whether it was my word or it was someone else’s word, I don’t know, it is not a phrase I would normally use ...*¹²³

117 [Ian Arundale and Colin Burrows 21 July 2021 152/21-153/8](#)

118 [Ian Arundale and Colin Burrows 21 July 2021 156/1-9](#)

119 [IPC0000251_002](#)

120 [Bill Scammell 13 July 2021 2/9-12](#)

121 [IPC0000251_007](#)

122 [Bill Scammell 13 July 2021 10/23-11/16](#)

123 [Christopher Davies 7 July 2021 89/13-25](#)

- 8.67 Inspector Davies was clear that he gave the words “*firearms enabled*”, from wherever they had emanated, to Sergeant Scammell. Inspector Davies had received information from DCI Williams and had sought DCI Williams’ agreement to communicate it to staff. DCI Williams agreed, and Inspector Davies instructed Sergeant Scammell to make the transmission.¹²⁴ Inspector Davies was “100 per cent” sure of this.¹²⁵
- 8.68 DCI Williams did not recall events in the same way. He said that Inspector Davies pressed him as to what update could be given to surveillance officers and that DCI Williams proposed telling them that any offence will be “*gun enabled*”.¹²⁶ DCI Williams said that he neither used the phrase “*firearm enabled*”,¹²⁷ nor expected it to be broadcast on the radio. Instead, he thought that it might be conveyed in “*a phone call to the team leader*”¹²⁸ or perhaps in a group text or WhatsApp message. He said in evidence that there was nothing specifically wrong with it being broadcast on the radio.¹²⁹ DCI Williams considered that the word “*gun*” refers, in police training material, to a firearm or an imitation firearm if the subject has the intention for the victim to believe that it is real.¹³⁰
- 8.69 Having heard the conflicting evidence from DCI Williams and Inspector Davies on this matter, I was impressed by the clarity of Inspector Davies’ recall and, on the other hand, did not find DCI Williams’ evidence convincing. I am satisfied that there was no misinterpretation by Inspector Davies. Indeed, if DCI Williams had used the phrase “*firearm enabled*” to Inspector Davies, there would have been no reason not to share that with all surveillance officers.
- 8.70 The term “*firearm enabled*” is not one that has ever featured or been defined in the MPS’s training syllabus, although the Chief Firearms Instructor (CFI), Sergeant Philip Taylor, gave evidence that within the police it is “*colloquially*” used to refer to “*incidents whereby the subjects commit offences whilst in possession of a firearm*”.¹³¹ The CFI went on to recognise that “*words can often mean so many things to different people*”.¹³²
- 8.71 The term “*firearm enabled*” was put to a number of witnesses, and each was asked to give their understanding of the phrase. The following responses are illustrative but not exhaustive:
- a. Sergeant Scammell, who had made the transmission, understood it to mean that the subject “*will use a firearm*”, whether that is real or fake.¹³³ It is not a phrase with which he was familiar from training and it was not a phrase he had used before, although he had heard the phrase “*knife enabled*”. He was happy that it conveyed a clear meaning, and he would have expected an armed surveillance team to know that they should treat any imitation firearm as real until it has been shown to be otherwise by a forensic laboratory.¹³⁴

124 Christopher Davies 7 July 2021 91/1-22
 125 Christopher Davies 7 July 2021 91/23-25
 126 Neil Williams 6 July 2021 194/5-11
 127 Neil Williams 6 July 2021 195/20-196/9
 128 Neil Williams 6 July 2021 195/20-196/9
 129 Neil Williams 6 July 2021 195/19-197/8
 130 Neil Williams 6 July 2021 194/12-19
 131 Philip Taylor 29 July 2021 64/7-9
 132 Philip Taylor 29 July 2021 82/21-23
 133 Bill Scammell 13 July 2021 11/19-24
 134 Bill Scammell 13 July 2021 12/7-25

- b. S105, W80's sergeant, referred back to his earlier "*working assumption and a belief that firearms would be involved*" and explained that, when he heard the message that the offence would be "*firearms enabled*", he had it "*confirmed in [his] mind*" that there "*absolutely*" would be live firearms in the hands of the occupants of the Audi mission vehicle.¹³⁵ There was "*no doubt in [his] mind on receiving that information what that meant*".¹³⁶
- c. DI Andrew Whitewood considered that the "*firearms enabled*" message "*confirmed*" the earlier information he had received that "*intelligence suggests at least an imitation firearm*". He did not see any need to distinguish between a live or imitation firearm.¹³⁷
- d. DI Keely Smith took the same view: "*firearms enabled is a firearm or an imitation firearm or anything that can be considered to be a firearm*".¹³⁸ She had some experience of the phrase "*gun enabled*" from her background working on the Flying Squad.¹³⁹
- e. Similarly, FE11, one of the surveillance officers, said that officers "*would always treat anything that remotely resembled a firearm to be a live firearm*"¹⁴⁰ and so the phrase "*firearms enabled*" conveyed to him that he should treat an offence as involving the use of live firearms. Having never heard such words said over the radio before, he "*did think to [himself] there must be firearms within that vehicle*".¹⁴¹
- f. W112, CTSFO medic, understood it to be a reference to "*live firearms*" but, following his training as a CTSFO, would assume that any apparent firearms were live until the contrary was proved.¹⁴²
- g. W80 did not think that he had heard the term "*firearms enabled*" before but was in "*no doubt*"¹⁴³ that it meant that the offence would involve the use of live firearms.

8.72 The Inquiry's policing experts recognised the term from academic literature but had not heard it used operationally.¹⁴⁴ They found the use of the term to be "*not helpful*" and pointed to the fact that "*one witness at least had a different view of what the term meant*".¹⁴⁵ It "*appeared to increase the perception of threat on behalf of many of the officers involved in the operation*" and accordingly was "*a fairly significant issue and ... a very significant learning point*".¹⁴⁶ This answer, given having heard the oral evidence of the officers, went further than the Inquiry's policing experts had done in their written report, in which they said that it did not appear to have affected the assessment of the CTSFOs because it generally confirmed what they already believed.¹⁴⁷

135 [S105 30 June 2021 80/2-15](#)

136 [S105 30 June 2021 82/16-20](#)

137 [Andrew Whitewood 12 July 2021 50/16-51/4](#)

138 [Keely Smith 12 July 2021 111/1-3](#)

139 [Keely Smith 12 July 2021 110/20-25](#)

140 [FE11 7 July 2021 178/17-20](#)

141 [FE11 7 July 2021 180/7-14](#)

142 [W112 13 July 2021 77/16-25](#)

143 [W80 20 July 2021 99/4-12](#)

144 [Ian Arundale and Colin Burrows 21 July 2021 158/3-22](#)

145 [Ian Arundale and Colin Burrows 22 July 2021 46/6-7](#)

146 [Ian Arundale and Colin Burrows 21 July 2021 159/6-16](#)

147 [Ian Arundale and Colin Burrows 22 July 2021 45/22-46/22](#)

The conduct of the CMP and the dissemination of discussions heard

- 8.73 DC Reddy and FE12 broadly took turns to listen to the audio feed and pass on the information heard to DCI Williams. There was no rigid structure as to when each of them would leave the room to take their notes to DCI Williams, but instead, said FE12, “*it all happened fairly naturally*” and so at times they “*were both in the room at the same time*” listening.¹⁴⁸ In contrast, DC Hawthorn, FE24 and FE25 stayed in the room throughout.¹⁴⁹ There was no semblance of a chain of command or clear instruction.
- 8.74 The evidence of FE24 and FE25 (whose purpose was to translate any Turkish conversation) was read to the Inquiry. I only need to address it briefly in this Report. Both officers took written notes of what they heard, with FE24’s being more detailed than FE25’s.¹⁵⁰ DC Reddy described that FE24 and FE25 were sitting to one side of the room, away from the three other officers. They did listen to the audio feed,¹⁵¹ but DC Hawthorn does not think they listened continuously.¹⁵² In the circumstances, there was no conversation in Turkish, but nevertheless they did give some information to FE12 and DC Reddy to pass to DCI Williams.¹⁵³
- 8.75 DC Reddy and FE12 did not themselves listen to the audio feed continuously. DC Reddy said it “*wouldn’t be practicable*” to do so while transcribing.¹⁵⁴
- 8.76 DC Hawthorn said that he had his headphones on constantly. He described his way of working in this way:

A. *I just said ... everything that I heard or everything I could decipher, everything that I could make out.*

Q. *Every word?*

A. *I think so, yes. I can’t remember exactly, but – because the problem is, when you start picking bits out, just because it doesn’t sound relevant at the time, it is not to say it won’t be relevant later.*

Q. *I suppose you are going to err on the side of caution, aren’t you? If nobody has told you what to listen out for, better to include one word or phrase too many than one word or phrase too few. Is that right?*

A. *Absolutely. Even comments about the weather or anything, I would have just said it all, because you don’t know – it might sound silly or it might sound irrelevant, however it could be relevant later on or – so I would have just said everything that I can, I think, that I could hear.*

Obviously I am hearing it and saying it at the same time, so there might be bits that I have missed, but –

148 [FE12 1 July 2021 15/14-16/1](#)

149 [David Reddy 5 July 2021 45/1-9](#)

150 [1 July 2021 99/12-100/25; IPC0000292; MPS0001443](#)

151 [David Reddy 5 July 2021 47/22-48/5](#)

152 [Paul Hawthorn 5 July 2021 112/18-113/9](#)

153 [FE12 1 July 2021 14/4-12; Paul Hawthorn 5 July 2021 113/11-25](#)

154 [David Reddy 5 July 2021 48/6-13](#)

Q. You adopted the procedure of simply repeating everything that you heard?

A. **As far as I could, yes. Like I say, sometimes, when you are saying it, you cannot maybe hear so much, but I tried.**¹⁵⁵

8.77 While in the witness box, DC Hawthorn was taken through the transcript of the audio feed. At various times he accepted, quite properly, that he may have misheard certain words and phrases, or missed other parts of the conversation.¹⁵⁶ He was asked for his opinion of the clarity of the audio feed:

*Again looking back, I mean I think it was okay, it was clear to a degree. I could – I was happy that I could understand certain things and hear certain things. There was quite a lot of background noise – I mean as you heard there from when it was played just now, there was quite a lot of background noise and sometimes other people were talking, there was a couple of conversations, the phone was going off ... et cetera, but I thought the actual clarity was ok ... Yes, but like I say, it was quite difficult hearing – because a lot of the time it was fast, you can't lip read when you are just hearing, so it was quite difficult. I did find it somewhat difficult.*¹⁵⁷

8.78 DC Hawthorn accepted, as he was bound to do, that it would have been a lot easier had there been another officer listening to the playback who “could either confirm what [DC Hawthorn] was saying or even just correct” it.¹⁵⁸ DC Reddy described that there were occasions when clarification was sought, when there would inevitably arise a risk that fresh conversation would be missed or inaccurately recorded. There was clearly a need for at least two active listeners and an effective playback system. Although FE24 and FE25 were present and made some contribution, I did not hear any evidence that they were listening and giving information to anything approaching the same extent as DC Hawthorn was.

8.79 DC Reddy understood that note-taking for the operation was only optional.¹⁵⁹ Cumbersome though it may be, it should not be a mere option. The importance of note-taking is underscored by circumstances, such as those that transpired when the review system was not working.

8.80 FE19 intentionally did not share any intelligence with the officers in the CMP, so as to avoid influencing their perception of what they were hearing.¹⁶⁰ DCI Williams shared this view.¹⁶¹ In my view, the decision that the CMP team might be influenced in their interpretation of what was being said, by knowledge of intelligence such as that concerning the imitation firearm, is to underestimate their professionalism.

155 [Paul Hawthorn 5 July 2021 109/23-110/25](#)

156 [Paul Hawthorn 5 July 2021 157/11-160/1](#)

157 [Paul Hawthorn 5 July 2021 164/4-18](#)

158 [Paul Hawthorn 5 July 2021 160/22-24](#)

159 [David Reddy 5 July 2021 45/18-46/7](#)

160 [FE19 6 July 2021 56/1-7](#)

161 [Neil Williams 6 July 2021 130/1-24](#)

The surveillance operation and the reports to C3000

- 8.81 The TFC’s role in the surveillance operation is central. FE19, the surveillance team leader, described that *“once it was declared to be a firearms operation we cannot really make any decisions without the agreement or consulting the TFC, because they controlled the operation from that side, with a view to keeping the balance”*.¹⁶²
- 8.82 DC Reddy and FE12 passed information to DCI Williams from the CMP throughout the course of the morning. When doing so, DC Reddy described that he was *“giving the information slowly, so he was able to note it. I wouldn’t have rushed it out, I was giving him time to write in his book”*.¹⁶³
- 8.83 During the course of the operation in C3000, DCI Williams became aware of the following material pieces of intelligence and evidence:
- a. At 05:30, the location of Ozcan Eren was not known. He was not at his home address.¹⁶⁴
 - b. At 06:30, the Audi mission vehicle left Eastern Road. It had not been possible to identify the occupants of the vehicle.¹⁶⁵
 - c. At 06:41, DC Reddy told DCI Williams that there was more than one occupant.¹⁶⁶
 - d. At 06:45, DC Reddy told DCI Williams that the occupants were speaking in English.¹⁶⁷
 - e. At 06:55, DCI Williams noted from FE12 that there were at least two occupants in the Audi mission vehicle and that they intended to burn the Audi mission vehicle later.¹⁶⁸
 - f. After this, at 06:58, DCI Williams received the intelligence from FE19 concerning the *“imitation firearm”*, which is set out in detail above at paragraph 8.48.¹⁶⁹
 - g. At 07:02, DCI Williams received intelligence that there were at least three occupants in the Audi mission vehicle.¹⁷⁰
 - h. At 07:06, DCI Williams made a note of intelligence received from FE12: *“Best Attack 2 teams’ – discussion re bringing real ‘ting’ i.e f/a [firearm] ‘shoot lock 3 times’ ‘if he presses alarm, we’re gone’”*.¹⁷¹ Instead of “best attack two teams”, I am satisfied that the person speaking actually said “it’s best to have two ting you know”. That comment was immediately followed by somebody saying the following, which was not recorded by DCI Williams:

162 [FE19 6 July 2021 6/3-14](#)

163 [David Reddy 5 July 2021 53/6-11](#)

164 [Neil Williams 6 July 2021 146/17-24](#)

165 [Neil Williams 6 July 2021 147/1-6](#)

166 [Neil Williams 6 July 2021 147/8-13](#)

167 [Neil Williams 6 July 2021 147/14-25](#)

168 [Neil Williams 6 July 2021 148/2-4](#)

169 [Neil Williams 6 July 2021 148/6-12](#)

170 [Neil Williams 6 July 2021 150/15-19](#)

171 [MPS0003577_006; Neil Williams 6 July 2021 152/24-153/2](#)

*I told him bruv, he said don't bring the real ting, I asked the same, I told him bruv we need the real ting though bruv. He said bruv what's the point? Even if you had the real ting nobody – inaudible – let you bust it. You lot bust it you get – inaudible – the real ting. You get caught you lot are fucked, he said.*¹⁷²

i. At 07:15, DCI Williams noted from information provided by FE12 that the occupants of the Audi mission vehicle were “gonna do this” and would “burn the car afterwards”.¹⁷³

j. At 07:23, DCI Williams recorded from FE12:

*put gun in face, can't press it, make him bust door open. Need to be in place. Spot near court by 7.30am.*¹⁷⁴

k. Between 07:34 and 07:42, DCI Williams received a series of pieces of information from surveillance and CMP sources, suggesting that there was a fourth person in the car and that there would be a meeting with “Oz”, whom he understood to be Ozcan Eren. Surveillance officers also reported that there was perhaps a second vehicle in convoy with the Audi mission vehicle.¹⁷⁵ DCI Williams considered this potential meeting to be important to his decision-making because it was an opportunity for a firearm to be passed to the team in the Audi mission vehicle.¹⁷⁶

l. DCI Williams made a note at 08:08, regarding one-half of a telephone call which was overheard in the Audi mission vehicle: “any time soon”, “this is the perfect place”.¹⁷⁷

m. At 08:26, DCI Williams became aware that Izzet Eren was on the prison van at HMP Wormwood Scrubs.¹⁷⁸

n. At 08:29, the van was moving.¹⁷⁹

o. At 08:48, DCI Williams received information from DC Reddy that the occupants of the Audi mission vehicle knew the registration number of the prison van in which Izzet Eren was travelling.¹⁸⁰

8.84 There are a number of material points that DCI Williams did not include in his notes, for reasons that I am not able fully to resolve. It may be that DCI Williams received the information but did not write it down. It may be that such conversation was not clearly audible without the review function. It may be the comments were simply missed by those listening. Or it may be that the comments were thought not to be sufficiently important by those listening to pass them on to DCI Williams:

172 [MPS0000691_005](#)

173 [MPS0003577_007](#); Neil Williams 6 July 2021 161/12-27

174 [Neil Williams 6 July 2021 164/7-10](#)

175 [Neil Williams 6 July 2021 173/7-176/21](#)

176 [Neil Williams 6 July 2021 176/14-177/21](#)

177 [MPS0003577_009](#); Neil Williams 6 July 2021 183/10-14

178 [Neil Williams 6 July 2021 184/7-15](#)

179 [Neil Williams 6 July 2021 184/25-185/1](#)

180 [Neil Williams 6 July 2021 185/14-18](#)

- a. DCI Williams was not made aware that at 07:02, a male voice was heard in the Audi mission vehicle to say “*where’s the shottey*”?¹⁸¹ DC Hawthorn, who was listening to the audio feed, did not say those words to DC Reddy or FE12 and accordingly no such message was passed to DCI Williams. If DCI Williams had received the message, he said that it would “*potentially*” have corroborated the 06:58 intelligence, that the group only had access to an imitation firearm but that he would continue to keep “*an open mind*”.¹⁸² This was, it seemed to me, a grudging concession to the inevitable.
- b. In the same way, neither was DCI Williams made aware that, at 07:06, the following exchange took place: “*So where’s the shottey?*”; “*The shottey, we’re not getting it*”; “*But where’s it?*”.¹⁸³ Although DCI Williams considered, when giving evidence, that this may specifically refer to a “*shotgun*”, he did accept that “*there is no suggestion there that at that stage they are in possession of a live firearm*”. However, he did point out that “*probably about 20 minutes later, there is reference to ‘if you don’ open the door this thing is getting let off*”.¹⁸⁴ That is a reference to an exchange at 07:25: “*Bruv that’s it, hands up, do not press that or it’s getting let off ... and then ... after that ... open the fucking door*”.¹⁸⁵
- c. Another excerpt of conversation, which was not passed to DCI Williams, took place at 07:21. The occupants of the Audi mission vehicle described how they were planning “*to drop him off*” and described the location by reference to “*the astro-turf ... as you go down to White Hart Lane*”.¹⁸⁶ After that, they said they would “*burn the car*”; that is something that DCI Williams was told by FE12.
- d. At 07:24, there was reference to a Rambo knife to stab the wheels and then to stab the Serco operatives, and a hope that, as far as the Serco staff were concerned, “*one of them don’t try and be a superman*”.¹⁸⁷

181 [MPS0000691_004; Neil Williams 6 July 2021 152/13-16](#)

182 [Neil Williams 6 July 2021 151/22-152/1](#)

183 [MPS0000691_005](#)

184 [Neil Williams 6 July 2021 154/12-16](#)

185 [MPS0000691_015](#)

186 [MPS0000691_013-014](#)

187 [MPS0000691_015](#)

Figure 7: Transcript extract of the audio recordings from the Audi mission vehicle, produced by the MPS on 15 January 2016

AC - IRSC Operation Bittell

MPS-0000376_00005

RESTRICTED (when completed)

MG 15(T)

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Tape counter times	Person speaking	Text
	-	[BEEPING - SOUNDS LIKE MOBILE PHONE KEY PAD]
07:04:45	A	?Yea done?
07:04:50	A	Know what yea, listen, just had ?Yadiz? on the phone
07:04:59	?	Huh
07:05:01	A	Save his number innit
07:05:05	B	I knew that he had his own phone, because I knew that I plugged my one in over there, just had that feeling.
07:05:16	B	Inaudible
07:05:30	A	Ting's underneath you innit
07:05:32	?	Inaudible
07:05:47	?	?Is that alcohol?
	-	[CRACKLING/POPPING NOISE]
07:05:58	?	Inaudible
07:05:59	C	Fucking trainers - Inaudible - mad trainers
07:06:05	B	What your ones?
07:06:07	C	Inaudible - wrong size.
07:06:19	A	So where's the shottey?
07:06:23	C	The shottey, we're not getting it
07:06:25	A	But where's it?
07:06:29	C	Inaudible
07:06:30	?	Yea
07:06:32	A	It's best to have two tings you know
07:06:34	C	I told him bruv, he said don't bring the real ting. I asked the same, I told him bruv we need the real ting though bruv. He said bruv what's the point? Even if you had the real ting nobody - Inaudible - let you bust it. You lot bust it you get - Inaudible -the real ting. You get caught you lot are fucked, he said.
07:06:54	B	We're not gonna get caught bruv, we're gonna drive away
07:06:59	A	This isn't...aint even a joke ting yea, we're actually trying to get someone out Inaudible
07:07:00	B	Inaudible - overtalking

Signature(s).....
 (Contemporaneous notes only)
 2004/05(1): MG 15(T)

*Not relevant for contemporaneous notes

Date Produced: 11/03/2020.
 Provided to the Jermaine Baker Public Inquiry.

MPS0000691_0005
 MPS0000691-5

- 8.85 During his evidence, DCI Williams was asked, if the review function had been working on the CMP equipment, (a) would those in the CMP have been instructed to listen and re-listen to anything concerning firearms; and (b) might he then have been given different information? He responded:

*That is correct. And I think it is fair to say that if that function had been working, because of the intelligence that I had got at 06:58am, that is something that I would have instructed them to concentrate on and review and play function, but I didn't obviously have that opportunity on the day.*¹⁸⁸

- 8.86 At various points when being questioned, DCI Williams considered whether the evidential threshold had been met, either on the basis of information he did know or information that he might have known had he had a full knowledge of the conversation in the Audi mission vehicle:
- a. Following the information received at 06:58 and 07:06, DCI Williams said that he formed the impression, from the information given to him, that the men in the car were “*talking about the use of a live firearm*”.¹⁸⁹ He accepted that, looking at the transcript in the Inquiry hearing room, “*they were talking about a shotgun which they didn't have on them*”.¹⁹⁰
 - b. Counsel to the Inquiry asked DCI Williams to consider whether his officers could have arrested the occupants of the Audi mission vehicle for possession of an imitation firearm shortly after 07:10. DCI Williams accepted that this would have been possible and that the offence is a very serious one. However, he made two points by way of justifying his actions: he “*wasn't 100 per cent convinced it was in the car*”; and, in order to make out the offence of possession “*with intent to commit an indictable offence*”, he “*would need to have the ability ... to prove what that specific indictable offence was and at that stage ... [he] didn't have sufficient clarity as to what that indictable offence would be*”. Accordingly, he said that it would not “*deliver sustainable public protection in the long term for the people of London*”.¹⁹¹
 - c. At 07:21, comments were made by the occupants of the Audi mission vehicle about dropping an individual near to “*the astro-turf*”, before burning the car. DCI Williams told the Inquiry that this did not amount to “*compelling evidence of what the specific criminal conduct was*” and so he felt that the evidential threshold was not met.¹⁹²
 - d. By 07:24, the listening device had recorded and relayed information about the Rambo knife, the stabbing of Serco staff and the hope that one of them did not try to be “*superman*”. None of this had been recorded by DCI Williams in his notes, but he accepted in evidence to the Inquiry that this “*would have been getting very, very close*” to surpassing the evidential threshold.¹⁹³ However, because “*the picture in relation to real firearms being in possession was not clear*” and the prison van had not left Wormwood Scrubs, DCI Williams preferred “*to gather more evidence*”.¹⁹⁴

188 [Neil Williams 6 July 2021 157/1-7](#)

189 [Neil Williams 6 July 2021 155/10-17](#)

190 [Neil Williams 6 July 2021 156/12-16](#)

191 [Neil Williams 6 July 2021 159/4-21](#)

192 [Neil Williams 6 July 2021 163/9-18](#)

193 [Neil Williams 6 July 2021 168/11-17](#)

194 [Neil Williams 6 July 2021 169/3-8](#)

- e. Following the apparent meeting, DCI Williams recorded that he applied the NDM (see Chapter 2, Figure 1) at 07:45, writing:

*Still no confirmation that weapons are in the Audi A6, van has not left the prison, good control, threat low - wait.*¹⁹⁵

In deciding to wait, DCI Williams said that he took into account that Ozcan Eren was not under surveillance control.¹⁹⁶ Accordingly, if officers were to move in and arrest the suspects in the Audi mission vehicle, they could not apprehend Ozcan Eren simultaneously.

- f. DCI Williams said that the tipping point for him was when the occupants of the Audi mission vehicle knew the registration number of the prison van.¹⁹⁷

- 8.87** However, as I have noted in Chapter 6, on 11 December 2015, DCI Williams gave no thought to the possibility of an evidential tipping point being reached. Consequently, he did not consider whether an arrest would be justified for an offence other than conspiracy to possess a firearm with intent to endanger life/commit an indictable offence.
- 8.88** There are two matters upon which I comment at this stage. The first is the failure to pass certain pieces of information to DCI Williams. The second relates to the decisions that DCI Williams made.
- 8.89** First, the failure to pass on certain pieces of information to DCI Williams, as set out above, is due as much to the lack of general training given to the CMP operatives as it is to the failure of DCI Williams to list for the operatives, with clarity and precision, the subject matter about which he required complete and accurate information.
- 8.90** Second, in order to determine the reasonableness or otherwise of DCI Williams' actions and decisions, I must determine what was communicated to DCI Williams, not what he subsequently found out. However, his opinion on how he would have acted if he had known the full extent of the intelligence is clearly relevant to his general state of mind and approach to the conduct of the operation as it unfolded.
- 8.91** I derive a clear picture from his account that, whatever the strength of the evidence on the potential charges of conspiracy to escape and conspiracy to possess an imitation firearm with intent to commit an indictable offence, he had no intention of being satisfied that an evidential tipping point had been reached to enable State Amber¹⁹⁸ to be called and an interception and extraction to be undertaken.

195 [MPS0003577_008](#)

196 [Neil Williams 6 July 2021 180/4-10](#)

197 [Neil Williams 6 July 2021 186/8-23](#)

198 State Ambers refers to the stage of the operation at which the TFC declares that the activation of an arrest plan is now both justified and appropriate. It signifies to the OFC that they have the authority and discretion to call the timing of a move to arrest

- 8.92 Despite the clear picture that emerges from what he knew of evidence of both of those offences, the fact remains that State Amber was only called very late in the day.
- 8.93 In truth, from no later than 08:08, there was clear evidence on those charges and, in my judgement, there is no rational justification for his failure to act upon it, other than a belief in his mind that the sentence for the offences that could be proved would not provide, in his mind, sufficient sustained public protection.¹⁹⁹
- 8.94 The fact that DCI Williams did not call State Amber earlier, when I consider it would have been appropriate for the subjects in the Audi mission vehicle to be arrested, is indicative of the fact that DCI Williams had given no consideration to whether or not the subjects might be arrested for offences including conspiracy to escape and/or conspiracy to possess an *imitation* firearm with intent to commit an indictable offence.
- 8.95 The matters of which DCI Williams was aware by 08:08 included:
- a. That those in the Audi mission vehicle were in contact with Izzet Eren, who was in a prison van that was to travel to Wood Green Crown Court.
 - b. That the subjects probably had possession either of a firearm or an imitation firearm.
 - c. That the occupants of the Audi mission vehicle were “*gonna do this*” and would “*burn the car afterwards*”.
 - d. That they would put a gun in the face of somebody.
 - e. That they intended, at 07:23, to be “*near the court*” by 07:30.
 - f. That, at 08:08, the occupants of the Audi mission vehicle were in “*the perfect place*”. They were in Bracknell Close, immediately next to the Serco entrance to the Court.
- 8.96 The TFC should have actively considered whether an evidential tipping point had been reached, which, if it had, would have enabled the question of how or when an arrest takes place to be considered, as opposed to whether there was to be an arrest. If an evidential tipping point has been reached, the TFC then has the benefit of deciding whether the operation needs to be brought to an end there and then, or whether there are other options that create less risk.

¹⁹⁹ Sustained public protection is the police term for protecting the public through the detection and prevention of crime over the longer term

- 8.97** Neither option needed to put the ultimate objective of sustained public protection at risk, but there should be an acknowledgment of the state of the evidence and a conscious consideration of the sentence that will follow in the event of conviction for the offences for which evidence is clearly available. If that balancing exercise, which must surely be undertaken in every case where sustained public protection is sought, is not carried out, then there will always be questions asked as to whether the correct strategy was adopted. Here, there was no liaison in advance between SIO and SFC/TFC as to those key factors, nor any significant thought given by any of them individually. Had there been, they could not have been in any doubt that, at least 45 minutes before State Amber was called, there was sufficient evidence to arrest and charge the occupants of the car with offences of conspiring to possess an imitation firearm with intent to commit an indictable offence, namely escape, and conspiracy to escape. Having reached that conclusion, which a clear and structured approach would have ensured, consideration could and should then have been given to the likely sentence for such offences.
- 8.98** DCI Williams' refusal to acknowledge the fact that the evidential tipping point had been reached is as unreasonable as his failure to act upon it.

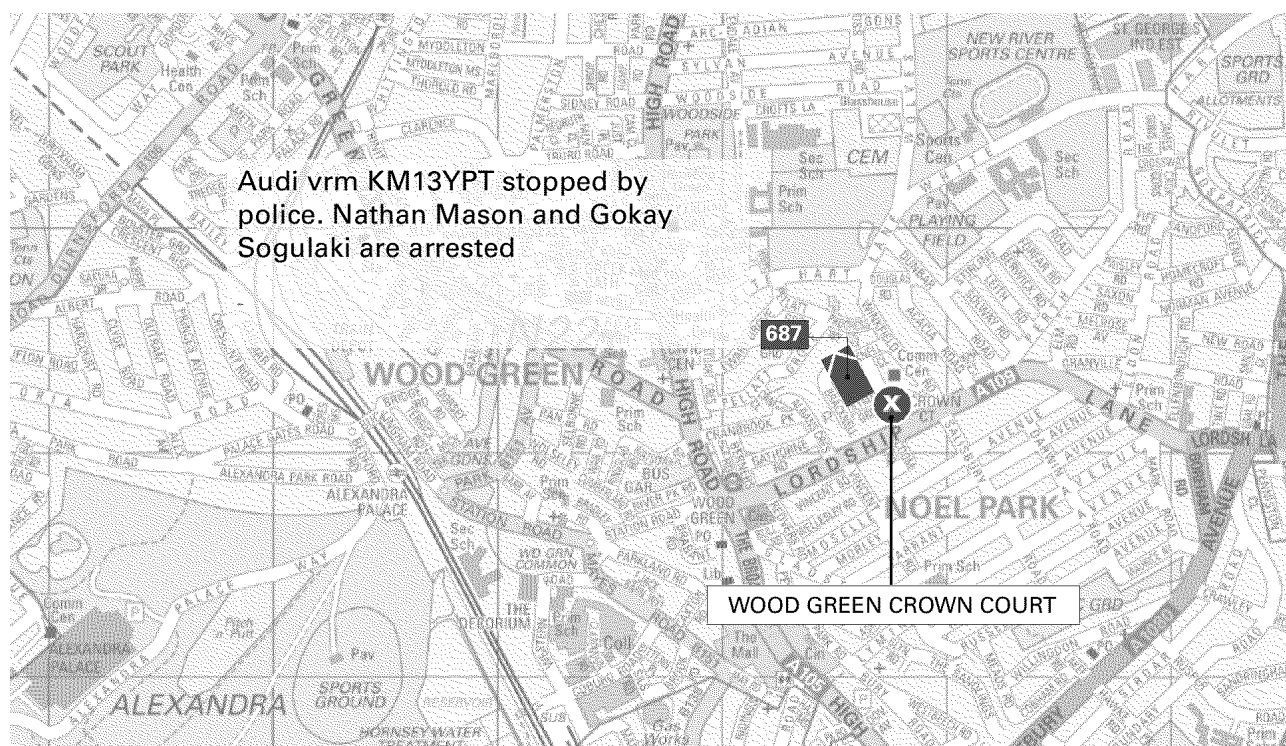
Chapter 9: Conduct of the operation on 11 December 2015 on the ground

The actions of the conspirators and updates given to the CTSFOs

9.1 I have not set out in full the actions of the conspirators which were recorded and transmitted by the listening device (also described as an “audio probe”). In Chapter 8, I highlighted particular examples of failures to monitor that listening device, as well as pieces of intelligence that were relevant to the ongoing assessment by the overarching TFC. However, what is most important for the purposes of the present chapter is what was known to the CTSFOs, and what those involved in the plan to break out Izzet Eren were in fact doing.

9.2 Shortly after the 05:00 briefing had concluded, Team Bravo moved to the Quicksilver Patrol Base. This was to be used as a staging post for the firearms operation, it being within striking distance of Wood Green Crown Court.

Figure 8: Map of the Wood Green area, showing Wood Green Crown Court and the location of the Audi mission vehicle at the time of the operation



- 9.3 While there, the officers continued to receive surveillance updates from the C3000 covert police operations room, including that the Audi mission vehicle was parked in Eastern Road and that, shortly afterwards, the Audi mission vehicle was being driven erratically.¹ The updates continued that the Audi mission vehicle was driving in convoy with an Audi A3 vehicle, the two vehicles stopping near a school, where two people got out of the Audi A3 and into the Audi mission vehicle.²
- 9.4 The prison van left HMP Wormwood Scrubs at 08:36.³ Around this time, Team Bravo left Quicksilver Patrol Base and moved to Station Road, near to the junction with Lordship Lane.⁴ They were less than half a mile from Wood Green Crown Court. They waited there for approximately half an hour.⁵ While there, the team sought further surveillance updates, particularly wanting to know the exact location of the Audi mission vehicle. S111, the OFC in the Alpha car, described the reason for this request: *“If the vehicle has come to a stop, then we can start making plans as to what to do with that vehicle.”*⁶
- 9.5 Surveillance team leader and OFC FE10 gave evidence as to the observations and records of the surveillance officers. The following points in the chronology are most pertinent:
- a. **06:35** – At least two subjects in the Audi mission vehicle, which is at Bounds Green Road.⁷
 - b. **06:56** – Audi mission vehicle is travelling into White Hart Lane eastbound from Great Cambridge Road. At this time, there is a temporary loss of vision on the part of the surveillance officers.⁸ This is not the only time during the morning where surveillance is lost for a period of time. There was a tracker fitted to the Audi mission vehicle as well, which FE10 believed allowed the surveillance officers some more flexibility as to whether they had constant sight of the Audi mission vehicle.⁹
 - c. **07:35** – Audi mission vehicle travels from White Hart Lane into Winkfield Road.¹⁰ Winkfield Road passes one side of Wood Green Crown Court.
 - d. **07:36** – Audi mission vehicle is possibly in convey with a second Audi A3 for which a partial registration plate is recorded.¹¹
 - e. **07:38** – Audi mission vehicle stops in Norfolk Avenue: *“Two males dressed in dark clothing are ... [inaudible] one male has rolled-up beanie hat on top of head. Both males into the vehicle. They came from [the park] area.”*¹² FE10 confirmed that this meant that two men got into the Audi mission vehicle. At this time, the location of Ozcan Eren was still not known.¹³

1 [S111 14 July 2021 24/6-8](#)
 2 [S111 14 July 2021 24/15-19](#)
 3 [MPS0001573_003](#)
 4 [S111 14 July 2021 25/1-26/15](#)
 5 [S111 14 July 2021 26/13-15](#)
 6 [S111 14 July 2021 26/24-25](#)
 7 [FE10 7 July 2021 138/21-139/8](#)
 8 [FE10 7 July 2021 140/10-22](#)
 9 [FE10 7 July 2021 140/20-141/8](#)
 10 [FE10 7 July 2021 142/1](#)
 11 [FE10 7 July 2021 142/2-4](#)
 12 [FE10 7 July 2021 142/5-20](#)
 13 [FE10 7 July 2021 144/1-4](#)

- f. **07:40** – Audi mission vehicle, believed to have four occupants, is “*driving at speed*” and is lost on Wolves Lane.¹⁴
 - g. **07:48** – Again, sight of the Audi mission vehicle is lost, this time on Winkfield Road.¹⁵
 - h. **08:00** – For context, although not in the particular surveillance log about which FE10 spoke, it is known that the Audi mission vehicle arrived and parked in Bracknell Close around 8am.¹⁶
 - i. **08:06** – A man, possibly acting as a lookout, is seen at White Hart Lane near to Winkfield Road. He is described as appearing to be “surveillance-aware” (“*eyes about*”) and details of his clothing are recorded.¹⁷
 - j. **08:56** – The Audi mission vehicle is parked in Bracknell Close.¹⁸
- 9.6 When the Audi mission vehicle was approached by police officers at 08:07, there were three occupants: Mr Baker, Mr Mason and Mr Sogucakli. No fourth occupant has been identified.
- 9.7 The evidence of Mr Sogucakli and Mr Mason was of assistance to the Inquiry. Without it, I would have had no confirmation of their plan and, therefore, nothing against which to consider whether the police had made wild assumptions or acted with appropriate perception. It assisted me in establishing Mr Baker’s final hours, and in particular his final minutes. However, this does not mean that I have accepted as true each and every piece of evidence provided by Mr Sogucakli and Mr Mason. At times I had cause to question their reliability, accuracy and motive.

Evidence of Mr Sogucakli

- 9.8 The salient parts of Mr Sogucakli’s evidence were as follows:
- a. Mr Sogucakli was approached by Mr Mason who asked whether he wanted to be involved in breaking Izzet Eren out of prison.¹⁹ He agreed to do so because he “*wanted to be respected*”.²⁰ The plan, as he then understood, was to “*be in a car and we will stop a van. That is all he told me.*”²¹ He did not want to be part of a plan involving a real firearm and “*knew ... that the firearm was going to be a fake*”.²² He knew of Mr Baker’s involvement from the start or maybe a week later.²³
 - b. When getting in the Audi mission vehicle, he became aware that the plan was to break Izzet Eren from a van, to take him to a third person and then for that third person to use their vehicle to drive Izzet Eren to Ozcan Eren’s vehicle.²⁴

14 [FE10 7 July 2021 144/22-145/14](#)

15 [FE10 7 July 2021 145/15-19](#)

16 [S48 29 June 2021 155/9-11](#)

17 [FE10 7 July 2021 146/8-20](#)

18 [FE10 7 July 2021 147/2-6](#)

19 [Gokay Sogucakli 8 July 2021 10/18-24](#)

20 [Gokay Sogucakli 8 July 2021 11/2](#)

21 [Gokay Sogucakli 8 July 2021 11/13-14](#)

22 [Gokay Sogucakli 8 July 2021 11/21-23](#)

23 [Gokay Sogucakli 8 July 2021 12/21-13/6](#)

24 [Gokay Sogucakli 8 July 2021 16/11-16](#)

- c. He was nervous and could not sleep the night before. He was collected by Mr Mason and Mr Baker from his home address between 06:00 and 07:00.²⁵ He intended to change his clothes straight away after Izzet Eren’s escape, so as to make it harder for the police to find him.²⁶
- d. Mr Sogucakli was asked about the words “*where is the shottey?*”, which could be heard on the audio recording transmitted from the Audi mission vehicle. He explained that “*this conversation was about Jermaine wanting a firearm to be present at that time, but I thought him and Nathan Mason had this discussion already that there was going to be no real firearm in the events that we was going to do*”.²⁷ Either Mr Baker or Mr Mason had asked Mr Sogucakli to get a live firearm, but he said he had declined to do so.²⁸
- e. After the operation, they needed to get a “*canister*” back into the car because it would have the fingerprints of the group on it. This was a reference to the imitation firearm and its parts.²⁹
- f. He accepted saying the words “*I wish those pussies Serco people, bruv, I hope one of them don’t try and be a superman. Nah. They are not allowed to though. They are not, they are not. When it is life in danger, they are not allowed to do shit*”.³⁰ Mr Sogucakli had previously heard that “*if a firearm is pointed at a Serco van, they have not got the right to be a hero and try to stop the events of what is happening*”.³¹
- g. The group agreed not to call each other by their names when approaching the Serco van.³²
- h. They were all asleep in the car at various times.³³ Speaking about the time immediately before the police approached the Audi mission vehicle, he went on to say that “*Jermaine is a loud character. If Jermaine is awake, there will be noise in that car. So I can’t tell you 100 per cent he was asleep, but that is what I think, he was asleep*”.³⁴
- i. When police approached, the windows were steamed up but “*you could have seen through the windows inside and out clearly*”.³⁵ He saw the officers. They were “*screaming*”.³⁶ At this time, Mr Sogucakli had the firearm on his lap because he “*was getting ready for the escape, so when I have noticed the police officers, I have placed the firearm back into the rucksack*”, describing the bag next to him.³⁷

25 [Gokay Sogucakli 8 July 2021 17/10-18](#)
 26 [Gokay Sogucakli 8 July 2021 18/4-19](#)
 27 [Gokay Sogucakli 8 July 2021 23/1-24/3](#)
 28 [Gokay Sogucakli 8 July 2021 25/10-24](#)
 29 [Gokay Sogucakli 8 July 2021 32/24-33/6](#)
 30 [Gokay Sogucakli 8 July 2021 45/16-23](#)
 31 [Gokay Sogucakli 8 July 2021 45/14-46/12](#)
 32 [Gokay Sogucakli 8 July 2021 48/11-22](#)
 33 [Gokay Sogucakli 8 July 2021 49/12-13](#)
 34 [Gokay Sogucakli 8 July 2021 51/7-10](#)
 35 [Gokay Sogucakli 8 July 2021 52/20-21](#)
 36 [Gokay Sogucakli 8 July 2021 52/24-53/5](#)
 37 [Gokay Sogucakli 8 July 2021 53/7-13](#)

- j. He heard a banging noise on Mr Baker’s window, three or four times. Then an officer approached the door next to which Mr Baker was sitting and at around the time it was opened, Mr Baker was shot.³⁸
- k. He was dragged from the car. Because he could hear Mr Mason’s voice but could not hear Mr Baker’s voice, he assumed that it was Mr Baker who had been shot.³⁹

9.9 The evidence of Mr Sogucakli lacks credibility for a number of reasons, even making every allowance for the facts that he was then only 18 years old and that the events took place over five years before his account to this Inquiry:

- a. First, he was clearly minimising his role in the escape plan. He said that he knew nothing and found out most things in the car, by asking a lot of questions, whereas the listening device makes it clear that he asked very few questions and knew perfectly well what was, and what was not, going on.
- b. Second, when confronted with the transcript of the conversations in the Audi mission vehicle, he sought to distance himself from remarks that tended to place him closer to the plan by attributing them to Mr Baker, whom he did not know particularly well, and/or Mr Mason, whom he did. The statement from Mr Baker’s former partner, Eftehia Demetrio, who did not seek to exonerate Mr Baker from certain incriminating remarks, confirmed the contents of the original statement as to whose speech was being transcribed, and I am satisfied that where Mr Sogucakli sought to attribute potentially incriminating remarks to others, Ms Demetrio’s evidence is to be preferred.
- c. Third, when he was arrested at the scene, he made two untruthful remarks. First, of W80, the CTSFO who shot Mr Baker, he said that he had aimed at Mr Mason, who had ducked, so he got the “*wrong man*”;⁴⁰ this scenario could only have been accurate if W80 had fired through the driver’s window, which clearly he did not. Second, albeit less significantly, he said “*I’ve nothing to do with it*”;⁴¹ yet pleaded guilty at the Crown Court.⁴²

Evidence of Mr Mason

9.10 The salient parts of Mr Mason’s evidence were as follows:

- a. Mr Mason became involved in the plan to break Izzet Eren from custody when, about one week before 11 December 2015,⁴³ he was near to a barber’s shop in Tottenham when Ozcan Eren approached him and said “*ah, I know, like, you do some stuff, like, would you like to help me do something?*” and he replied “*no problem, I know your cousin*” and confirmed he would do it.⁴⁴ Although Ozcan Eren was willing to tell him the details of the plan at the time, he said he did not want to know until the day or so before.⁴⁵ All he knew at the time was that it involved getting Izzet Eren from a prison van⁴⁶ and

38 [Gokay Sogucakli 8 July 2021 54/6-12](#)

39 [Gokay Sogucakli 8 July 2021 55/9-15](#)

40 [Gokay Sogucakli 8 July 2021 59/3](#)

41 [Gokay Sogucakli 8 July 2021 58/23-24](#)

42 [MPS0001425_022](#)

43 [Nathan Mason 13 July 2021 144/25-145/25](#)

44 [Nathan Mason 13 July 2021 143/20-24](#)

45 [Nathan Mason 13 July 2021 144/1-3](#)

46 [Nathan Mason 13 July 2021 144/18](#)

that, as the van arrived at the Court, they would pull up in front of it, pointing a gun at the van,⁴⁷ allowing everybody in the van to escape.⁴⁸ He did not know whether the firearm would be real or fake.⁴⁹ Mr Baker was with Mr Mason throughout this meeting with Ozcan Eren.⁵⁰

- b. Mr Mason decided what role each of the group would play in the operation. He expected them to be provided with one firearm.⁵¹
- c. Around 8 or 9 December 2015, Ozcan Eren told Mr Mason that he wanted the group to have an imitation firearm and not a real firearm because he was concerned what would happen if the police stopped them with a real firearm. It was dropped off at Mr Mason's home address by Ozcan Eren and Cihan Eren.⁵²
- d. By chance, Ozcan Eren and Mr Mason met in a barber's shop on Tottenham High Road on 10 December 2015 and discussed the plan.⁵³ Ozcan Eren told Mr Mason where the Audi mission vehicle was parked and gave him the keys to it. He also gave him two mobile phones, which they called "mission phones" or "burner phones".⁵⁴ He gave Mr Mason instructions to switch the phones on at 07:00 on 11 December 2015.⁵⁵
- e. Ozcan Eren told Mr Mason that the plan was for him to get Izzet Eren and drop him to Cihan Eren.⁵⁶ Ozcan Eren would be following the Serco van as lookout.⁵⁷
- f. On 11 December 2015, Mr Mason was wearing two layers of clothing. He denied that this was to frustrate any efforts by the police to find gunshot residue on his clothing.⁵⁸
- g. After the offence, they were to burn the Audi mission vehicle.⁵⁹
- h. Both Mr Mason and Mr Baker were wearing balaclavas. Mr Sogucakli was going to cover his face with a t-shirt.⁶⁰
- i. Mr Baker knew there would be a firearm in the car and knew it would only be an imitation. Mr Mason had thought there might be a real firearm. The only information Mr Baker had about the operation was through Mr Mason.⁶¹
- j. Mr Sogucakli "probably" expected there to be a real gun, if not two.⁶²

47 [Nathan Mason 13 July 2021 146/22-24](#)
48 [Nathan Mason 13 July 2021 146/22-147/6](#)
49 [Nathan Mason 13 July 2021 147/16-19](#)
50 [Nathan Mason 13 July 2021 148/4-15](#)
51 [Nathan Mason 13 July 2021 150/12-17](#)
52 [Nathan Mason 13 July 2021 150/19-151/20](#)
53 [Nathan Mason 13 July 2021 156/17-157/4](#)
54 [Nathan Mason 13 July 2021 158/16-159/4](#)
55 [Nathan Mason 13 July 2021 159/21](#)
56 [Nathan Mason 13 July 2021 160/15-21](#)
57 [Nathan Mason 13 July 2021 160/22-161/3](#)
58 [Nathan Mason 13 July 2021 162/9-18](#)
59 [Nathan Mason 13 July 2021 162/22](#)
60 [Nathan Mason 13 July 2021 163/18-164/2](#)
61 [Nathan Mason 13 July 2021 166/8-25](#)
62 [Nathan Mason 13 July 2021 174/12-14](#)

- k. It would have been preferable to have two firearms but they could not get a second one.⁶³ He prevaricated as to whether he expected there to be two firearms and whether having two would have assisted their cause. In any event, they could not get a second one.
- l. Mr Baker said: *"It is only because he knows, yeah, that I have rid out with him with a burner and me and you ride, you know what, me and him always take the burner, me and you, you get me, get me, that is the only reason why I come."*⁶⁴ Mr Mason said that he understood *"burner"* in this context to be a gun.⁶⁵
- m. Mr Mason said: *"You said you were going to holler me for something, we were going to do something, and I waited, waited, waited, the day come and I didn't get a phone call so I just thought them man are doing it."* Counsel to the Inquiry suggested that this meant that Mr Mason had expected to be involved in the earlier attempt to break Izzet Eren from custody, but Mr Mason denied this.⁶⁶
- n. Shortly before the police surrounded the Audi mission vehicle, Mr Baker was quiet. Mr Mason assumed he was asleep.⁶⁷
- o. Police pulled up wearing hats which said "police" and holding guns. They shouted, *"Put your hands up, police"*. Mr Mason shouted *"Jermaine, police, police"*, seeing that Mr Baker was asleep.⁶⁸
- p. Officers were banging on Mr Mason's window. He heard them say, *"Police, put your hands up, don't move"*, following which he heard a bang. He was dragged from the car.⁶⁹

9.11 My conclusions in respect of the evidence of Mr Mason are that he had expected to be involved in the first attempt to spring Izzet Eren from custody. All the occupants of the car had equal roles and responsibilities, working under the direction of Ozcan Eren. Despite Mr Mason's assertion that only Mr Baker *knew* that an imitation firearm would be available, I am quite satisfied that all three occupants knew or expected that they would be provided with at least one live firearm in order to *"spring"*⁷⁰ Izzet Eren from the prison van. No one was reluctant at the prospect of having a live firearm; in fact, there was concern that an imitation firearm alone might not achieve their aim.

63 [Nathan Mason 13 July 2021 178/8-179/25](#)

64 [Nathan Mason 13 July 2021 199/11-14](#)

65 [Nathan Mason 13 July 2021 199/11-200/5](#)

66 [Nathan Mason 13 July 2021 204/10-207/23](#)

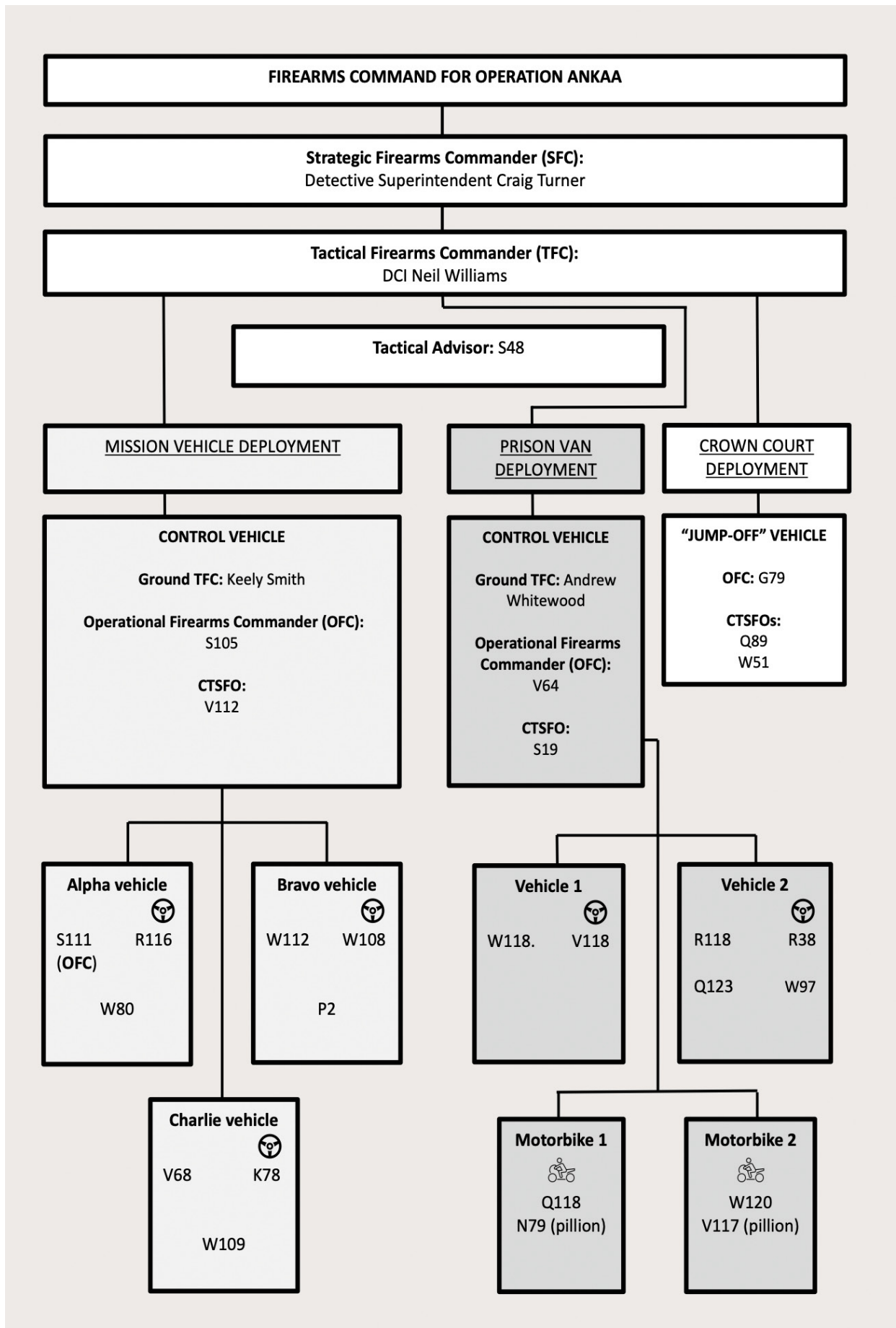
67 [Nathan Mason 13 July 2021 221/20-222/7](#)

68 [Nathan Mason 13 July 2021 223/20-224/8](#)

69 [Nathan Mason 13 July 2021 224/19-225/4](#)

70 [Gokay Sogucakli 8 July 2021 41/18](#)

Figure 9: Organogram of the Firearms Command for Operation Ankaa, identifying the individuals who played a firearms role



Team Alpha (the Serco van) and Team Charlie (Ozcan Eren)

- 9.12 Evidence was read to the Inquiry from some of the officers in Teams Alpha and Charlie, but – with the exception of (1) DI Andrew Whitewood, who gave evidence as Ground TFC and who was part of Team Alpha, and (2) FE10, who gave evidence as surveillance OFC in respect of Teams Alpha and Bravo – I did not hear any oral evidence.
- 9.13 Team Alpha was responsible for the Serco van. It comprised a surveillance team with an armed unit to provide armed support if required. Seven of the ten surveillance officers were armed.⁷¹ When the Serco prison van left HMP Wormwood Scrubs, it was subject to a covert armed escort by officers on unmarked police motorcycles. When State Amber⁷² was declared, the officers were directed to “*push up on the prison van for the remainder of the journey*”, by which W120 meant that they got closer to the Serco van in order to provide better, closer protection.⁷³
- 9.14 Team Charlie was an unarmed team, charged with maintaining surveillance on Ozcan Eren, known in the operation as “*subject BORG*”.⁷⁴ The evidence shows that surveillance control of Ozcan Eren on the morning was minimal. When Ozcan Eren was stopped and informed that he was being arrested for assisting an offender, he replied “*have you got the right person? Which offender am I assisting?*”⁷⁵ When Ozcan Eren was also told that his clothing would be seized for it to be analysed for traces of gunpowder, he is reported to have said “*well, you don’t get someone out with drugs, do you?*”⁷⁶
- 9.15 DI Whitewood was asked whether he was concerned that there was no surveillance control on Ozcan Eren for much of the morning and whether this created an unmanageable risk that Ozcan Eren may get close to the Serco van. DI Whitewood accepted that “*it wasn’t ideal. Clearly we would have loved to have control on him all day*”, but it was not of “*direct concern*” because the intelligence picture did not indicate that Ozcan Eren would himself seek to break Izzet Eren from the Serco van.⁷⁷

Team Bravo (the Audi mission vehicle)

- 9.16 As OFC in the Alpha car, S111 was responsible for ensuring that Team Bravo was in the right position at the right time to do their job.⁷⁸

71 [FE10 7 July 2021 128/21-129/2](#)

72 State Amber refers to the stage of the operation at which the TFC declares that the activation of an arrest plan is now both justified and appropriate. It signifies to the OFC that they have the authority and discretion to call the timing of a move to arrest

73 [W120 \(read\) 12 July 2021 183/4-5](#)

74 [IPC0000071_010](#)

75 [Darren Sanders \(read\) 12 July 2021 184/16-18](#)

76 [Darren Sanders \(read\) 12 July 2021 185/2](#)

77 [Andrew Whitewood 12 July 2021 53/17-54/18](#)

78 [S111 14 July 2021 16/20-22](#)

The consideration of tactical options

- 9.17 The tactical dilemma that should have been considered by those commanding the operations was put starkly by the Inquiry's policing experts:

In this case they believed they were going up against the door of a car, in a narrow channel, where someone had potentially -- the officers had good reason to believe did have -- a high-powered weapon of the nature of a Skorpion, an Uzi or a MAC 10, which when the trigger was squeezed for one second, 12 rounds would have been discharged.

That is a frightening proposition and when W80 and others say that they were terrified at that point, I think they have every reason to believe that, albeit it is what they are trained for and what they do.

You are actually asking them to move into an explosive situation, but if that trigger is squeezed -- it doesn't have to be raised, if these are the sort of people we believe they are, a gun held down at your side, and I have sat in vehicles with guns held down at my side in that nature, if you squeeze the trigger, it will go straight through the car, as they have explained, and they would be shot.

It is a very dangerous position that you are putting people into and therefore, Sir, a rather long-winded answer to your question, thinking McCann through at the very start, I would be saying: do I want to put someone into that position or have I an alternative?⁷⁹

- 9.18 DI Keely Smith described that the officers involved in the operation “knew that they were dealing with the top tier of criminals, possibly the most violent gang in London at the time”.⁸⁰ DI Smith maintained a written threat assessment using a threat matrix on the morning of the operation. She assessed the threat at 06:00, 06:35, 07:35 and 08:00. At each assessment, she concluded that the risk remained “low”. These assessments, she said, were at the time of each significant change in the operation. When State Amber was called at 08:58, she considered the threat increased to “medium”.

- 9.19 In assessing the threat, she had to:

look at the whole picture. So I look at the scene, the members of the public, the experience, and the training, of the CTsFOs or AFOs involved in the operation and also the suspects, if they comply to commands and orders, then the risk in my opinion remains medium.

As an AFO going forward to that vehicle, not knowing who is in there, suspecting they will be armed, I can see that their risk assessment at that time will be high, sky high.

But I am a step back, in my opinion there are two different risk assessments. I am looking at the whole picture action, we have a stationary vehicle, we have occupants that we know there is three in there. We have got trained officers. We have got experienced officers. We have got some control over the vehicle because of the CMP.

So the two risk assessments in my opinion are different, and I've got the whole picture and in my view it was medium at the point of amber.

79 [Colin Burrows 21 July 2021 180/11-181/9](#)

80 [Keely Smith 12 July 2021 112/4-7](#)

...

They are two different risk assessments. Two totally different – for [the CTSFOs], I don't know what their evidence is, but I can imagine their risk assessment at that time would be high.

Mine, confident that these officers are highly trained, have the right equipment, [experience] and the fact if the suspects do as they are told, respond to commands, then the risk would be medium.

...

If the subjects don't comply, then of course the risk to [the CTSFOs] goes to high.⁸¹

- 9.20 DI Smith went on to concede, as she was bound to do, that she of course did not know whether the subjects would comply with the CTSFOs' commands.⁸²

Interception (vs intervention) and extraction, contain and call out

- 9.21 Before I turn to the tactics that were considered and those that were not considered, I must address a matter of terminology. Policing expert witness Colin Burrows QPM defined two approaches, "interception" and "intervention", in the following way:

MASTS commanders and AFOs are trained ... to a higher standard and have a capability to deliver the specialist tactical options called interception, which the inquiry has heard is dealing with a subject prior to the actual commission of an offence and any threat being realised, and an intervention, which is dealing with a subject whilst they are in the act of committing an offence. Each of which is a subset of the generic descriptor "decisive action".⁸³

- 9.22 There was frequent confusion about the meanings of these two words during evidence, but I do not consider that this confusion led to any unfortunate outcome. Both tactics are potentially high-risk options, although I accept the submission made by the MPS that intervention is higher risk. Whichever tactic is selected, the obligation to act in order consciously to minimise risk is carefully enshrined in the NPFTC and APP-AP.
- 9.23 The tactic that was selected and deployed in Bracknell Close was an interception and not an intervention, because the targets of the offence (the prison van and its occupants) were not yet on scene and the mechanics of the escape had not yet been implemented.
- 9.24 "Extraction", also called "dynamic extraction" because of the speed with which it occurs, is a tactical option used as part of an intervention or interception. It is a "*rapidly implemented tactic to dominate the occupants of a vehicle*", by which the subjects are physically removed from the vehicle.⁸⁴ The alternative to "*extraction*" is to "*call out*" the occupants.⁸⁵

81 [Keely Smith 12 July 2021 133/15-135/6](#)

82 [Keely Smith 12 July 2021 135/7-9](#)

83 [Colin Burrows 21 July 2021 82/21-83/6](#)

84 [IPC000113_010](#)

85 [IPC000113_010](#)

- 9.25 “Contain and call out” describes the tactic in which police firearms officers establish a safe cordon around a vehicle or building and, using a raised voice, communicate with the occupants, inviting them to cooperate and surrender to custody. The tactic requires good containment, good vision of the suspects and ballistic protection for the officers.⁸⁶
- 9.26 As ground TFC in respect of the prison van, DI Whitewood saw his role and that of DI Smith as a “contingency role”, with DCI Neil Williams being “the front line”.⁸⁷ DI Whitewood had never used the contain and call out tactic. He put this down, among other reasons, to the “environmental factors” in London.⁸⁸ He accepted that a dynamic intervention or dynamic interception is, in London, most likely going to be by way of extraction, “but every job, and every set of circumstances at state amber are considered individually”.⁸⁹
- 9.27 DI Smith recalled a discussion with the OFC, who was in her car, as to whether it would be an intervention or an interception.⁹⁰ DI Smith was content that it would be an interception because there would not be a victim until the Serco van was on scene. There followed “a very brief discussion about how – you know, would it be a containment and call out or an extraction” but “it didn’t need much discussion, we quickly came to the agreement between me, the OFC, TAC adviser and Mr Williams who was the – had the ultimate final decision that it would be an extraction”.⁹¹ That was “obvious”⁹² to her. DI Smith said: “I think the containment and call out was discussed and then dismissed. So it wasn’t in depth, we didn’t talk about how the containment and call out was done, because it was dismissed. We were going to do the extraction, because that was in my opinion the safest option, tactical option, for us to do the interception.”⁹³ DI Smith did not think it would “never” be used as a tactic in London but said “I actually can’t think of many roads in London where a containment and call out for an operation of this kind would be appropriate”.⁹⁴
- 9.28 DCI Williams said that, with Tactical Advisor S48, they “did sit down and consider individually the pros and cons of both” extraction and contain and call out.⁹⁵ When asked directly whether it was “seriously considered”, DCI Williams described contain and call out as “always a possibility” and that the final decision was of course only made at the time of State Amber.⁹⁶ At the time of State Amber, the viability of contain and call out “had been disregarded”.⁹⁷
- 9.29 S48’s recollection of discussions on the morning of 11 December 2015 was that there “may have been” conversations with DCI Williams about contain and call out, and he could not “discount that” but had no relevant notes or recollection.⁹⁸ S48 considered that contain and

86 [S105 30 June 2021 110/3-20](#)

87 [Andrew Whitewood 12 July 2021 4/15-25](#)

88 [Andrew Whitewood 12 July 2021 20/11-23](#)

89 [Andrew Whitewood 12 July 2021 22/1-7](#)

90 [Keely Smith 12 July 2021 126/23-127/1](#)

91 [Keely Smith 12 July 2021 127/3-8](#)

92 [Keely Smith 12 July 2021 127/19-20](#)

93 [Keely Smith 12 July 2021 128/15-20](#)

94 [Keely Smith 12 July 2021 129/7-9](#)

95 [Neil Williams 6 July 2021 191/13-19](#)

96 [Neil Williams 6 July 2021 190/17-24](#)

97 [Neil Williams 6 July 2021 191/20-23](#)

98 [S48 29 June 2021 155/18-19](#)

call out was not a preferred option on account of environmental factors and operational factors, the latter including the threat assessment, the intelligence and the number of subjects in the Audi mission vehicle.⁹⁹

- 9.30 W112, CTSFO medic, went further: *“it would be wholly impractical in London ... in this situation, it was a residential street. To the rear of the vehicle there was a residential property. It is like stopping a vehicle in London, it is a 24-hour city, there are generally always people about, so the containment and call out is fairly impractical ... most of the time.”*¹⁰⁰
- 9.31 The analysis offered by P2, CTSFO, was that extraction is “safer” than contain and call out *“because it allows us to take control quicker, using the sort of shock and awe verbal and physical stunning of subjects, taking control of them quickly to try and negate them the ability to be able to react. And if you hold off on a containment and call out, that can give people time to plan, to operate the weapons that we believe they have got, to escape, to ram out.”*¹⁰¹ Therefore, he would not have considered contain and call out in this operation.
- 9.32 Having considered the evidence in relation to the tactical options available, while in theory contain and call out may have remained “on the table” as an option, it was never seriously considered as part of a rational decision-making process by the SFC and TFC. I have reached this conclusion because, although all MPS officers are fully trained in how to carry out such an option, in reality it was not an option that was regularly, if ever, utilised in the area policed by the MPS, the Metropolitan Police District (MPD). Furthermore, and in any event, it did not fit in with the predetermined approach to the operation adopted by the firearms commanders.
- 9.33 There was a body of evidence to the effect that the MPS CTSFOs have little if any experience of contain and call out, because of the urban settings in which most of their operations are carried out.
- 9.34 I recognise that in many cases in an urban environment, the use of contain and call out is unrealistic. However, notwithstanding this, it does not follow that contain and call out should be swiftly disregarded in all, or any, cases. I am concerned that, by paying only “lip service” to the possibility of selecting the tactic of contain and call out, perfectly sensible potential uses of the tactic will be overlooked in favour of something that poses a higher risk.
- 9.35 That is not to say that the policing experts are critical of the decision not to adopt the contain and call out option in this case as being unreasonable. Either option was within the bounds of a reasonable response by a TFC to a very serious, long-enduring problem posed by an OCN. The experts are, however, justifiably critical of the failure (a) to think the options through and (b) to enunciate clearly the reasons for preferring one over the other, not least the extent to which the operation as planned would *“take live firearms off the streets of London”*,¹⁰² having regard to the identity of the conspirators in the car, which was unknown, and the state of information regarding their possession of a live firearm.¹⁰³

99 [S48 29 June 2021 157/20-25](#)

100 [W112 13 July 2021 50/15-51/1](#)

101 [P2 13 July 2021 114/14-115/2](#)

102 [Ian Arundale and Colin Burrows 21 July 2021 167/13-14](#)

103 [Ian Arundale and Colin Burrows 21 July 2021 176/10-177/17](#)

9.36 Although I accept that the MPS did not have a policy that excluded the use of contain and call out as an option, the fact that it was rarely, if ever, used created a culture whereby insufficient consideration was given to it as an alternative. Along with the multidimensional risk assessment, which included considering contain and call out as a suitable tactic, it did not receive the attention that was required.

Steamed-up or tinted windows

9.37 At 08:44, the OFC and DI Smith, who were travelling together, were aware that the windows of the Audi mission vehicle were not “blacked out”.¹⁰⁴ There is no evidence that this was disseminated by the OFC to the rest of Team Bravo, but DI Smith believes he should have done so¹⁰⁵ and that it would have been important information for officers to know as they approached the Audi mission vehicle.

9.38 PC Ronan O’Connor, CTSFO, agreed that whether or not the Audi mission vehicle windows were tinted was something that could and should have been checked before the operation itself¹⁰⁶ to allow for pre-planning. There needed to be no confusion about this.

9.39 As to the importance of the firearms officers knowing that the windows were steamed up, DI Smith said:

*If it was known, I think anything that mitigates or negates the risk for those officers that are going forward, putting that interception to these highly dangerous individuals, anything that helps them, should be given to them.*¹⁰⁷

9.40 A life hammer is a small plastic hammer, which is issued to officers by the MPS¹⁰⁸ and which the CTSFOs had in their possession.¹⁰⁹ It has a handle that is shaped so as to provide good grip, being held in one hand, and bears a pair of metal cones at one end, designed for breaking car windows.¹¹⁰ Had the CTSFOs known that the windows were steamed up, or that it was likely this would be the case, the expectation of the CFI was that officers should have each deployed from the vehicles with a life hammer.¹¹¹

9.41 Consistent with this corporate expectation, V68, CTSFO, said that, despite finding it awkward to use, he would have taken his life hammer from the car if he had planned to break the window.¹¹² In turn, this would have led to quicker access to the Audi mission vehicle and a reduction in risk to officers and subjects.

104 [Keely Smith 12 July 2021 131/6-11](#)

105 [Keely Smith 12 July 2021 131/12-16](#)

106 [Ronan O’Connor 15 July 2021 98/3-9](#)

107 [Keely Smith 12 July 2021 131/24-132/3](#)

108 [IPC0000217_001](#)

109 [S111 14 July 2021 51/8-17](#)

110 [S111 14 July 2021 50/3-52/14](#)

111 [Philip Taylor 29 July 2021 40/17-20](#)

112 [V68 14 July 2021 149/11-23](#)

- 9.42 In the circumstances, S111 did not have a suitable tool on him with which to break the window behind which Mr Baker was sitting, causing him to attempt to break it three times before moving on. The suitability of the life hammer as an item of equipment is an issue I address below.

The proximity of the silver BMW to the Audi mission vehicle

- 9.43 No information was circulated in advance to the CTSFOs as to how close the Audi mission vehicle was parked to the neighbouring silver BMW. W80 did not think that the officers in his vehicle had been told that the silver BMW was parked so near to the Audi mission vehicle and could not recall whether he was even aware that there was a vehicle in the next parking space.¹¹³ W80 accepted that different tactics may have been adopted had the firearms officers received information, before entering Bracknell Close, that there was another vehicle parked close and adjacent to the Audi mission vehicle.¹¹⁴
- 9.44 In the absence of this information, the CTSFOs were unable to consider whether any changes should be made to the tactical plan. This meant that there was no plan as to which officers would approach the narrow passenger side of the Audi mission vehicle and how it would be avoided that officers could be boxed in or blocked by the car doors.

The officers' choice of weapons and equipment

Tyre deflation rounds

- 9.45 A breaching shotgun, or Benelli shotgun, is a firearm used by the MPS to fire a Hatton round. This is a round that can be used to deflate the tyres of a vehicle in which the driver might try to make off or use as a weapon.
- 9.46 There are some roles that are normally fulfilled by officers depending on their position in a vehicle. For example, the passenger in the back of an Armed Response Vehicle (ARV) is normally responsible for map reading. The driver normally carries a Taser because "*he is last out of the car*", and it is difficult to carry a carbine while driving because of its size.¹¹⁵ Because of W80's position in the Alpha car, it would have been his responsibility to have the Benelli shotgun.¹¹⁶
- 9.47 CTSFO medic R116, S111 and W80 were in the Alpha car together. R116 was the driver, and S111 and W80 were front- and rear-seat passengers respectively. S111 gave evidence that, before State Amber was called, there had been a brief discussion in the car. R116 had confirmed that he was happy where he was going to stop the car, and W80 had said that he was not going to take the Benelli shotgun with Hatton rounds because, given how close the cars would stop to the Audi mission vehicle, there would be no opportunity for the Audi mission vehicle to drive off. If S111 had disagreed with this decision, he could have directed W80 otherwise, as OFC.¹¹⁷

113 [W80 20 July 2021 120/13-23](#)

114 [W80 20 July 2021 121/2-3](#)

115 [S111 14 July 2021 77/11-19](#)

116 [R116 15 July 2021 45/18-20](#)

117 [S111 14 July 2021 35/9-22](#)

9.48 The experts, Ian Arundale and Colin Burrows, were asked whether this was an acceptable and understandable decision. Both replied, giving separate answers, that in light of the briefing W80 received, this was understandable.¹¹⁸ Mr Burrows went on to say that if the OFC felt that at least one officer *should* have a Hatton round, then that direction should have been given and an officer should have been nominated. However, given W80's articulation of the threat that he perceived, it followed that he would want his carbine weapon in his hands.

9.49 In the circumstances, W80 did not need to shoot the tyres of the Audi mission vehicle because no efforts were made to escape, and the Audi mission vehicle was blocked in relatively well by the police vehicles. Moreover, W80 did find himself in a position where, for a period of time, he was the only officer in a position to provide firearms cover of Mr Baker. In these circumstances, I do not criticise his decision not to take the Benelli shotgun.

Life hammer – breaking windows

9.50 The officers who moved to the window behind which Mr Baker was sitting did not have a life hammer. S111, who was trained to use one, was asked by Counsel to the Inquiry why he used his carbine and not a life hammer to try to smash the window to the Audi mission vehicle:

Because I don't like using it, I am approaching a car with a subject in it who is armed with a firearm. For me to smash the window, I've got to do it one handed, which means I am taking one hand off my primary weapon, which is my MCX carbine. I have then got to put my hand back on the weapon, I can't see through the window, because I have just smashed it, and what people don't understand, just because you smash a window, doesn't mean it instantly falls out, so you smash the window and it kind of stays in situation and breaks into like a thousand pieces, so you then cannot see through that window.¹¹⁹

9.51 S111 knew that a life hammer was the “preferred equipment” in MPS training,¹²⁰ but considered “it is probably not preferred equipment to bring forward to a man who is possibly pointing a gun”.¹²¹ He knew, too, that College of Policing training material described that a conventional, un-adapted police firearm, such as that which S111 had, “is not designed or intended for [breaking windows] and should not be used as such”.¹²² S111 recalled that a device had previously been used which attached to a conventional firearm, adapting it for breaking windows without interfering with the muzzle of the firearm. These were not in use in 2015 or since.¹²³

9.52 The life hammer is designed so that it can be carried on a loop of material which secures it to an officer's wrist. The CFI stated that, “As a general rule, if there was information about blacked-out windows or there was information about locked doors, or if there was information about for example it being steamed up and not being able to see inside”, an officer would be expected to carry a life hammer on their wrist. However, the hanging hammer “can sometimes cause complications” and “can get caught” when trying to extract somebody.¹²⁴

118 [Ian Arundale and Colin Burrows 21 July 2021 202/8-203/5](#)

119 [S111 14 July 2021 51/23-52/9](#)

120 [IPC0000217_003](#)

121 [S111 14 July 2021 60/18-21](#)

122 [COP0000055_032](#) para 12.1.3

123 [S111 14 July 2021 62/18-24](#)

124 [Philip Taylor 29 July 2021 38/20-42/23](#)

- 9.53 Moreover, there are obvious dangers in using a firearm to break a window where the firearm is not designed for that purpose. The use of a firearm to break a window should be a last resort because of the potential damage to the weapon. Hence, in this case, it was reasonable to have expected S111 to have tried to open the door before trying to smash the window with his firearm.
- 9.54 It appears that the MPS does not currently have the ideal tool for use in breaking car windows that are blacked out or steamed up. It is clear from the evidence I heard that, for one reason or another, officers are reluctant to use the life hammer, considering it not fit for purpose.

Less lethal options

- 9.55 Mr Arundale expressed his concern that immediately before the extraction took place, officers were deciding whether or not to arm themselves with less lethal options. It was, he said, *“far less planned, commanded and considered in relation to less-lethal operations”*, as compared to the operation as a whole. Accordingly, the approach to what less lethal options were in the hands of officers was less *“rational”*.¹²⁵ For example, there was no direction from commanders as to whether a Benelli shotgun (with Hatton rounds) should be taken out of the vehicle.
- 9.56 Mr Burrows described that *“less-lethal options need to be readily available for immediate deployment, and if you are facing a vehicle and your only weapon is a conventional firearm, then that is your [only] method of self-defence against whatever the threat you are being faced with, other than hand-to-hand/hands-on techniques”*.¹²⁶ I note that if Tasers were only in the hands of the vehicle drivers, those officers would not be first out of the vehicles.
- 9.57 Good practice, Mr Arundale said, *“would dictate that a discussion or some more direction about this would take out the element of chance and individual decision making, which could denude an operation of having the range of less-lethal options which would be optimum”*.¹²⁷ Such a discussion, he continued, should have taken place in Lordship Lane or, at the very least, before they pulled into Bracknell Close, upon a final assessment of the situation they were facing, informed by feedback from the surveillance officers.¹²⁸
- 9.58 While the circumstances may not in this case have lent themselves to the use of less lethal options at the point of interception, there should nonetheless have been a coordinated approach as to the officers’ selection of the weapons they would carry, overseen by those planning the operation.

The interception, extraction and the fatal shot

- 9.59 The purpose of this section is not to describe comprehensively every action of every officer. Instead, I summarily address the key actions that played some material part in Mr Baker’s death and the steps the officers took in respect of the other two subjects.

125 [Ian Arundale and Colin Burrows 21 July 2021 179/6-16](#)

126 [Ian Arundale and Colin Burrows 21 July 2021 188/22-189/3](#)

127 [Ian Arundale and Colin Burrows 21 July 2021 189/18-23](#)

128 [Ian Arundale and Colin Burrows 21 July 2021 189/25-190/6](#)

State Amber

9.60 It was S111, as OFC in the Alpha car, who was responsible for directing the actions of the officers in all three vehicles,¹²⁹ although he would “*never decide a tactic without first running it through my team leader*”,¹³⁰ S105. S111 would have deferred to S105 if there was a disagreement, but there was not.¹³¹ S111 conceived this plan:

What we tried to do is not to alert any subjects that are in the vehicle that we are coming, basically. So we want as few police around that area as possible. [The subjects] are settled there and they have been there for a little while, because I have asked for updates from the surveillance officers and they have told us that the car is parked and that the windows have steamed up.

So I run a plan through S105, which I think is a good plan, I have told him what I want to happen is we need to block that vehicle in, deploy around the vehicle and extract the occupants. So what I want to do is put Alpha – so we are just driving up the road nice and easily, as if we are normal, normal kind of road users, the last thing we want to do is go in there quickly and start screeching tyres.

So we pull up nice and gently, as a threesome, I just push past – Alpha just pushes past the subject vehicle, Bravo is going to stop directly in front of the subject vehicle and Charlie is going to stop just kind of Olympus Grove side of the vehicle.

*Then Alpha can deploy to, as you look at it, the right-hand side of the vehicle, as we look at it. Charlie can deploy to the left-hand side. And Bravo with the front seat passenger, which is the – which I think was P2, he would just stay in front of the vehicle with his weapon pointed at the vehicle. That is what we decided to do.*¹³²

9.61 S111 then briefed the Bravo Team officers over the radio. He did not tell them that their tactic would be an interception by way of extraction because he believed that would be plain to them: “*They would have known purely from the position of the vehicles what they were doing. We were not standing off the car, as in we were not backing the vehicles away from our vehicles, away from him, we were up close and personal. So it was always going to be an extraction from the car.*”¹³³ S111 accepted, when it was put to him by Counsel to the Inquiry, that “*although containment and call out was technically in your menu of options, it was something that you would never use*”.¹³⁴

9.62 State Amber was called at 08:58.¹³⁵ The OFC then gave the instruction to move the convoy of MPS vehicles into Bracknell Close.¹³⁶ The vehicles travelled in convoy on Lordship Lane, turned left into Winkfield Road, left again into Bracknell Close and stopped by the Audi mission vehicle in formation.¹³⁷

129 [S111 14 July 2021 27/17-19](#)

130 [S111 14 July 2021 29/19-24](#)

131 [S111 14 July 2021 31/1](#)

132 [S111 14 July 2021 28/7-29/9](#)

133 [S111 14 July 2021 32/7-12](#)

134 [S111 14 July 2021 32/13-16](#)

135 [Keely Smith 12 July 2021 131/5](#)

136 [Keely Smith 12 July 2021 138/22-25](#)

137 [Keely Smith 12 July 2021 139/2-5](#)

Police vehicles enter Bracknell Close

- 9.63 R116 had conveyed the plan over the radio to the other drivers that he, in the Alpha car, would drive past the Audi mission vehicle, allowing the Bravo car and Charlie car to stop behind him in that order, blocking in the Audi mission vehicle.¹³⁸
- 9.64 S111, as OFC, would normally have declared State Red¹³⁹ as he entered Bracknell Close, immediately before the stop. However, he explained, “*that didn’t happen*” because “*by the time I put my sling on and located the vehicle I thought there was no need, it doesn’t have to be done because – just because I don’t say it, doesn’t mean the two cars behind me are not going to do exactly as they did*”.¹⁴⁰ This is another abnormal feature of this operation. The failure to declare State Red did not in any way change the outcome of the operation, but it adds to the picture that the officers were not following the detail of their training.
- 9.65 The Alpha, Bravo and Charlie cars entered Bracknell Close, driving up to and past the Audi mission vehicle, with it on their passenger side. On the passenger side of the Audi mission vehicle was parked a silver BMW. The Alpha car stopped with its rear bumper roughly in line with the middle of the BMW.¹⁴¹
- 9.66 W80 described his personal threat assessment at this point as at “*the top end of very high*”.¹⁴²

Police officers exit their vehicles

- 9.67 As the Alpha, Bravo and Charlie cars stopped and officers exited, officers immediately shouted “*armed police*”.¹⁴³
- 9.68 The officers got out of the vehicles and began to “close down” the occupants of the Audi mission vehicle, quickly advancing on them. DI Smith and DI Samantha Cailles, the Shadow TFC, stayed in the control car, which was consistent with their roles.¹⁴⁴
- 9.69 S111 got out of the front passenger door of the Alpha car. He had his MCX carbine on a sling, with his left hand on its stock. He said that he intended to “*run and attempt to smash the window, the passenger window [of the Audi mission vehicle], with the muzzle of*” the carbine. He had not formed this plan, he said, until he got out of the car and saw that the window on that side of the car was “*fogged up*”.¹⁴⁵ Counsel to the Inquiry asked S111 why he had not planned to do this earlier, given that he had known for some time that the window was fogged up and that it was likely he would be positioned at that side of the car. S111 explained that the occupants of the Audi mission vehicle might have used air conditioning to clear the window and so it might not have been necessary.¹⁴⁶

138 [R116 15 July 2021 46/22-47/6](#)

139 State Red refers to the stage of the operation at which the OFC judges there to be an opportunity for the arrest of the subjects

140 [S111 14 July 2021 41/10-15](#)

141 [S111 14 July 2021 43/13-16](#)

142 [W80 20 July 2021 125/11](#)

143 [W108 12 July 2021 174/7](#)

144 [Keely Smith 12 July 2021 139/2-13](#)

145 [S111 14 July 2021 44/19-45/4](#)

146 [S111 14 July 2021 45/23-46/1](#)

9.70 In the circumstances, S111 described:

Visibility was poor, the windows were steamed up and I can't remember if I saw any occupants through either of the windows that I could see through ... I couldn't see the shape [of the occupants].¹⁴⁷

9.71 The silver BMW was about 18 inches away from the Audi mission vehicle.¹⁴⁸ Although S111 had not been told this prior to State Amber, it did not surprise him, and he thought this was typical of when vehicles are in parking spaces.¹⁴⁹

9.72 As he prepared to deploy, W112 knew nothing about the number of occupants in the Audi mission vehicle or their descriptions, nor was he told about tinted or steamed-up windows. As the police vehicles stopped at the Audi mission vehicle, W112 thought wrongly that the windows were tinted, but in evidence he recognised that this impression could have been caused by a combination of glare and by them being steamed up.¹⁵⁰ P2 reached the same conclusion.¹⁵¹

9.73 Initially, W112 stayed in the Bravo car, providing static cover while pointing his carbine weapon out of the window from his front-seat position. He had very little visibility into the Audi mission vehicle through the windscreen, and so he activated a weapon-mounted strobe and laser. A single button press switched on both functions. He was hoping it would provide some form of distraction to those occupants in the Audi mission vehicle; it also had the effect, in shining a small patch of light into the Audi mission vehicle, of giving him a little more visibility. He could make out the faces of the two subjects in the front seats but not in any detail.¹⁵²

Attempting to break the window next to Mr Baker

9.74 It was S111 who was the first officer to make his way to the door and window behind which Mr Baker was sitting. S111 described his initial actions in this way:

As soon as I got out of the car I am shouting "armed police, armed police" as I am running towards the window. I knew what I was going to do as I approached the window, and what I didn't want to happen was for my weapon to go off with me striking the window, so I made sure that the safety catch was on and my finger was well away from the trigger, so at no stage would I involuntarily grab possibly my weapon and then accidentally fire a round, so [it] was a massive conscious effort for that and then I struck the car window and unfortunately it didn't break.¹⁵³

147 [S111 14 July 2021 47/10-15](#)

148 [MPS0002786_003](#)

149 [S111 14 July 2021 47/5](#)

150 [W112 13 July 2021 56/4-18](#)

151 [P2 13 July 2021 117/2-5](#)

152 [W112 13 July 2021 57/8-58/21](#)

153 [S111 14 July 2021 47/20-48/5](#)

- 9.75 S111 was standing near the wing mirror of the Audi mission vehicle when trying to break the window.¹⁵⁴ He was confident he was close to the window because his carbine was on a sling, holding it close to his body and he was using that carbine to strike the window.¹⁵⁵ When asked by Counsel to the Inquiry why he did not try the door handle before attempting to break the window, he replied:

For me to open the door ... I would have to reach past the window to get to the door handle, I would have to take my right hand off my weapon and my trigger hand off my weapon, so that means that weapon is incapable of firing. If I was to use my left hand and grab it, so I've got my right hand on my weapon, I am now reaching past the window and I've got a potential armed subject who has now got my back.¹⁵⁶

- 9.76 The window did not break, despite S111 taking three attempts. W80 said to S111 “*push on, I've got it*”.¹⁵⁷ S111 understood that W80 meant “*I will take that door, you push on to the rear doors, I will deal with this*”.¹⁵⁸ W80 explained that by telling S111 to “*push on*” he had wanted to tell S111 to “*get some vision into the rear of the vehicle*”.¹⁵⁹ S111 then turned his attention to the rear passenger door, moving past it, and did not watch W80 further.

Opening the door next to Mr Baker and firing on him

- 9.77 Having seen S111 fail to break the window, W80 did not try.¹⁶⁰ He opened the front passenger door. W80 was aware that S111 had “*moved down towards the rear of the vehicle*”, but he had “*sort of lost sight of him*”.¹⁶¹
- 9.78 W80 was shown a photograph (Figure 10) taken during the Inquiry reconstruction,¹⁶² confirming that it did properly represent the view which he had into the Audi mission vehicle.¹⁶³

154 [S111 14 July 2021 48/6-9](#)

155 [S111 14 July 2021 49/10-14](#)

156 [S111 14 July 2021 53/4-11](#)

157 [S111 14 July 2021 64/13-15](#)

158 [S111 14 July 2021 64/14-15](#)

159 [W80 20 July 2021 138/25-139/1](#)

160 [W80 20 July 2021 139/3-8](#)

161 [W80 20 July 2021 139/14-15](#)

162 In respect of the reconstruction more generally, see Chapter 10

163 [W80 20 July 2021 142/10-13](#)

Figure 10: Photograph representing an approximation of the view that W80 had into the Audi mission vehicle at the moment he fired his weapon, as set out in the joint report of the Inquiry's three experts received on 4 June 2021



9.79 A second photograph (Figure 11), seen by W80 in evidence,¹⁶⁴ shows the position from the reconstruction where W80 was standing, relative to the two vehicles.

Figure 11: Photographic representation of W80's approximate position at the moment he fired his weapon, as set out in the joint report of the Inquiry's three experts received on 4 June 2021



- 9.80 W80 described that he repeatedly shouted for Mr Baker to put his hands on the dashboard and that Mr Baker did not do so. W80 decided to fire on Mr Baker. Before shooting Mr Baker, W80 said that he did not have the opportunity to take aim but he could see that his laser was pointing to Mr Baker's upper body mass.¹⁶⁵
- 9.81 W80 fired his weapon only once. He gave evidence that he reassessed the threat after firing the first shot, consistently with his training.¹⁶⁶
- 9.82 Having fired his weapon, W80 saw that Mr Baker's *"hands dropped pretty much straight away"*. He knew that his shot had hit Mr Baker.¹⁶⁷
- 9.83 R116, who had come to be standing behind W80, then instructed W80 to get Mr Baker out of the Audi mission vehicle.¹⁶⁸ The events that followed, and the efforts to save Mr Baker's life, are considered in Chapter 10.
- 9.84 Mr Baker was wearing a "man bag" (a small cross-body bag over his shoulder), but there was no gun in it, real or imitation. There was an imitation firearm in the rear of the car in the footwell. This was *"an Uzi sub-machine gun in the footwell behind the driver's seat. This is a very distinctively shaped weapon, was all black in colour and was positioned stock down, barrel up, slightly inclined towards the centre console. It had a small folding foregrip which was already in the down position."*¹⁶⁹
- 9.85 There is no evidence or suggestion that Mr Baker had the imitation firearm at the time that he was shot by W80. Nor is there any evidence or suggestion that W80 saw this imitation firearm before discharging his weapon. In truth, there was one firearm in the Audi mission vehicle; it was an imitation Uzi sub-machine gun and it was not in the physical possession of any of the three suspects at any material time.
- 9.86 A significant question of fact which falls to be determined is whether Mr Baker was asleep at the time that officers began the extraction. I am confident that Mr Baker was not asleep. I have reached that conclusion by particular reference to two pieces of evidence:
- a. First, immediately before the first sounds of police activity are heard on the audio recording, there is a conversation involving all three subjects, each speaking within a few seconds of one another.¹⁷⁰
 - b. Second, Cihan Eren, an associate of the Erens, warned Mr Mason not to go to sleep, during a telephone call around 08:07.¹⁷¹ Mr Mason and his "team" would have been keen to heed that warning.
- 9.87 I return to the question of whether Mr Baker was lawfully killed in Chapter 13.

165 [W80 20 July 2021 150/14-25](#)

166 [W80 20 July 2021 152/5-13](#)

167 [W80 20 July 2021 159/4-5](#)

168 [W80 20 July 2021 159/6-15](#)

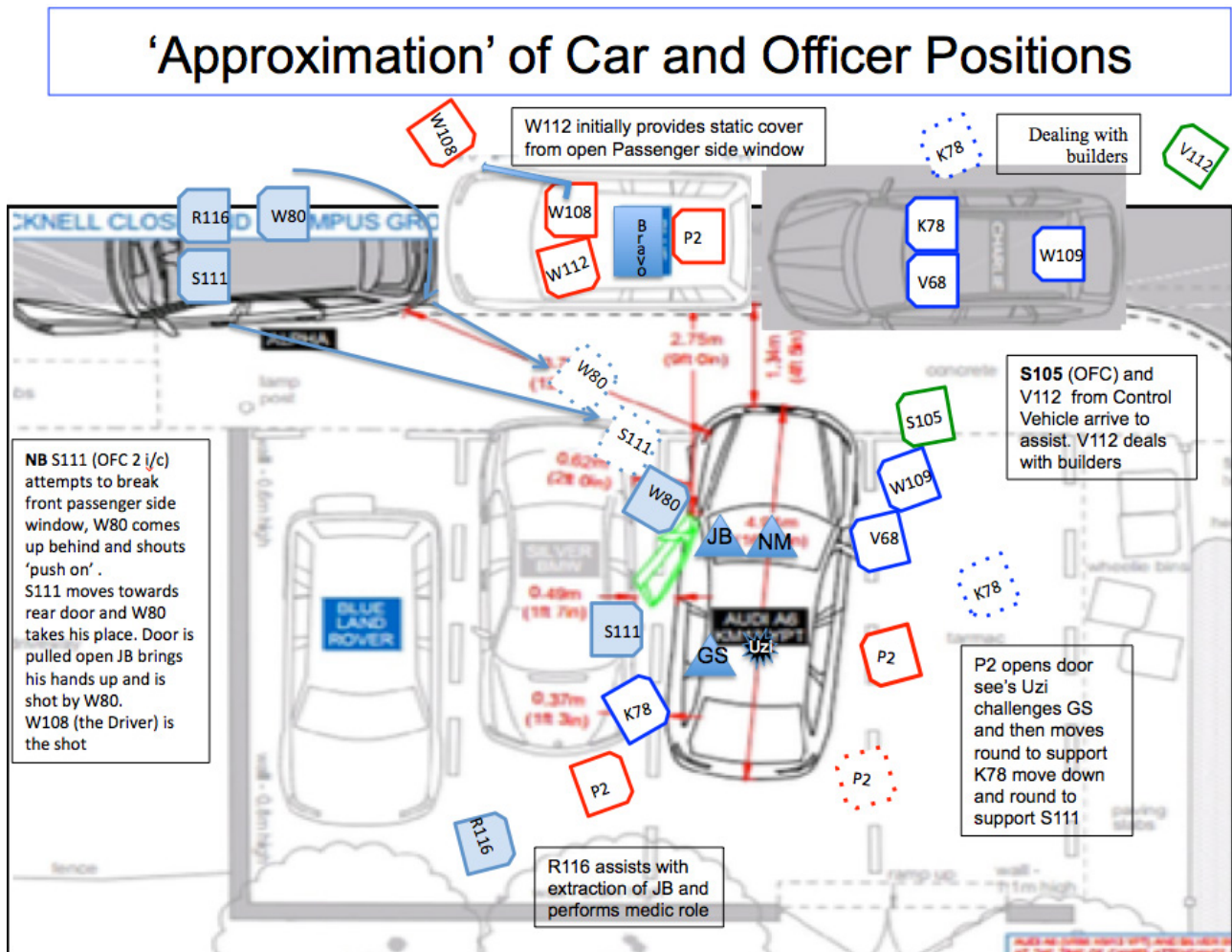
169 [P2 13 July 2021 117/8-20](#)

170 [IPC0000281_021](#)

171 [Nathan Mason 13 July 2021 216/3-6](#)

The other occupants of the Audi mission vehicle

Figure 12: Image portraying the approximate positions, movements and actions of the MPS officers and vehicles during the operation



9.88 V68 described his actions when he reached the Audi mission vehicle. He was first to the driver's door; he tried once to smash the window with his gun and, like S111, had no life hammer with him.¹⁷² There was one in the car but he had not taken it with him, because even though he believed the windows to be steamed up, that could quickly change, and he preferred the option that enabled him to keep both hands on his weapon, even though this could damage the muzzle or result in an accidental discharge.¹⁷³ If V68 had the hammer with him, he would have used it.¹⁷⁴

9.89 Having failed with one effort to smash the window, he tried to and did open the driver's door. It was not locked.¹⁷⁵ V68 shouted at Mr Mason "keep your hands where I can see them".¹⁷⁶ Mr Mason's hands were on the steering wheel, within view.¹⁷⁷

172 [V68 14 July 2021 147/6-10](#)
 173 [V68 14 July 2021 149/4-150/9](#)
 174 [V68 14 July 2021 149/18-22](#)
 175 [V68 14 July 2021 150/13-15](#)
 176 [V68 14 July 2021 152/7](#)
 177 [V68 14 July 2021 152/11-15](#)

- 9.90 V68 recognised that it was a priority to get the driver, Mr Mason, from the Audi mission vehicle to reduce the risk of the Audi mission vehicle being used as a weapon or for an escape.¹⁷⁸ V68 grabbed Mr Mason by the shoulder and dragged him out of the car, with one hand. Throughout this, V68 kept his second hand on his weapon, performed a “dual role”, providing cover and carrying out the extraction.¹⁷⁹ He did not know if other officers, including W109 (rear passenger in the Charlie car) and S105, were near enough and providing cover,¹⁸⁰ although W109 confirmed in evidence that she did have firearms cover throughout this time.¹⁸¹
- 9.91 When W112 saw that officers had approached the doors of the Audi mission vehicle, he recognised that his role in providing static cover was “redundant”¹⁸² and got out of his car and approached officers who were restraining Mr Mason on the floor. W112 struck Mr Mason with his knee, to Mr Mason’s ribs.¹⁸³ W112 continued to use force on Mr Mason who, said W112, was not complying with instructions to “stop resisting”.¹⁸⁴ W112 believed that Mr Mason may be in possession of a live firearm.¹⁸⁵ V68, with help from other officers, restrained Mr Mason on the floor. This necessitated the use of a distraction strike from W109, too.¹⁸⁶
- 9.92 P2 opened the rear door on the driver’s side and saw the imitation firearm. He pointed his weapon at the rear passenger, Mr Sogucakli, and told him to put his hands on his head. P2 said that Mr Sogucakli did so.¹⁸⁷ This evidence informs my analysis of what S111 saw the same subject do.
- 9.93 S111 opened the rear passenger door. He did not attempt to break the window before doing so, because he believed that the value of “shock and awe” had been lost by that point.¹⁸⁸ The door was unlocked.¹⁸⁹
- 9.94 He could see both of Mr Sogucakli’s hands, following which Mr Sogucakli sat back in his seat and raised his hands towards his chest, taking them out of sight of S111. S111 thought “*he may have been going for something in or around his chest area, out of my vision*” but, in any event, “*He wasn’t doing what I wanted him to do*”.¹⁹⁰ S111 stated that the only words he used to Mr Sogucakli were “armed police”,¹⁹¹ but he expected him to act in a certain way on hearing that command:

*Make sure your hands don’t leave my sight, no sudden movements, because if I think you are making a sudden movement, I am going to think you are going for something that you shouldn’t be going for.*¹⁹²

178 [V68 14 July 2021 152/18-153/1](#)
 179 [V68 14 July 2021 153/3-154/2](#)
 180 [V68 14 July 2021 153/18](#)
 181 [W109 14 July 2021 199/24-200/1](#)
 182 [W112 13 July 2021 62/9-12](#)
 183 [W112 13 July 2021 62/15-18](#)
 184 [W112 13 July 2021 65/5-7](#)
 185 [W112 13 July 2021 64/7-10](#)
 186 [W109 14 July 2021 200/11](#)
 187 [P2 13 July 2021 118/1-7](#)
 188 [S111 14 July 2021 65/2-66/5](#)
 189 [S111 14 July 2021 66/6-7](#)
 190 [S111 14 July 2021 68/22-24](#)
 191 [S111 14 July 2021 69/19-20](#)
 192 [S111 14 July 2021 69/8-11](#)

9.95 Counsel to the Inquiry asked S111 the following question:

Q. Did you understand this man's raising of his arms to be a sign of compliance, did you understand it to be threatening or did you understand it to be something else?

A. I understood it to be something else. I think he wouldn't put his hands up, because I hadn't told him to do that, although ... a lot of people do put their hands up immediately, I thought his sitting back in the seat and bringing his hands out of my view was he wanted to be out of my view for a particular reason.¹⁹³

9.96 S111 thought he was on his own,¹⁹⁴ although it appears now that P2 had firearms cover from the other side of the Audi mission vehicle. S111 felt that he had to get Mr Sogucakli out of the car, hearing W80's shot and believing it to be a Hatton round and accordingly an indication that the driver might be trying to ram his way out of the situation.¹⁹⁵ He took immediate action:

*I reached in around about his head and throat area with my left hand, because obviously my right hand was still with my weapon. I have then grabbed him, pulled him out, because if you kind of grab the head and pull it out, the rest of the body tends to follow in the same direction, rather than try and pull an arm out which they can fight against. So if you pull the head the rest of the body will follow, and then pulled him out of the car and on to the floor towards the rear of the car.*¹⁹⁶

9.97 Throughout this manoeuvre, S111 had his hand on his weapon, but his finger was not on the trigger.¹⁹⁷ Mr Sogucakli fell to the floor. He had a hand under his body, and S111 feared "that he may have gone for a firearm or any other weapon",¹⁹⁸ which led to S111 striking him two or three times. He got control of one hand and put him in a wrist and shoulder lock. Mr Sogucakli's hands had been out of sight.¹⁹⁹ S111 did not consider discharging his firearm.²⁰⁰

9.98 P2 assisted with that extraction, taking his left arm and striking Mr Sogucakli's shoulder with his knee.²⁰¹

9.99 Counsel for Mr Baker's family drew the Inquiry's attention to and relied upon S111's reaction and the fact that, despite Mr Sogucakli's failure to comply with his instructions, S111 did not shoot him.

9.100 True it is that that S111 and W80 did indeed react differently, but there is no predetermined response to a situation such as that with which S111 and W80 were confronted. It is simply a fact to be weighed in the balance. But by inference, S111 felt in that moment that had Mr Sogucakli produced a weapon from behind his back, he would have been able to react. W80 felt differently, and although one must avoid the risk of being over-analytical, Mr Baker's hands according to W80 were going to the very place in which he had reason to believe that there might be a gun.

193 [S111 14 July 2021 70/20-71/4](#)

194 [S111 14 July 2021 72/1-3](#)

195 [S111 14 July 2021 71/11-25](#)

196 [S111 14 July 2021 72/5-13](#)

197 [S111 14 July 2021 72/17-22](#)

198 [S111 14 July 2021 72/25-73/5](#)

199 [S111 14 July 2021 73/11-14](#)

200 [S111 14 July 2021 80/4-6](#)

201 [P2 13 July 2021 119/2-8](#)

- 9.101 In a perfect world, a CTSFO might well wait until he had seen a gun pointed at him, or simply until he saw a gun before firing a shot. But the way in which one man reacts to a similar but not identical situation is no more than one of many factors to take into account in determining whether W80 honestly believed that his life was in imminent danger. I cannot decide the crucial issue of what W80 should or should not have done, by reference to the response of another man facing a similar but not identical situation.
- 9.102 The fact is, however, that reaction is subjective and, in my judgement, depends on an individual's perception of the actions of another and his understanding of the situation with which he is confronted. The fact that S111 did not shoot Mr Sogucakli is no more supportive of the suggestion that W80 acted in the absence of an honest and/or reasonable belief than a split-second decision by S111 to shoot Mr Sogucakli would have supported the honesty and/or reasonableness of W80's belief when he shot Mr Baker.

Use of language

- 9.103 There are two distinct issues that came out in the evidence: first, the use of swearing or profane language; and second, the use by different officers of conflicting instructions.
- 9.104 A number of officers used commands that involved swearing. Mr Arundale gave evidence that this raises "*a lot of interesting questions*" as to whether it is a cultural response, or a stress response, and as to whether CTSFOs would use the same language in training.²⁰² The experts shared a view that language "*should be carefully thought out and it should be a tactical response by the officers*" accepting "*that an appropriately used word in conjunction with the use of force can potentially lead to a positive outcome*" but "*it should be designed*".²⁰³
- 9.105 I do not consider that profanity is a cause for concern. Nor do I think that our serving police officers in the 21st century need to be too concerned about their choice of language in moments of heightened stress. However, I do share the conclusions of Mr Arundale and Mr Burrows that, wherever possible, use of language should be designed rather than haphazard. Dominating language is itself a valuable use of force that officers have at their disposal and should not be underestimated.
- 9.106 As to the second issue, W109 gave evidence that showed an understanding of the issue that concerns me. W109 said that, while running towards the car, "*I would be shouting [armed police] because ... we would want to shout 'armed police' so that everyone was aware they were being closed down by armed police, as opposed to a fellow gang.*"²⁰⁴ When W109 got to the car, she then shouted "*show me your hands*". She was asked why she chose those words rather than something like "*hands up, stay still*" or another command:

*I don't want to overcomplicate it, I just want to see their hands so that I can see they are not on any kind of weapon, which they would obviously use to operate, so I just want to see their hands.*²⁰⁵

202 [Ian Arundale and Colin Burrows 21 July 2021 221/19-23](#)

203 [Ian Arundale and Colin Burrows 21 July 2021 222/1-9](#)

204 [W109 14 July 2021 196/16-20](#)

205 [W109 14 July 2021 196/24-197/6](#)

9.107 W109 was then asked whether there was any attempt between officers to ensure that commands were given consistently:

*I mean in training we will – we will shout commands ... showing hands etc but it is personal preference at that immediate point, because you don't know what you are going to come up against, so it will be your assessment and what you feel is needed at that point.*²⁰⁶

9.108 W109's points were fair and well made. If officers give anything but short and clear instructions, there is a real risk that, in a noisy and stressful situation, suspects will fail to hear or follow them properly. This could lead to an officer wrongly believing that a suspect has wilfully ignored or disobeyed the order, which in turn could lead to the use of unnecessary force.

9.109 However, the same risk can arise if diverse instructions are given by multiple officers, either to the same suspect or different suspects in close proximity to one another. If one suspect is told to put his hands up, and another simultaneously told to put his hands on the dashboard, then it is foreseeable that the suspects will follow the wrong instructions. Precisely that happened with P2, S111 and Mr Sogucakli, as can be seen above. P2 told Mr Sogucakli to put his hands on his head,²⁰⁷ and S111, who appears not to have heard P2's command, formed the view that Mr Sogucakli raised his arms intentionally to put them out of S111's view.²⁰⁸

9.110 However, the counter-balance is that it is unrealistic for officers to predetermine with certainty the instructions that they will give, because nobody knows how the suspect will act and how the scenario will develop. Inflexibility could itself increase risk.

9.111 When approaching vehicles or suspects, I consider that a straightforward shout of "armed police" is preferable. I can see no reason that officers should not be trained to use those two words, rather than more complicated phrases designed to convey the same message. "Armed police" is brief, clear, unequivocal, easily understood and to the point.

9.112 As to what should be said as the scenario unfolds, the scope of this Inquiry does not enable me to give clear guidance or to make a recommendation as to what should or should not be said, but I would encourage short, sharp instructions from all engaged in the apprehension of suspects, to be considered in advance wherever possible.

206 [W109 14 July 2021 197/11-16](#)

207 [P2 13 July 2021 118/1-7](#)

208 [S111 14 July 2021 71/2-4](#)

Chapter 10: After the fatal shot

Provision of emergency medical treatment

10.1 Before addressing the facts of Mr Baker’s emergency medical treatment in detail, I will set out the relevant timeline of the key events:¹

Time	Event
09:02	Mr Baker is shot by W80. Police officers provided immediate medical care.
09:03	The MPS requests assistance from the London Ambulance Service (LAS) by way of electronic message between their control rooms. ²
09:09	The Helicopter Emergency Medical Service (HEMS) team begins to respond. ³
09:12	The first LAS unit arrives on scene. ⁴
09:13	The HEMS helicopter is airborne. ⁵
09:19	The HEMS helicopter lands near scene. ⁶
09:22	The HEMS team arrives on scene. ⁷
09:39	Mr Baker is pronounced life extinct by Dr Danny Sharpe. ⁸

Police medics

10.2 Among the CTSFOs deployed on 11 December 2015 were a number of trained CTSFO “medics”. These are officers who have undergone a higher level of medical training than other CTSFOs,⁹ including in the use of specific equipment, which they carry on their person and in their vehicles.

1 Although the time of some of the events in this table is known to the second, for example where it concerns an electronic communication, for consistency all events have been recorded to the same degree of precision

2 [MPS0000474_003](#)

3 [LAA0000003_001](#)

4 [Amanda Dunwell 26 July 2021 3/23-25](#)

5 [LAA0000001_002](#)

6 [Danny Sharpe 26 July 2021 14/17-22](#)

7 [LAA0000003_001](#)

8 [Danny Sharpe 26 July 2021 20/17-19](#)

9 [S105 30 June 2021 137/9-19](#)

- 10.3** CTSFO medics undergo two weeks' initial intensive training.¹⁰ They are then expected to be ready, during operations, to go from carrying out firearms duties to providing medical care. For example, W112 was a CTSFO medic and knew that he was “*going into a potentially dangerous situation*” during Operation Ankaa and chose to put medical gloves under his tactical gloves at the start of the operation so that he could act quickly if required.¹¹
- 10.4** R116 was also a CTSFO medic who, in common with others, undertook regular refresher training. In fact, at the time of the operation, his most recent training was on 19 November 2015.¹² He had previously provided first aid in respect of gunshot wounds in, he thought, more than 30 instances.¹³
- 10.5** After W80 shot Mr Baker, R116 continued to keep his firearm pointing towards Mr Baker until R116 had moved around the Audi mission vehicle. At this point, R116 was satisfied that another officer had firearms cover on Mr Baker, and he put his firearm away. R116 confirmed that the provision of firearms cover did not slow him down in giving treatment to Mr Baker.¹⁴
- 10.6** R116 described then leaning into the car to extract Mr Baker. He would normally place a casualty directly on the floor next to the vehicle, but this was not possible given the position of the adjacent car, so he pulled Mr Baker into more open space. While doing so he shouted “*medic*”, so as to get assistance from colleagues. He placed Mr Baker in front of the Audi mission vehicle on the floor and carried out a primary survey for entry and exit wounds, finding a wound just above Mr Baker’s sternum, on his chest. Blood was “*pulsing*” from the wound, and he put his hand over it to apply direct pressure.¹⁵
- 10.7** S111 saw that Mr Baker was lying face up on the floor and had a balaclava pulled down over his face. He saw that R116 had his hand pressed at the top of Mr Baker’s chest or the lower end of this throat.¹⁶ W112 helped by applying further pressure to the area.¹⁷
- 10.8** R116 requested and received police medic packs. He directed his colleagues to cut and remove Mr Baker’s clothing and to put an oxygen mask on him. Once Mr Baker’s clothes had been removed, R116 looked again for an exit wound on Mr Baker’s back but could not find one. W112 did note a further injury, to Mr Baker’s left wrist, although that was producing little blood.¹⁸
- 10.9** Mr Baker was responsive and able to talk in a limited way at this time. He said that his name was “*Jermaine*” and that he was allergic to penicillin.¹⁹
- 10.10** The officers put an Asherman Chest Seal on the wound on Mr Baker’s chest. That is a round seal for chest wounds, which creates a one-way valve. It allows air to escape the chest without risk of re-entry.²⁰

10 [W112 13 July 2021 21/13-22/3](#)

11 [W112 13 July 2021 68/1-15](#)

12 [R116 15 July 2021 4/20-5/1](#)

13 [R116 15 July 2021 80/15-22](#)

14 [R116 15 July 2021 77/1-9](#)

15 [R116 15 July 2021 78/21-80/22](#)

16 [S111 14 July 2021 89/17-20](#)

17 [W112 13 July 2021 69/9-24](#)

18 [W112 13 July 2021 72/23-25](#)

19 [W112 13 July 2021 70/3-6](#)

20 [S111 14 July 2021 90/5-25](#)

- 10.11 The Asherman Chest Seal did not work. S111 said that this was because it needs to adhere to dry skin but “*there was just too much blood coming from Jermaine’s chest*”.²¹ The officers then tried a Russell Chest Seal, which is similar but rectangular or square. Although the officers “*profusely*” dried Mr Baker’s chest before applying the seal, as soon as R116 removed his hand, the blood reappeared. The second seal just would not stick.²² The blood was “*free flowing*”.²³
- 10.12 The officers also tried unsuccessfully to insert an oro-pharyngeal airway, to keep Mr Baker’s tongue away from the back of his mouth.²⁴
- 10.13 With neither chest seal working effectively, the officers used a Celox Gauze to try and pack the wound and to stop it from bleeding. Celox is a haemostatic agent, which shortens the length of time that blood takes to clot. S111 applied this. Once the gauze was in position, blood did stop coming from Mr Baker’s body but S111 thought “*that was because there was very little left*”.²⁵
- 10.14 At some time, R116 and W112 commenced cardiopulmonary resuscitation (CPR) on Mr Baker. R116 recalled this as being when Mr Baker became unresponsive, after the application of the chest seals.²⁶ His breathing had become slow and laboured. W112 recognised that this indicated that it was a very serious situation.²⁷ Although the officers had been talking to Mr Baker to reassure him and telling him to keep his eyes open, he was not able to do so.²⁸ W112 later relieved R116 from performing CPR.²⁹

London Ambulance Service and Helicopter Emergency Medical Service

- 10.15 A request for assistance was sent by the MPS to the LAS at 09:03:52, reporting that a man had gunshot wounds and that he was conscious and breathing.³⁰
- 10.16 Medical units responded on blue lights in vehicles and by helicopter but were told to “*hold back*” until the LAS control room knew that police said it was safe for the LAS to arrive.³¹
- 10.17 The first LAS unit arrived on scene at 09:12. This was ambulance call sign H102, with senior paramedic Amanda Dunwell driving, and carrying apprentice paramedic Sam Skillin.³²
- 10.18 R116 gave a handover briefing to the LAS unit upon its arrival.³³ The paramedics were informed that Mr Baker had a gunshot wound to his neck and a probable exit wound to his left wrist, which had been dressed with a bandage.³⁴

21 [S111 14 July 2021 91/7-11](#)

22 [S111 14 July 2021 91/6-21](#)

23 [W112 13 July 2021 70/14](#)

24 [S111 14 July 2021 92/1-14](#)

25 [S111 14 July 2021 93/16-17](#)

26 [R116 15 July 2021 82/21-83/17](#)

27 [W112 13 July 2021 71/9-12](#)

28 [R116 15 July 2021 83/7-13, 86/8-10](#)

29 [R116 15 July 2021 84/8-9](#)

30 [MPS0000474_004](#)

31 [Amanda Dunwell 26 July 2021 3/5-15](#)

32 [Amanda Dunwell 26 July 2021 2/17-3/25](#)

33 [R116 15 July 2021 84/25-85/2](#)

34 [Amanda Dunwell 26 July 2021 5/23-6/1](#)

- 10.19** The paramedics saw Mr Baker on the floor, with officers kneeling and standing around him. CPR was being performed, and he had a 100 per cent oxygen mask fitted over his nose and mouth. There was a large pool of blood to Mr Baker’s right side.
- 10.20** Ms Dunwell gave evidence that Mr Baker was taking agonal breaths, which she described as “*a brain-stem reflex in someone in cardiac arrest*” and “*not effective respirations*” but rather “*just gasping breaths of a dying person*”.³⁵
- 10.21** Mr Skillin took over the management of Mr Baker’s airway, initially with a bag valve mask. The paramedics used a supraglottic airway, which is an airway that sits above the trachea and allows for the delivery of artificial ventilations. Finally, Ms Dunwell attempted to gain intraosseous access to the bone marrow in the lower leg.³⁶ The drill failed, and this was not possible. Neither was it possible to gain intravenous access because Mr Baker had already lost so much blood.³⁷
- 10.22** Carmel Walling, an LAS incident response officer, then arrived. She attempted to gain intravenous access. Ms Dunwell performed an endotracheal intubation.^{38 39}
- 10.23** The paramedics took an End Tidal carbon dioxide (EtCO₂) reading, which was 1.1kPa. This indicated to them that Mr Baker had a very low circulating blood volume.⁴⁰ Mr Skillin recorded that Mr Baker had a Glasgow Coma Scale (GCS) score of 3. This is the lowest on the scale, meaning that Mr Baker had no motor response, no verbal response and no eye movement.⁴¹
- 10.24** The HEMS team included Dr Sharpe, LAS paramedic Clare Brady and a visiting medical observer, Dr Ryan Newberry. They had travelled by helicopter, before being carried in a police car for the final stretch of the journey from their landing site.⁴²
- 10.25** The HEMS team arrived as Ms Dunwell was carrying out the intubation.⁴³ They performed a thoracotomy,⁴⁴ internal cardiac massage and direct blood transfusion while Ms Dunwell continued with the ventilations.⁴⁵
- 10.26** Dr Sharpe opened Mr Baker’s pericardial sac⁴⁶ so as to examine the surface of the heart and, if necessary, relieve a tamponade.⁴⁷ He saw that there was no injury to Mr Baker’s heart and therefore the removal of the heart from the pericardial sack did not reverse the problem. He observed the heart and saw there was no cardiac activity. He then saw a single

35 [Amanda Dunwell 26 July 2021 5/10-12](#)

36 Access to the bone provides a non-collapsible entry point into the systemic venous system

37 [Amanda Dunwell 26 July 2021 6/15-7/17](#)

38 A medical procedure in which a tube is placed into the windpipe (trachea) through the mouth or nose

39 [Amanda Dunwell 26 July 2021 8/7-13](#)

40 [Amanda Dunwell 26 July 2021 8/14-23](#)

41 [Amanda Dunwell 26 July 2021 9/4-13](#)

42 [S111 14 July 2021 9/5/7-11](#)

43 [Amanda Dunwell 26 July 2021 9/14-16](#)

44 A surgical procedure in which a cut is made between the ribs to see and reach the lungs or other organs in the chest

45 [Amanda Dunwell 26 July 2021 9/17-23](#)

46 A double-walled sac containing the heart

47 Compression of the heart due to fluid build-up in the sac surrounding the heart

beat of the heart, which indicated that he should commence cardiac massage. He did do so. He then transfused blood directly into the heart because Mr Baker had lost too much blood to enable a needle to be inserted into a vein.

10.27 This did not improve Mr Baker's clinical condition at all. Dr Sharpe examined Mr Baker and saw a bullet track in an area of his chest which could not be repaired.

10.28 Dr Sharpe decided to cease treatment because (a) Mr Baker had shown no clinical improvement and (b) the wound was not repairable. He pronounced Mr Baker's life extinct at 09:39.⁴⁸

Quality of medical care

10.29 Professor Richard M. Lyon MBE was instructed by the Inquiry as an independent expert in pre-hospital medical care. His report, from which sections were read in evidence, included the following conclusions:

- a. The police officers adopted a systematic approach to caring for Mr Baker. The care provided by the police officers on scene was appropriate and of the standard expected of serving firearms police officers in 2015.
- b. The first-response medical equipment available to the MPS officers should be commended.
- c. From the injuries that Mr Baker sustained, it would not have been possible to control the degree of haemorrhage purely with external compression, and it would not have been possible to prevent his death once these injuries had been sustained.
- d. There was nothing further the police officers could have done to prevent Mr Baker from going into traumatic cardiac arrest.
- e. The response of LAS was rapid, as was the attendance of HEMS.
- f. The EtCO₂ level at the time of intubation indicated that Mr Baker had already lost a significant amount of his circulating volume of blood.
- g. The medical care provided by the LAS paramedics was appropriate and of an expected standard of care, as was the care provided by HEMS.
- h. The chance of survival from traumatic cardiac arrest is known to be very poor. Those suffering exsanguination, as in the case of Mr Baker, have a particularly poor survival rate.
- i. The survival rate for patients who underwent a pre-hospital resuscitative thoracotomy following a gunshot would be less than 1 per cent.
- j. Every attempt was made to resuscitate Mr Baker, but his injuries were catastrophic and there was nothing that could have been done to prevent his death.⁴⁹

48 Danny Sharpe 26 July 2021 18/14-20/19

49 Richard Lyon 26 July 2021 25/22-32/24

10.30 Professor Lyon made a single recommendation:

Whilst chest seals have an important role to play in the treatment of penetrating chest trauma, I would recommend that police medic training emphasises that in cases of catastrophic external torso haemorrhage, the immediate action is to apply direct pressure and then progress directly to using haemostatic gauze. The application of a chest seal will not stop catastrophic haemorrhage. Continued direct pressure and the use of trauma and haemostatic dressings are the primary treatments. Chest seals should only be used where there is no evidence of ongoing catastrophic haemorrhage. In my opinion, earlier use of haemostatic dressings would not have changed Mr Baker's outcome.⁵⁰

10.31 It would be remiss to move on from this topic, without expressing my appreciation and, I believe, that of Mr Baker's family, for the wholly professional way in which the various agencies referred to above attempted to deal with Mr Baker's catastrophic and, I believe, inevitably fatal injuries. Furthermore, whatever the rights and wrongs of the operation in the course of which Mr Baker was shot, there can be no – nor has there been any – criticism of the valiant efforts made by MPS CTSFOs to save his life.

Pathology and forensic evidence

10.32 Dr Charlotte Randall, a Home Office forensic pathologist, performed a post-mortem examination on Mr Baker. Those present included Khaldoun Kabbani, a forensic consultant specialising in ballistic crime scenes and associated forensic disciplines. Both Dr Randall and Mr Kabbani gave evidence to the Inquiry, sharing the witness box together with Adam Brooks. Mr Brooks is a consultant general surgeon who was instructed on behalf of W80.

10.33 The three expert witnesses together carried out a reconstruction of the shooting and produced a joint report with Stephen Harrington, a blood pattern analysis expert, highlighting where their opinions differed.

10.34 Their opinion evidence is intended to assist me in understanding how the evidence of certain facts can and should be interpreted. The experts provided their opinions on a range of possible scenarios in which Mr Baker could have been shot by W80, including the position of Mr Baker and W80 at the time the shot was fired. In their evidence, they agreed that more than one factual scenario was possible, and they could not rule out any particular scenario. I have taken their opinions into account together with my own assessment and conclusions of the evidence given by W80. Although I have considered the evidence of the three expert witnesses, I have not reached any significant conclusions on their evidence alone.

10.35 It is not necessary for me to repeat the findings of Dr Randall's post-mortem report in detail. Her report was impressive and appropriately comprehensive, but the material facts for the purpose of this Report are few. She saw an elliptical gunshot entrance wound measuring 2 by 3.8 centimetres at the front of the lower part of Mr Baker's neck, centred in the midline directly above the suprasternal notch.⁵¹ The wound had a rim of abrasion measuring up to 0.4 centimetres at the lower margin, and its edges were ragged.⁵²

⁵⁰ [Richard Lyon 26 July 2021 33/5-17](#)

⁵¹ [Charlotte Randall 27 July 2021 11/16-22](#); the suprasternal notch is the dip at the base of the neck

⁵² [Charlotte Randall 27 July 2021 12/3-7](#)

- 10.36** A silver and copper coloured bullet was retrieved from directly below the skin on the back of Mr Baker’s right shoulder.⁵³ Dr Randall also saw a shored exit wound⁵⁴ on Mr Baker’s back, indicating that the bullet had attempted to come through the skin but was not able to do so, because the skin was supported by an object.⁵⁵
- 10.37** Dr Randall concluded that the bullet track passed from left to right, front to back and almost horizontally.⁵⁶
- 10.38** Dr Randall also noted a gunshot wound on the anterior aspect of Mr Baker’s left wrist. This was a v-shaped laceration over an area 4.5 by 6.5 centimetres wide. This was a probable gunshot entrance wound, indicating that probably the bullet passed through muscle of the lower forearm and wrist.⁵⁷
- 10.39** Dr Randall’s conclusions were that:
- a. Mr Baker’s death was due to a gunshot wound to the neck. The bullet track had torn major blood vessels on the left side of the neck and would have resulted in a significant amount of blood loss. This on its own was a significant life-threatening injury and would have led fairly rapidly to unconsciousness followed by his death.
 - b. A second gunshot wound was noted on the front of the left wrist and its appearance suggested that a bullet had glanced across the front of the lower arm causing superficial damages to the muscles and tendons in this region. The bullet track had also torn the artery of the wrist and this would have bled heavily without prompt medical intervention. It would therefore have contributed to the blood loss from his neck injury and ultimately his death.
 - c. It is highly likely that these two wounds represent the path of one bullet; however, the possibility that more than one bullet was fired cannot be completely excluded. Both bullet wounds taken in context would indicate that Mr Baker’s left arm was raised at the time that he was fatally injured.
 - d. It is not possible to say whether Mr Baker was in a seated or standing position at the time he was shot, but the pathological evidence indicates that the body was supported from behind by a firm object, such as a car seat.
 - e. There were no marks or residues on the skin to indicate the range of fire.⁵⁸
- 10.40** She gave the cause of death as “*1A gunshot wound to the neck*”.⁵⁹
- 10.41** Mr Kabbani had examined the imitation firearm at the scene. He confirmed it to be a “*Taiwanese 4.5-millimetre steel BB air weapon firing pistol*” that looked like an Uzi sub-machine gun.⁶⁰

53 [Charlotte Randall 27 July 2021 13/15-17](#)

54 An exit wound that has an altered appearance due to clothing or other support

55 [Charlotte Randall 27 July 2021 15/1-9](#)

56 [Charlotte Randall 27 July 2021 13/1-7](#)

57 [Charlotte Randall 27 July 2021 15/14-16/16](#)

58 [Charlotte Randall 27 July 2021 17/23-20/23](#)

59 [Charlotte Randall 27 July 2021 21/15-17](#)

60 [Khaldoun Kabbani 27 July 2021 25/7-11](#)

- 10.42** He also confirmed that the device that W80 had fired was an “*American SIG Sauer model MCCX.223 REM 5 by 5.6 x 45 millimetre self-loading tactical rifle*”, with one magazine.⁶¹ It was in working order and functioned normally upon testing.⁶² It was fitted with an Aimpoint Micro T1 red dot sight, a tactical foregrip, a rail-mounted TLR-2 HLG tactical light and laser pointer.⁶³
- 10.43** Mr Kabbani examined Mr Baker’s watch, which was recovered from the car. His findings were consistent with the watch having been on Mr Baker’s wrist when it was struck by a bullet, snapping the strap of the watch from the lugholes.⁶⁴
- 10.44** Mr Baker had been wearing a bag (described as a “man bag”, or a small cross-body bag over his shoulder) when he was shot. Mr Kabbani examined the back of the bag, which had damage to the strap. The damage was, according to Mr Kabbani, consistent with the bag being worn on either side of Mr Baker’s body when the shot was fired, with the strap being over the head and under the arm.⁶⁵
- 10.45** Mr Kabbani went on to say the following, which I quote verbatim because of its importance:

As a result of my attendance, examination and evaluation of the post-mortem and scene, and my examination of the items above, I have made the following observations and drawn the following conclusions. The above findings are consistent with one shot from the rifle AAB/01 being fired towards Jermaine Baker with his left wrist raised approximately to the level of his neck. The trajectory was front to back, left to right, and approximately horizontal with respect to the body.

The findings are also consistent with the damage to Jermaine Baker’s left cuff being shot from a close range of less than 50 centimetres.

The breakage of the watch parts is consistent with the expansion of the wrist as a consequence of a temporary cavity created by the passage of a high-velocity round, such as the bullet recovered from the deceased, through the wrist.⁶⁶

- 10.46** Mr Brooks explained his opinion that there were “*alternative plausible scenarios*” to the hypothesis that Mr Baker had raised his left arm as if to “*surrender*”. One was that Mr Baker was moving as he was struck, rotating his torso away from W80.⁶⁷
- 10.47** Each of the three experts agreed on the following points:
- a. The passenger seat position and rake of the seat back.
 - b. W80 was standing between the two vehicles and behind the open Audi mission vehicle’s door.
 - c. The muzzle of the tactical rifle was inside the Audi mission vehicle between the open door and the A pillar.

61 [Khalidoun Kabbani 27 July 2021 29/12-17](#)

62 [Khalidoun Kabbani 27 July 2021 30/8-12](#)

63 [Khalidoun Kabbani 27 July 2021 32/12-18](#)

64 [Khalidoun Kabbani 27 July 2021 34/23-35/22](#)

65 [Khalidoun Kabbani 27 July 2021 39/4-10](#)

66 [Khalidoun Kabbani 27 July 2021 40/2-19](#)

67 [Adam Brooks 27 July 2021 43/3-44/14](#)

- d. The trajectory from W80's perspective was from right to left and slightly downwards.
- e. Mr Baker's left wrist was raised above the entry wound to the neck, although the position (height) of the wrist was unknown.
- f. Mr Baker's right shoulder area was supported by the back of the passenger seat at the moment that the shot was fired.
- g. The muzzle of the tactical rifle was within 50 centimetres maximum of the left wrist, with a minimum distance of a few centimetres but not in contact.
- h. The damage to the strap of the bag was caused by the bullet.
- i. W80 was positioned between the two cars at the time he fired the shot.
- j. The distance between the two cars was approximately 62 centimetres.⁶⁸

10.48 The experts concluded that Mr Baker's left wrist could have been in a number of different positions, depending on the position of Mr Baker's body on the car seat.⁶⁹ These are depicted in the four photographs in Figure 13, which were produced in the joint report following a reconstruction.⁷⁰

10.49 There were also various positions in which the bag might have been, all of which were consistent with the damage to the strap. The bag could, said Mr Kabbani, have been worn on either side of Mr Baker's body.⁷¹ The seven photographs in Figure 14 show different positions in which the bag might have been.

68 [Khalidoun Kabbani 27 July 2021 50/16-51/19](#)

69 [Khalidoun Kabbani 27 July 2021 57/1-9](#)

70 The actors' faces in the photographs have been obscured for data protection reasons

71 [Khalidoun Kabbani 27 July 2021 61/7-14](#)

Figure 13: Four images showing the potential position of Mr Baker's left wrist, as set out in the joint report of the Inquiry's three experts received on 4 June 2021



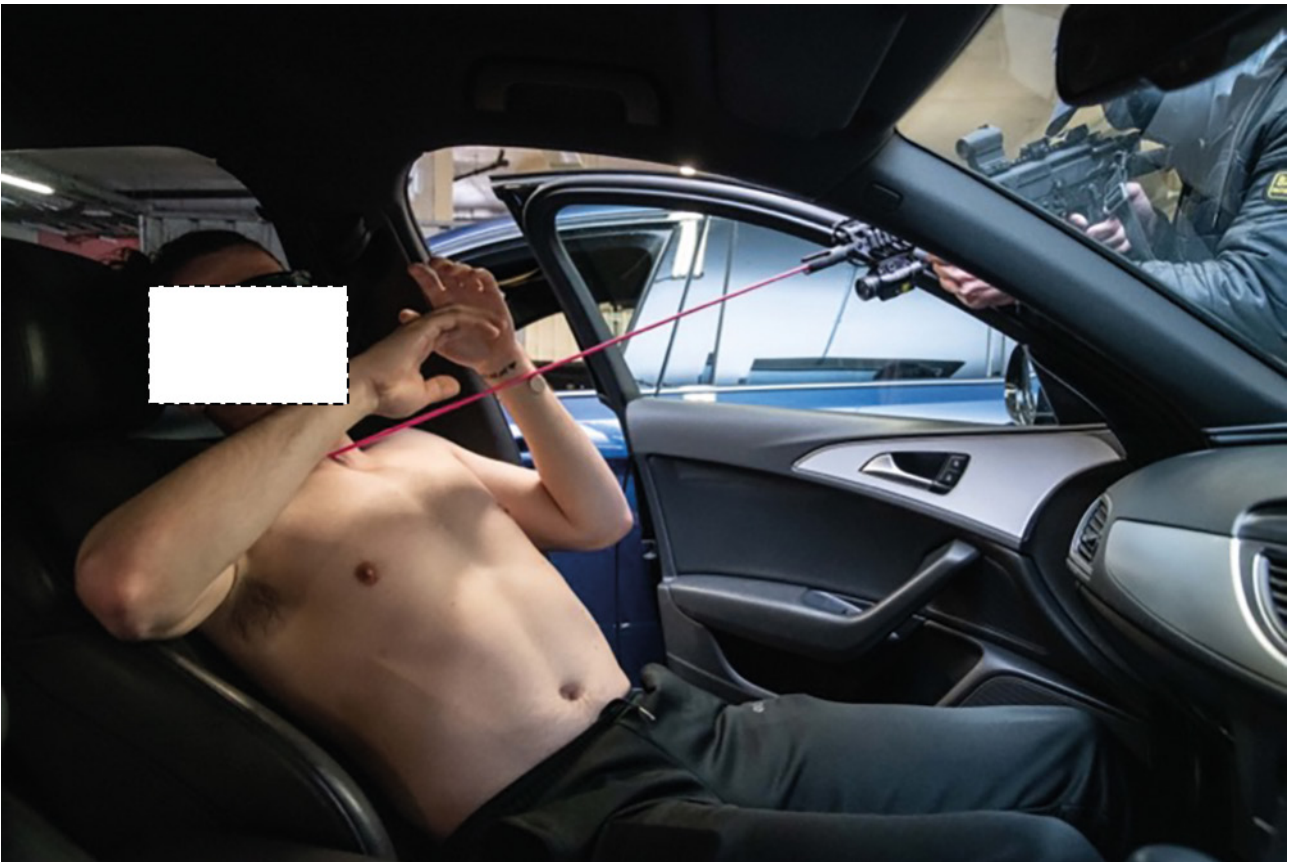


Figure 14: Seven images showing the potential positions of Mr Baker's bag, as set out in the joint report of the Inquiry's three experts received on 4 June 2021









10.50 The reconstruction showed that Mr Baker could probably not have reached the dashboard from the position in which he was sitting, though this conclusion was based on the assumption that the position of the front seat was not changed between the shooting and the forensic examination.⁷²

72 [Khalidoun Kabbani 27 July 2021 62/1-9](#)

Chapter 11: The IPCC investigation, police misconduct and DCI Williams' retirement

- 11.1 The IOPC, known in 2015 as the IPCC,¹ carries out independent investigations into complaints and incidents involving a number of state agencies, including the police and the NCA.² On the morning of 11 December 2015, the MPS called the IPCC to report a Death or Serious Injury and the investigation commenced.³
- 11.2 At the conclusion of an investigation by the IPCC or IOPC, a report is prepared, which sets out its conclusions and, where appropriate, recommendations for the commencement of misconduct proceedings by the Appropriate Authority (AA), in this case the MPS.
- 11.3 The IPCC report was finalised on 23 November 2016. The IPCC commented upon, and reached conclusions about, the conduct of the MPS during every stage of the planning and undertaking of Operation Ankaa.⁴ The IPCC made 10 recommendations flowing from failings identified in its report.⁵ In relation to misconduct proceedings, the IPCC concluded:
- a. W80 (the CTSFO who shot Mr Baker) had a case to answer for gross misconduct for using excessive force when fatally shooting Mr Baker.
 - b. DCI Neil Williams had a case to answer for misconduct for breaching his duties and responsibilities by inadequately setting out the full intelligence picture in the FA2 form.⁶

The process by which individual officers provided evidence to the IPCC

- 11.4 The officers involved in Operation Ankaa were all asked to prepare a written personal initial account and, on this occasion, they were supervised by an IPCC investigator who was present to ensure that there was no conferring.⁷

1 The IPCC was the name for the body that existed during Operation Ankaa and the following investigation; it was renamed the IOPC from 8 January 2018. The terms IPCC and IOPC will both be used in this chapter, depending on context

2 [Catherine Hall 17 June 2021 26/21-27/3](#)

3 [Catherine Hall 17 June 2021 52/2-53/1](#)

4 [IPC0001145](#), Chapter 10 paras 967-1116

5 [IPC0001145](#), Chapter 11 paras 1127-1136

6 [Catherine Hall 17 June 2021 90/12-91/4](#)

7 [Catherine Hall 17 June 2021 63/4-20](#)

- 11.5 A number of the officers were asked to attend interviews with the IPCC. They attended the interviews as requested but declined to answer questions in those interviews, instead providing written statements based upon the questions asked. Guidance from the Police Federation of England and Wales indicates that this is a common approach to such investigations, although the IPCC investigators were critical of its effect in their report:
- This process is long and drawn-out, often resulting in counter questions and answers, and more importantly does not achieve good quality evidential statements.*⁸
- 11.6 This process caused delays to the IPCC investigation and, in the IPCC’s opinion, “does not facilitate public confidence in the evidential process or complaints system”.⁹
- 11.7 As of 2015, the IPCC had the power to require a serving officer who was a witness to attend an interview. However, neither the Police (Complaints and Misconduct) Regulations 2012, nor the “Duties and Responsibilities” set out in the Standards of Professional Behaviour listed in Schedule 2 of the Police (Conduct) Regulations 2012, placed a duty or responsibility on officers to answer questions in interview.¹⁰
- 11.8 In 2020, the latter was amended by Schedule 2 of the Police (Conduct) Regulations 2020, which added the following words:
- Police officers have a responsibility to give appropriate cooperation during investigations, inquiries and formal proceedings, participating openly and professionally in line with the expectations of a police officer, when identified as a witness.*¹¹
- 11.9 As a result of this amendment, in May 2021 the Police Federation of England and Wales sent a letter to all branch board chairs and secretaries indicating that, while officers can be compelled to attend an interview with the IOPC, they still cannot be compelled to answer questions. The Police Federation considered it an untested possibility that adverse consequences might flow from declining to answer questions and that an agreement merely to provide a witness statement could amount to a breach of the duty to cooperate. The privilege against self-incrimination would always apply, but in all other circumstances the question would be what amounts to “appropriate, reasonable, proportionate and in line with the expectations of a police officer”. Home Office guidance appears to impose a higher standard upon police officers, namely to cooperate “fully”.¹²
- 11.10 The IOPC has established a working group with terms of reference including to consider what constitutes appropriate cooperation by witnesses with its investigations and to propose a standard approach.¹³
- 11.11 Accordingly, a police officer who is a witness, as opposed to a suspect, and who chooses, within an appropriate time of being asked to do so, to make a full and detailed statement may nevertheless be considered to have failed to cooperate if they have not answered questions in a face-to-face interview.

8 [IPC0001145_009](#)

9 [IPC0001145_009](#)

10 [IOPC note to the Inquiry dated 22 June 2021, p2 para 8](#)

11 [IOPC note to the Inquiry dated 22 June 2021, p2 para 8](#)

12 [POL0000001_0003](#)

13 [IPC0001322_7-8](#)

- 11.12 If the final statement does not deal with all the matters that have properly been raised by the IOPC, then it is possible that the requirement to cooperate may be breached. Furthermore, I can well understand why an IOPC investigator might want to “press” a witness who might be seen to be protecting a colleague; however, provided that all the issues in question have been covered within a reasonable time, the delay and inconvenience caused to the work of the IOPC by the use of written statements instead of answering questions in interview should be minimised. When accounts of witnesses are requested and the witness insists upon making a statement rather than being interviewed, the IOPC should ensure that the appropriate conditions are made available to prevent any contamination with other witnesses. In addition, the investigator should ensure that all relevant areas are covered in the request and in the statement itself.

Investigation into the conduct of W80

- 11.13 At 17:33 on 13 December 2015, the IPCC informed the MPS and W80 that, due to the results of the post-mortem examination of Mr Baker, it had decided to declare a criminal murder investigation into W80’s actions in shooting Mr Baker.¹⁴ The IPCC did not consider it necessary at that time for W80 to be arrested, but did recommend to the MPS that W80 be suspended immediately and given a warning about conferring with other possible witnesses, in particular other SCO19 officers.¹⁵ Less than an hour later, DAC Fiona Taylor provided the authority to suspend W80 and asked AC Pat Gallan to arrange for W80 to be notified of the suspension that evening.¹⁶
- 11.14 Supt Simon Dobinson, then in charge of specialist operations in SCO19, was informed on the evening of 13 December 2015 that a decision had been made to suspend W80 from duty, and he was asked to visit W80 in order to carry out that suspension. Although Supt Dobinson visited W80 on the night of 13 December 2015, he did not suspend W80 at that time. Supt Dobinson was expecting to receive paperwork from the IPCC (Form 161 and Form 163) containing the rationale for W80’s suspension. In line with the internal MPS “Guidance for superintendents involved in suspensions”,¹⁷ which was in place at the time, Supt Dobinson did not think that he could suspend W80 without those forms.¹⁸ Supt Dobinson was under the impression that it was the IPCC’s responsibility to prepare that paperwork.¹⁹ Both Supt Dobinson and the MPS guidance on suspension were incorrect; W80 could have been suspended as a matter of urgency, with the paperwork prepared and supplied later.²⁰ The MPS guidance has since been updated and corrected on this issue.²¹
- 11.15 Supt Dobinson spoke to W80 on 13 December 2015 and explained that he would be investigated by the IPCC for murder.²² Although he did not feel able to suspend W80, he nonetheless went to visit him out of concern for W80’s welfare but he did not confiscate W80’s warrant card.²³

14 [Catherine Hall 17 June 2021 65/6-25](#)

15 [IPC0001320_001-002](#)

16 [IPC0001320_001-002](#)

17 [MPS0000217_003](#)

18 [Simon Dobinson 21 July 2021 2/5-3/23](#)

19 [Simon Dobinson 21 July 2021 5/21-6/11](#)

20 [IPC0001320_004-005; MPS0004718_004-006](#)

21 [Simon Dobinson 21 July 2021 35/12](#)

22 [Simon Dobinson 21 July 2021 22/23-23/9](#)

23 [Simon Dobinson 21 July 2021 15/17-16/23](#)

11.16 On 14 December 2015, papers for the suspension of W80 were prepared by the IPCC and sent to the MPS.²⁴ Supt Dobinson visited W80's home again to serve the papers on him but W80 was not there and could not be contacted.²⁵ W80 was declared a high-risk missing person and an investigation was started to locate him. He was found on 16 December 2015 and admitted that during the period of his absence he had attempted suicide.²⁶ W80 was suspended from duty on 16 December 2015.²⁷

The report provided by CSupt Hartley

11.17 To assist with its investigation the IPCC commissioned a police adviser's report from Chief Superintendent (CSupt) David Hartley of South Yorkshire Police, assisted by Sergeant Glenn Mitchell. In the agreed terms of references CSupt Hartley was asked:

1. *To review the actions of MPS officers in relation to the tactics used during the armed interception of vehicle Audi bearing VRM [vehicle registration mark] KMI3YPT on Friday 11 December at approximately 09.00am.*

2. *To examine the decision making process by both the tactical and operational firearms commanders in relation to the tactics used.*

...

4. *To assess the tactics used against national and MPS training and guidance.*²⁸

11.18 Despite the omission of the SFC from the terms of reference, which only specified the TFC and the OFC, CSupt Hartley "*reflected on the role of the SFC ... as it is impossible to assess the TFC and OFC role without the context of the SFC authority, parameters, protocols and command structure*".²⁹

11.19 Among CSupt Hartley's findings were the following observations:

- a. Both the TFC and SFC processed and assessed the intelligence available accurately and proportionately. Their assessment of the unknown subjects' firearms capability was fair and accurate but the known information was not collated into clear and up-to-date subject profiles.³⁰
- b. The threat was accurately defined and the assumption regarding the potential for firearms and weapons to be encountered was fair and proportionate. The SFC strategy set a clear, hierarchical purpose and was a suitable foundation to drive the planning and deployments. However, while the TFC and SFC considered timescales, implications and some elements of multidimensional threat assessment, there was an absence of a thorough multidimensional assessment. This did not, in CSupt Hartley's opinion, undermine the overall operation. The SFC strategy did not have investigative priorities included.³¹

24 [Catherine Hall 17 June 2021 66/10-67/4](#)

25 [Simon Dobinson 21 July 2021 28/5-23](#)

26 [Catherine Hall 17 June 2021 67/5-68/20](#)

27 [MPS0004720_001](#)

28 [IPC0000385_003](#)

29 [IPC0000385_004](#)

30 [IPC0000385_010](#)

31 [IPC0000385_012](#)

- c. Advance arrest opportunities were explored but there was no early intervention option available consistent with the strategy. The authority for a three-element surveillance MASTS operation was well founded and the most appropriate tactic to give the best chance of achieving the strategy as set.³²
- d. Clear tactical parameters were in place in the SFC's FA3 form. The tipping points were delegated to the TFC for dynamic assessment but it would have been better if these were identified and recorded explicitly by the SFC for the TFC to decide when they had been met.³³
- e. All briefings, including the 03:00 briefings delivered by the OFC, should have been audio-recorded.³⁴
- f. The 05:00 briefing by Detective Inspector (DI) Keely Smith was effective but could have been enhanced by setting out in advance a threat and risk determination to assist in providing clarity of officer mindset.³⁵
- g. The circulation of the message "*firearm enabled*" did not bring any new information to the officers who had already been briefed on the background of the OCN and the likelihood that they would face armed subjects. It was a legitimate and accurate circulation that acted as a reminder of what was already known.³⁶
- h. The maintenance of the armed operation and MASTS armed intervention on the Audi mission vehicle with extraction is the correct tactic to achieve the strategy and sustained public protection³⁷ and is the least intrusive, proportionate and justified.³⁸

11.20 I have considered the opinions and conclusions of CSupt Hartley but found them to be of only marginal assistance. The review that he was asked to carry out was much narrower than that required of me under the terms of reference for this Inquiry. CSupt Hartley had available to him only a very small proportion of the documents available to this Inquiry or to its experts. He received 25 witness statements, the CLIO log, the FA forms, maps and images of Bracknell Close, and intelligence profiles for the key conspirators.³⁹ As with the opinions expressed by the Inquiry's policing experts, CSupt Hartley's opinions were relevant to my assessment of the conduct of the firearms commanders but the conclusions reached are ultimately my own.

32 [IPC0000385_014-015](#)

33 [IPC0000385_015-016](#)

34 [IPC0000385_018](#)

35 [IPC0000385_020](#)

36 [IPC0000385_024](#)

37 Sustained public protection is the police term for protecting the public through the detection and prevention of crime over the longer term

38 [IPC0000385_025](#)

39 [IPC0001317](#)

The IPCC conclusions and recommendations

- 11.21 On 23 November 2016, the report was submitted to the IPCC Commissioner Cindy Butts, who made a determination to refer it to the Director of Public Prosecutions (DPP), with regard to potential criminal charges against W80. It was also sent to the MPS, as the AA, to determine what action to take with regard to the individuals whose conduct was criticised in the report: DCI Williams and W80.⁴⁰
- 11.22 On 14 June 2017, the DPP decided not to charge any police officers with a criminal offence. Mr Baker's family exercised their right, as victims, to seek a review of that decision. On 19 March 2018, the DPP issued its response to this victim's right to review and confirmed that no officers would face criminal charges.⁴¹
- 11.23 On 26 June 2017, in response to the DPP's decision but prior to the determination of the review that had already been requested by Mr Baker's family, the MPS rescinded W80's suspension and he returned to duty the next day.⁴² The IPCC and Mr Baker's family were consulted before W80's suspension was rescinded and both expressed their strong view that he should remain suspended.⁴³ Chief Inspector (CI) Chris Nelson was at the relevant time the Post-Incident Manager for MPS. He was, for welfare purposes, in regular contact with W80 following the shooting and during the investigation. He was asked by DAC Richard Martin, as Head of Professionalism in the Directorate of Professional Standards (DPS), to give his opinion about W80's return to work.⁴⁴ He recommended that W80 be permitted to provide support to SCO19 "in a backroom role". CI Nelson explained that W80's continued suspension had a detrimental impact on him: professionally, personally and financially.⁴⁵ He did not think that it was the appropriate time for W80 to undertake an operational role but, in his view, W80 had worked in SCO19 for most of his service and returning to a role in firearms command would be of benefit to him and to the command.⁴⁶ A number of restrictions were placed on W80 at that time, including that he should have no direct contact with the public, should not be involved in the operational use of firearms, and should not lead or participate in the planning or training of tactical firearms operations.⁴⁷
- 11.24 That decision to allow W80 to return to work was made by DAC Martin, who was in charge of the DPS between 2017 and 2019, in consultation with the DPS and the Gold Group responsible for the MPS response. DAC Martin said that he tried to balance W80's wishes and well-being, the public interest in providing value to the taxpayers funding W80's salary, the status of the disciplinary proceedings and the need to avoid pre-empting or speculating about the outcome of any ongoing proceedings.⁴⁸ DAC Martin's decision was made despite strong opposition from the family and the fact that a review of the CPS decision not to prosecute had been requested. This cannot have assisted in creating for the family a picture of objectivity on the part of the MPS.

40 [Catherine Hall 17 June 2021 91/6-24](#)

41 [Catherine Hall 17 June 2021 91/6-92/16](#)

42 [MPS0004720](#)

43 [MPS0004738_003-004](#)

44 [MPS0004738_004](#)

45 [MPS0004738_003](#)

46 [Chris Nelson 15 July 2021 166/19-171/13](#)

47 [MPS0004738_006](#)

48 [MPS0004738](#) para 18

Disciplinary proceedings against W80 and their impact on his return to work

- 11.25** On 19 March 2018, the IOPC⁴⁹ commissioner recommended that W80 had a case to answer for gross misconduct for using excessive force, and that the MPS as the AA should commence disciplinary proceedings. The IOPC's recommendation was based upon its conclusion that a disciplinary tribunal would be likely to find that W80's belief that he was in imminent danger was honestly held but, applying the objective civil law test for self-defence, they would also be likely to conclude that this honestly held, but mistaken, belief was unreasonable.⁵⁰
- 11.26** The MPS disagreed with the legal basis on which the IOPC based its conclusion. The MPS's view was that the relevant test for self-defence was the criminal test and the reasonableness of W80's mistaken belief should not be considered.⁵¹ The MPS determined that neither W80 nor DCI Williams had a case to answer for misconduct or gross misconduct.⁵²
- 11.27** On 1 May 2018, in the face of the MPS decision not to accept the IOPC's recommendation for misconduct proceedings against W80, the IOPC exercised its discretion formally to direct the MPS to commence such misconduct proceedings against W80.⁵³
- 11.28** On 21 May 2018, the restriction on W80 participating in the planning or training of tactical firearms operations was lifted to allow him to deliver firearms training. There was concern within the MPS that W80's ongoing restriction would lead to a loss of his skills and may require him to retake his training in full before returning to work as a CTSFO. Although DAC Martin was aware that the IOPC had recently directed that W80 be subject to gross misconduct proceedings, he was also aware that this would be the subject of legal challenge by W80's representatives. Neither the IOPC nor the family of Mr Baker were consulted on this occasion.⁵⁴
- 11.29** W80 sought judicial review of the IOPC's decision to direct the MPS to commence disciplinary proceedings. On 14 August 2019, the Divisional Court quashed the IOPC's decision, holding that the relevant test was the criminal law test and that the IOPC had been wrong to apply the objective civil law test.
- 11.30** As a result of the decision of the Divisional Court, and on the very same day, all formal restrictions on W80's work were removed by Commander Catherine Roper, at the time in charge of the DPS,⁵⁵ and W80 was redesignated as an instructor, overseen by the Firearms Training Unit.⁵⁶ Again, neither the IOPC nor Mr Baker's family were consulted.⁵⁷
- 11.31** Whatever the rights or wrongs of the MPS's decision on this occasion to allow W80 to work without formal restriction, it was one that was reached with great, and some might say indecent, haste. I do not accept, given the length of the reasons recorded, that it was

49 As of 8 January 2018, the IPCC was called the IOPC

50 [CTS0000010](#)

51 [CTS0000010_0003](#)

52 [MPS0003421_001-002](#)

53 [MPS0003421_003](#)

54 [MPS0004738_008-009](#)

55 [MPS0004738_009](#)

56 [MPS0004737_003](#)

57 [MPS0004739_004](#)

reached “*after careful consideration*”.⁵⁸ Furthermore, it was a decision reached without consultation or communication with the family of Mr Baker. Regardless of whether the MPS was specifically required to consult further or communicate with Mr Baker’s family, the failure to do either on this occasion, and the excuse provided, amounted to a massive own goal, did not assist the retention of public confidence, and does nothing to dispel my opinion regarding the one-sided approach of the MPS to this unhappy and difficult situation.

- 11.32 Furthermore, it is abundantly clear that no consideration whatsoever was given to waiting to see whether any appeal was to be pursued against the Divisional Court’s decision, as it ultimately was. The “benefit” to W80 of an early return seems to have been the paramount, if not the sole, consideration behind Commander Roper’s decision.
- 11.33 I note that Commander Roper was aware on 7 November 2019 that leave to appeal the Divisional Court decision had been granted, yet she did not regard that as “*a formal re-institution of any proceedings that would impact upon [W80’s] workplace status from a professional standards perspective*”, nor as “*a misconduct ... or other relevant Judicial process which would require a review of the officer’s workplace status*”.⁵⁹ Having seen all relevant minutes of the Gold Group meetings at which W80’s status was considered, I am quite satisfied that the MPS in fact gave no consideration to the propriety or otherwise of revisiting W80’s restrictions; had it done so, although the MPS might not have reimposed restrictions, it would surely have concluded that the forthcoming Court of Appeal proceedings were a judicial process that justified, if not required, a review of W80’s status.
- 11.34 The IOPC appealed the Divisional Court’s decision, and on 9 October 2020 the Court of Appeal ruled that the IOPC was justified in concluding that it was open to a reasonable panel at a misconduct hearing to make a finding of gross misconduct if W80’s honest but mistaken belief that his life was threatened was found to be unreasonable. The Court of Appeal held that such a conclusion was soundly based in law on the proper and plain meaning of the Police (Conduct) Regulations 2012 and the College of Policing’s *Code of Ethics* (2014).⁶⁰
- 11.35 Despite the fact that restrictions on W80 were removed following the decision of the Divisional Court, they were not then reimposed following the decision of the Court of Appeal.⁶¹ There was an expectation in the MPS Gold Group that the restrictions on W80 would be considered in November 2020,⁶² but as a result of an “*oversight*”,⁶³ this consideration did not take place. In fact, despite the intention expressed at the Gold Group meeting of 13 October 2020, the position of W80 continued, unreviewed, until 15 October 2021, and it was reviewed only then as a result of repeated enquiries made of the MPS by this Inquiry⁶⁴ over a three-month period.
- 11.36 It is regrettable to have to observe that no one within the MPS has seen fit to seek to provide either an explanation for how or why this “*oversight*” occurred, or indeed any apology by anyone accepting responsibility for this significant system failure.

58 [MPS0004739_003](#)

59 [MPS0004739_004](#)

60 [Catherine Hall 17 June 2021 100/8-20](#)

61 [MPS0004739_003-004](#)

62 [MPS0004741](#)

63 [MPS0004740_0002](#)

64 [MPS0004740](#)

- 11.37 DCS Donna Smith of the DPS considered in October 2021 that to reimpose restrictions on W80 at that point would serve no purpose in managing any risk to the public or to public confidence in the MPS.⁶⁵
- 11.38 Given the time that had elapsed between the decision of the Court of Appeal and the actual review, and the length of time for which W80 had been operating potentially without any restriction on his duties, it is perhaps scarcely surprising that the review – which was undertaken urgently by DCS Smith once the request was made of her – allowed the status quo to continue, and I do not criticise her decision in that regard. Nor, given the history of this matter, was it surprising that it contained a factual error – namely that leave to appeal was granted by the Court of Appeal on 7 July 2020, whereas in fact it was granted on 7 November 2019.
- 11.39 Nothing that I have read has, however, allayed my concern about the way in which the family of Mr Baker were treated in relation to this matter after the original Divisional Court decision. The minutes of the October 2020 Gold Group include the clear expectation that views would be sought from “*all interested parties*”.⁶⁶ Whatever the precise terms of the regulations in relation to consultation may have been, it cannot seriously be suggested that the family of Mr Baker were anything other than an interested party, and if consulting them was going to be necessary to decide the status of W80 in October 2020, common standards of humanity required that the family be treated no differently 12 months later. The fact that they had made it clear in 2017 that they wished W80 to remain suspended was not a reason for dispensing with those standards.

DCI Williams’ retirement

- 11.40 On 11 May 2016, DCI Williams gave notice to the MPS that he intended to retire on 27 September 2016, at the conclusion of 30 years’ service.⁶⁷ DCI Williams was served with a notice of investigation on 28 July 2016 and an updated notice on 10 August 2016.⁶⁸
- 11.41 At the time of the IPCC investigation into the death of Mr Baker, the IPCC could investigate and comment upon the conduct of a former police officer; however, prior to 15 December 2017, disciplinary proceedings could not be brought against officers who had ceased serving with the police, including retired officers.⁶⁹
- 11.42 A police officer who was under investigation for misconduct or gross misconduct could be prevented from retiring only if the AA suspended them from duty.⁷⁰ The power to prevent an officer from retiring in such circumstances was introduced in January 2015, “*in order to increase public confidence, ensuring that where former officers were assessed as having a case to answer for gross misconduct ..., they could still be subject to a misconduct hearing*”.⁷¹

65 [MPS0004740](#)

66 [MPS0004741](#)

67 [IOPC note to the Inquiry dated 22 June 2021, pp3-5](#)

68 [Catherine Hall 17 June 2021 75/7-76/15](#)

69 [IOPC note to the Inquiry dated 22 June 2021, p3 paras 10-13](#)

70 [IOPC note to the Inquiry dated 22 June 2021, p3 para 11](#)

71 [HOM0000002_002](#)

- 11.43** Upon DCI Williams’ notification of his intention to retire, the IPCC and Mr Baker’s family made representations in favour of his suspension to prevent his retirement, but the MPS, as the AA, declined. The family of Mr Baker issued judicial review proceedings, seeking an order compelling the MPS to suspend DCI Williams. The application was refused on 4 October 2016, although DCI Williams had already retired from the MPS by that date.⁷² As a result, DCI Williams cannot face disciplinary proceedings for any of his actions in Operation Ankaa.
- 11.44** At the time of Operation Ankaa, if the IPCC had concluded that there was a case to answer for misconduct by a former police officer, there was no mechanism by which potential future employers could be informed of that conclusion.⁷³
- 11.45** As a result of amendments made to the Police (Conduct) Regulations 2012 in December 2017, officers who have retired on or after 15 December 2017 may be the subject of disciplinary proceedings if they have a case to answer for gross misconduct. However, they still cannot be the subject of disciplinary proceedings for misconduct that is not categorised as “gross”.⁷⁴ The definitions are:
- a. Misconduct was defined in the Police (Conduct) Regulations 2012 as “*a breach of the Standards of Professional Behaviour*” and, subsequently, in the Police (Conduct) Regulations 2020 as “*a breach of the Standards of Professional Behaviour that is so serious as to justify disciplinary action*”.⁷⁵
 - b. Gross misconduct was defined in the Police (Conduct) Regulations 2012 as “*a breach of the Standards of Professional Behaviour so serious that dismissal would be justified*” and, subsequently, in the Police (Conduct) Regulations 2020 as “*a breach of the Standards of Professional Behaviour that is so serious as to justify dismissal*”.⁷⁶
- 11.46** The decision to limit the ability to bring disciplinary proceedings against former officers to those facing allegations of gross misconduct was a deliberate one. In the view of the Home Office, gross misconduct plays a specific purpose in that, if proven, the individual will be placed on the barred list. The maximum sanction for simple misconduct is a final written warning, which remains on an officer’s personnel file for a period of two years. Forces do not have the power to issue a sanction for misconduct against a former officer.⁷⁷ The Home Office does not believe that bringing disciplinary proceedings against former officers for misconduct would be likely to achieve any of the three purposes of the police misconduct regime, namely:
- a. the maintenance of public confidence in and the reputation of the police service;
 - b. the upholding of high standards in policing and the deterrence of misconduct; and
 - c. the protection of the public.
- 11.47** While an investigation into allegations that would only amount to misconduct against a former officer may continue despite their retirement, the police force remains unable to take any disciplinary action against that officer. In addition, at the conclusion of that

72 [IOPC note to the Inquiry dated 22 June 2021](#), p4 para 17

73 [IOPC note to the Inquiry dated 22 June 2021](#), p5 para 19

74 [IOPC note to the Inquiry dated 22 June 2021](#), p3 para 13

75 [Police \(Conduct\) Regulations 2012, regulation 3\(1\)](#); [Police \(Conduct\) Regulations 2020, regulation 2\(1\)](#)

76 [Police \(Conduct\) Regulations 2012, regulation 3\(1\)](#); [Police \(Conduct\) Regulations 2020, regulation 2\(1\)](#)

77 [HOM0000002_004](#)

investigation, there is no means by which future employers can be made aware of any findings of potential misconduct, unless gross misconduct proceedings take place and are found proved.

- 11.48 If an officer retires before proceedings for gross misconduct take place, they can be placed on an advisory list until the conclusion of that investigation and, if subsequently dismissed, can be placed on a barred list which would prevent that individual from rejoining a police force or other specified law enforcement agencies in the future.⁷⁸ In addition, all officers for whom an allegation that could have led to their dismissal comes to light after they have left a force will also be placed upon the advisory list until the investigation is complete.⁷⁹
- 11.49 Both lists are administered by the College of Policing. The College makes decisions on whether it is appropriate to publish the information on the barred list but in the vast majority of cases the information will be published. The lists are public and searchable.⁸⁰ The lists were introduced to improve “*police integrity*”, increase “*the accountability of those dismissed from policing*” and “*to increase the transparency of the police discipline system*”.⁸¹
- 11.50 The Home Office, in my view, takes a very narrow and simplistic approach to a potentially serious problem. It is about far more than the ability of a police force to impose sanctions. Public policy considerations led to amendments being made to ensure that gross misconduct proceedings could continue against a former officer. There is a parallel public interest in the survival of allegations of misconduct that fall short of gross misconduct. If such allegations are allowed to fall away with the resignation or retirement of an officer, who has no obligation to disclose the existence of such an allegation, then a potential employer, who has no opportunity to check for outstanding allegations, is at a distinct disadvantage when seeking to make a balanced determination on the suitability of a former police officer’s job application.
- 11.51 Contrary to the opinion of the Home Office, public confidence in the police service and its reputation – certainly as far as acknowledging the importance of transparency and openness are concerned – are likely to be adversely affected if potential employers are making decisions in relation to a prospective employee, with one hand, metaphorically speaking, tied behind their backs. Furthermore, given that many former police officers seek employment in related fields, such as security, the protection of the public may be seen to be at risk if the full picture is withheld from or unavailable to a potential employer.

The IOPC’s powers in cases falling short of misconduct or gross misconduct

- 11.52 The IPCC report made no criticism of, or recommendations relating to, any other officer. During the course of its investigation, the IPCC did not serve a notice of investigation upon any other officer. A notice of investigation must be served where there is an indication that there may have been a breach of the standards that “*justifies disciplinary proceedings*”, which the IOPC interprets to mean a breach that, if proven, would necessitate at least a written warning.⁸²

78 [HOM0000002_003](#)

79 [HOM0000002_003](#)

80 College of Policing [Barred list](#) (2022)

81 [HOM0000002_003](#)

82 [IOPC note to the Inquiry dated 22 June 2021](#), p5 para 24

- 11.53** In circumstances in which the IOPC finds fault with an officer's conduct that would not meet the threshold for misconduct, the responsibility for taking action and addressing any failings remains the responsibility of the managers or supervisors of the officer in question. The Home Office Guidance 2015 stated that the purposes of management action were to:
- a. *Deal with misconduct in a timely, proportionate and effective way that will command the confidence of staff, police officers, the police service and the public.*
 - b. *Identify any underlying causes or welfare considerations.*
 - c. *Improve conduct and to prevent a similar situation arising in the future.*⁸³
- 11.54** Management action may include:
- a. *Pointing out how the behaviour fell short of the expectations set out in the Standards of Professional Behaviour.*
 - b. *Identifying expectations for future conduct.*
 - c. *Establishing an improvement plan.*
 - d. *Addressing any underlying causes of misconduct.*⁸⁴
- 11.55** At the time of the IPCC report into the death of Mr Baker, there was no requirement for the IPCC to give an opinion on whether management action might be appropriate, although some investigators chose to "suggest" that less serious cases to answer could be dealt with by management action and/or that failures that fell short of a case to answer could be dealt with in that way.⁸⁵
- 11.56** In 2020, management action was removed as a sanction. A "Reflective Practice Review Process" was put in place in which an officer may be referred to the review process where it is determined that their practice requires improvement. The IOPC may only make a determination that an officer's practice requires improvement and that they should be referred by the AA to the review process, following investigation of a conduct matter or public complaint. The IOPC does not currently have the power to determine that an officer should be referred to the review process as a result of failures identified during Death or Serious Injury investigations. To extend the IOPC's power to do so would require primary legislation.⁸⁶ I am not satisfied that the current regime adequately reflects the public interest in ensuring that concerns about those police officers whose standards of professional conduct and/or performance fall short of misconduct are properly addressed. As a result, I believe further action is required and am making recommendations accordingly.

83 [IPC00001324](#)

84 [IPC00001324](#)

85 [IPC00001324](#)

86 [IPC00001324](#)

Part Five: Conclusions and Recommendations

Chapter 12: Conclusions I – the planning and conduct of Operation Ankaa

Preliminary matters

Introduction

- 12.1 I preface my conclusions on the overall performance of the MPS by acknowledging that those who are charged with the onerous task of protecting the British public against acts of terrorism and serious organised crime have a task the complexity and difficulty of which cannot be overestimated. No police officer who carries out firearms duties is conscripted to do so; each one is a volunteer, albeit no doubt properly incentivised. But that same British public would not expect the conduct of those officers to be subject to anything other than the most searching scrutiny when one of them uses lethal force that results in a fatality. And it is not just the CTSFOs in general, or the CTSFO who fires the fatal shot (in this case W80) who are under that scrutiny. It is the entirety of the operation that comes under the microscope; those who are at or closest to the top of the chain of command are inevitably most vulnerable to criticism and complaint. But it was ever thus. With authority comes responsibility, from which ultimately there can be no abrogation.
- 12.2 In reaching my conclusions, I have sought to be careful not to judge the planning and execution of Operation Ankaa with the benefit of hindsight. I have tried throughout to make every allowance for the strains of working in such a highly pressured environment and for the intractable difficulties that high-ranking police officers encounter when authorising and planning complex firearms operations. Professional criminals do not act predictably; the intelligence upon which the police rely to second-guess their plans is no more than just that – intelligence – and, however it is graded, it is often ambiguous and sometimes misleading. Where I have decided that criticism is appropriate, that is not for criticism's sake; it is because it is justified and is made in a constructive spirit, in the hope that the MPS will take it on board in its stated commitment to doing all it can to improve policing in general and armed policing in London in particular. Although many of my criticisms relate to failures that occurred several years ago, there are others that are far more recent. The outgoing Commissioner's claims to have addressed many MPS failures in recent years should be considered in this light.
- 12.3 I cannot help but believe and observe that if Mr Baker had not been fatally shot, none of the shortcomings in planning and execution which this Inquiry has exposed would have come to light and the operation would have been hailed as an outstanding success by and for the MPS. If it achieves little else, therefore, this Inquiry should serve as a loud wake-up call to a newly-appointed Commissioner.

Race

- 12.4 I have decided to deal with the issue of race at the outset as it is so important.
- 12.5 I have found no evidence to support a finding that race played any part in Mr Baker's death. First and in any event, there was eye-witness evidence that those present at the scene of his death thought he appeared to be of "Turkish" origin – which would have fitted in with the likely profile of a recruit to this particular OCN. Second and conclusively in my view, the speed with which W80 fired his weapon, having previously been unable to see Mr Baker from outside the Audi mission vehicle (the vehicle used by the conspirators), precluded him from having taken into account the race of Mr Baker before firing.
- 12.6 Among other matters, I was moved by the poignant words of Mr Baker's mother concerning her son's experience: "*the story of being written off as a child could be told about so many black boys and young men*".¹ The Inquiry also heard evidence that, of the 44 people shot by the MPS since 2001, 21 or 48 per cent were IC3 (black),² and 9 or 43 per cent of those suffered fatal injuries.³ This contrasts with the most recent census figures from 2011 which estimate the percentage of the London population that is black at 13.3 per cent (18.3 per cent if those of mixed heritage are included). Although there is not a perfect match between the data sets due to differences of classification, black citizens are as much as four times as likely to be shot by the MPS as their white counterparts and as much as three times as likely to die. The reasons for this are unclear and probably complex. Nevertheless, I conclude without hesitation that, as stated above, race played no part in Mr Baker's death.

The Terms of Reference

- 12.7 The Terms of Reference for this Inquiry were drafted to ensure a full and comprehensive investigation into all relevant matters. While some of the terms provided guidance on how the Inquiry should go about its tasks, others contained questions that required answering. These conclusions answer all the questions set out in the Terms of Reference. This Inquiry has looked into each element of the Terms of Reference. Evidence was given, statements were taken into consideration and arguments were advanced. I listened to them all and have had cause to reflect back over them in drawing the conclusions that I do. In light of the way in which the evidence developed, these conclusions do not follow, word for word, the format of the Terms of Reference but they cover each and every point. As can be seen, I take the first two sections together as it seemed sensible so to do.
- 12.8 Many of the failures set out below may not have been causative of any particular problem but are a reflection of significant shortcomings. In any event, I am looking at a far bigger picture. The mantra "it may have amounted to a failure but it didn't make any difference" rings very hollow the more frequently it is recited. Errors and shortcuts all the way along cannot be justified or condoned, even if the decision to run the operation and/or the way in which it was carried out on the ground are not themselves the subject of justified criticism or complaint.

CLOSED evidence

- 12.9 Based upon the evidence heard during the CLOSED hearings, I found the working relationship in place between the NCA and the MPS to be generally effective.

1 [Margaret Smith 16 June 2021 147/7-9](#)

2 IC codes are police ethnic appearance codes, and IC3 is used to refer to black people

3 [Ross McKibbin 3 August 2021 47/16-20](#)

- 12.10 In the CLOSED chapter, I have identified a number of failures relating to the manner in which intelligence was collected, recorded and disseminated during Operation Ankaa. I do not, however, consider that any of the failures identified in the CLOSED chapter caused or contributed to the death of Mr Baker.
- 12.11 I am satisfied that, even had the failures identified in the CLOSED chapter not occurred, those planning, authorising and commanding Operation Ankaa would still have concluded that an armed deployment was necessary to ensure sustained public protection.⁴ I am also satisfied that the failures identified in the CLOSED chapter did not materially affect the decision to conduct an armed extraction during the course of that deployment.
- 12.12 A number of the failures identified related to the maintenance of accurate records, and I have made two CLOSED recommendations on this issue.

Terms of Reference – planning and briefing

Failure properly to consider any outcome other than armed interception

- 12.13 The meeting on 10 November 2015 was the first of only two planning meetings for the whole of the operation. The other was on 3 December 2015, although the focus of this meeting was not even the deployment on 11 December 2015 but the deployment on 8 December 2015 to fit a listening device (often described as an “audio probe”) in the Audi mission vehicle. There were no formal minutes taken at either meeting. This first meeting was one planned around an agreed outcome and it proceeded on the basis that there was a settled plan for this to be a firearms operation. Although I heard evidence that, prior to the meeting, there had been discussion of potential tactical options, I am satisfied on all the evidence, including such notes as exist, that, although there ought to have been a discussion of potential options falling short of a firearms interception and extraction, there was in fact no discussion of any alternative option. This is to be distinguished from any discussion of the management of risk which clearly was on the agenda (such as it was).
- 12.14 I am persuaded that there was no alternative in this case to interception and extraction. The reasons given for not adopting either contain and call out or natural stop extraction are valid. Nevertheless, it is clear that little if any thought was given to the tactic of contain and call out. This brings into focus the question of why there was no serious – if indeed any – consideration given to it. Whatever the higher echelons of the MPS may believe, there is, in my view, a widely held opinion within the MPS that, in an urban environment, the option of contain and call out is unlikely to be practical and can therefore be discounted at an early stage. The way one describes that opinion is less important than its existence.
- 12.15 It is also clear from the undated form submitted in support of the application for armed officers at Wood Green Crown Court to Mr Justice Sweeney on 8 December 2015 that the expectation and intention was to carry out an armed interception.

⁴ Sustained public protection is the police term for protecting the public through the detection and prevention of crime over the longer term

- 12.16** Sustained public protection and the risk that would arise if the Tottenham Turks were not disrupted must be balanced against more immediate risks arising from the conduct of the operation. There was a preliminary discussion about the risks inherent in the operational plan and how they could be mitigated by the selection of tactical options. During the Inquiry hearings, the CTSFO S48 said that the risks to the public, to the conspirators and to the Serco staff were all discussed during the 10 November planning meeting, although DSupt Craig Turner (DCS by the time of the Inquiry hearings) had no recollection of specifically discussing the risks to the public. S48 thought they also considered the risk that would arise from a spontaneous deployment should Izzet Eren try to escape in the future. For DSupt Turner, that risk assessment for the operation going forward was predicated on the extent to which the intelligence gaps were filled, in particular as to the identity of the conspirators. Even allowing for the flawed approach to note-taking, I am satisfied that, if it had been a meaningful discussion as opposed to perhaps a passing mention, it would have been noted. This supports my conclusion that the decision to conduct an armed operation was predetermined.
- 12.17** The combined effect of the evidence of DI Robert Murray, DCI Neil Williams and DSupt Turner reveals a determination – bordering at times on the obsessive – to achieve a successful outcome to Operation Ankaa and with it, if not the demise of the Tottenham Turks, then certainly their emasculation. While this may have been a laudable objective, it should not have been something that was allowed to go ahead at virtually any cost and to the exclusion of proper and meaningful risk assessments and safety considerations as well as compliance with protocols. There can be no doubt that sustained public protection was the prime objective of this operation; the safety of the public was not – and it should have been.
- 12.18** The available intelligence supported the likelihood of a failure in achieving sustained public protection save for the “small fry” who were to be arrested at the scene. The idea that this operation could succeed in ridding the streets of North London of lethal firearms was delusional – realistically, one live firearm was the best the MPS could hope to recover. Unfortunately, those who decided that the operation should run were unable, because of their fixation on their desire to solve the Tottenham Turks problem at a stroke, to appreciate the flaw in their approach.

Failure to consider or record tipping points

- 12.19** DCI Williams – the TFC on the operation – agreed that a failure to record his thoughts on the possible tipping points meant that there was no opportunity for these to be considered or approved by the SFC, DSupt Turner. Although DCI Williams said that he had a discussion with DSupt Turner about tipping points, there is no evidence of such a discussion or of the outcome. I do not accept in these circumstances that there was such a discussion. Had there been, DSupt Turner would have been able to state clearly what he believed to have been the tipping points.
- 12.20** The responsibility for assessing how far an operation should run and the point at which there is sufficient evidence to mount a successful prosecution lies with the TFC in discussion with the SIO. Remarkably, as SIO, DI Murray had not identified any evidential tipping points. He said that he had in mind evidential tipping points, as to when he was in receipt of sufficient evidence to arrest and subsequently prosecute the subjects for either a firearms offence or the escape plot. If that is the case, he did not identify at any stage

in his evidence what he considered those evidential tipping points to be. Both the TFC and DI Murray were short on specifics as to what evidence, strong or otherwise, they had in mind before an arrest could be made.

- 12.21 Drawing upon my professional experience both as a criminal barrister and as a Judge trying the most serious of criminal cases, I am entitled to observe that the CPS is regularly consulted about the sufficiency of evidential tipping points, which is different from seeking “charging advice”. To have sought advice regarding evidential tipping points from the CPS would have been no more than good management and is of mutual assistance to both the police and the CPS. The assessment of the available charges and sentences should be recorded clearly and kept under review as the intelligence and evidence develops. It was not. It is quite apparent to me that neither DI Murray nor DCI Williams had given any thought to, or discussed in any detail, the possibility of an evidential tipping point being reached, which would justify an arrest for offences of conspiracy to escape and/or conspiracy to possess an imitation firearm with intent to commit an indictable offence. This was because they considered that only an offence of conspiracy to possess a firearm with intent to endanger life/commit an indictable offence would or might lead to a sentence that would achieve sustained public protection. What was clearly lacking was any discussion or understanding, oral or written, between them about the necessary evidence required for a charge.

Failures in record-keeping

- 12.22 DCI Williams did not take any notes of any meeting or any conversations that he had about the operation. Nor did he keep a daybook. The responsibility for keeping minutes of the meetings fell to the SFC, DSupt Turner, who, while present on 10 November 2015 and 3 December 2015, did not take a minute or ensure that one was taken and preserved. The absence of any contemporaneous note of these meetings was indicative of an arrogant, dismissive attitude towards formality and a failure to appreciate the importance of accountability and maintaining an audit trail. It meant that the process and substance of the deliberations that led to the decision to allow the conspiracy to run in the interest of sustained public protection was not recorded anywhere.
- 12.23 This should have included a multidimensional threat assessment of the risk to the public of both disrupting the operation and of not doing so. This was absent from the operation. There was no record of how the investigation was to be taken forward in order to avert the need for the operation to run at all, or if it was to run, to have secured the best evidence and intelligence to minimise the risks posed. Not only was there a total failure to record the deliberations but there was a wholesale failure to carry out the necessary exercise at all, let alone in the systematic manner required. The failures of planning and management led, in turn, to failures of communication and risk management in relation to the extraction itself. The CTSFOs were deployed to the Audi mission vehicle with a working strategy that increased rather than minimised risk; they did so without even the knowledge of how many individuals were in the Audi mission vehicle and they had no plans for achieving sight into it and for communication with the subjects. This led to an extraction that was somewhat chaotic and unprofessional.

Failure to record briefings

- 12.24 There were four briefings of note – 10 December 2015, 03:00 on 11 December 2015 at Lemn Street, 05:00 on 11 December 2015 at Lincoln Road, and 05:00 on 11 December 2015 at the C3000 covert police operations room. Some briefings were recorded, others were not. While there was evidence offered that the “tactical” briefings did not need to be recorded, it is clear to me that the benefit of doing so far outweighed any possible objection.
- 12.25 Although DCI Williams agreed that, with hindsight, the C3000 briefing should have been recorded, it was disingenuous of him to say that this was not a firearms briefing. It was a briefing for officers and staff who would be involved in the control centre from which the TFC was controlling a firearms operation. The fact that the MPS procedures allowed a matter of terminology to avoid the obligation to make a note led to a highly unsatisfactory situation. As has previously been emphasised, all briefings about operations in which the use of firearms has been approved, or is being considered with a view to seeking future approval, should be recorded.
- 12.26 Transparency and any subsequent inquest or inquiry would require an accurate record of all briefings, in particular those in which crucial decisions about the continuation or conclusion of an operation are made. To do so does not require investment in sophisticated equipment – a Dictaphone or body-worn camera would be sufficient. The argument that to do so would undermine the anonymity of officers or risk the disclosure of sensitive tactics is without foundation, as this Inquiry has shown that any recording or transcript can be suitably redacted. Furthermore, previous recommendations have clearly envisaged the recording of all briefings, not simply the TFC briefing.

Failure properly to utilise the static camera

- 12.27 Once the Audi had been identified as being the likely mission vehicle, a static camera was installed overlooking the car park where it was being stored. From 23 November 2015, the MPS was aware that, during the hours of darkness, the Audi mission vehicle could not even be seen on the static camera, and even less so anyone who may be climbing in or out of it. Alternatives and “workarounds” were proposed and a reminder logged on 25 November 2015 by the TSU but no action was taken to seek to rectify the problem.
- 12.28 DI Murray was not involved in the decisions taken in response to this information and was not aware of the lack of action taken, in spite of the fact that he was SIO and therefore responsible for evidence-gathering opportunities and had been expressly tasked in the FA3 form by DSupt Turner to identify conspirators. This was a missed opportunity which led to a wasting of time and the valuable resources of equipment and money; this demonstrates incompetence.

Failure to assess the risk posed by Ozcan Eren

- 12.29 DCI Williams did not obtain an up-to-date profile of Ozcan Eren. The intelligence profile available to DCI Williams at the time of Operation Ankaa noted two dates in 2013 on which information suggested that Ozcan Eren was carrying a gun. This intelligence profile, relied upon throughout the planning and briefing for Operation Ankaa, was undated. However, it must have predated 10 July 2015 because, had an up-to-date intelligence check been carried out for the purpose of Operation Ankaa, further information dated 10 July 2015 showed that Ozcan Eren had access to a Luger pistol. DCI Williams inexcusably was not aware of that intelligence. Rather than obtain up-to-date profiles for those believed to be part of the conspiracy, he simply took the latest profiles already available on the shared drive.

- 12.30 The intelligence made clear beyond any doubt that the risk posed by Ozcan Eren was never properly evaluated, and that intelligence was not fully appreciated. The fact that he was described, inaccurately, as “*clearly in possession of another firearm*”⁵ when he should have been described as “having access to firearms” represents a slapdash approach to potentially, if not actually, important information.

Failure to ensure a separation of roles and to avoid “double hatting”

- 12.31 The need for a separation of roles between the firearms command and the investigation team has been accepted by the MPS throughout the course of this Inquiry. I find that there was, at times, a blurring of the lines between the two priorities. DI Murray conducted the firearms survey for the purpose of the application to Mr Justice Sweeney to deploy armed officers in the court precinct at Wood Green Crown Court. DSupt Brendan Gilmour agreed that, while he would have found it odd if the TFC was conducting a reconnaissance, DI Murray stepped beyond the boundaries of what was expected of him as the SIO under the separation of powers. DSupt Gilmour thought an experienced firearms officer would be the best person to conduct the reconnaissance and report back to the TFC. This was but one example of the uneasy closeness and flexibility between the roles carried out by DCI Williams as TFC and DI Murray as SIO, the first being the line manager of the second.

Failure accurately to complete the FA forms

- 12.32 There was no FA1 form completed for this operation. The purpose of the FA1 form was to inform the TFC about intelligence received. There is no reason why an FA1 form could not have been completed by DC Andrew Sparks or DI Murray. To do so would have created an audit trail and could have been used to flag up intelligence gaps to be filled. In some cases, there may exist a valid reason for not completing an FA1 form but it seems to me that this is outweighed by the importance of having a good audit trail in the interests of accountability, and provision is specifically made for such a form in the MPS Armed Policing SOP.
- 12.33 The fact that the FA1 form was not only dispensed with in this operation but that no one picked it up and/or queried it (in fact, S48 recorded having seen and considered it, notwithstanding that it did not exist) speaks volumes for the casual approach to formality and compliance that seems to have been the hallmark of much of Operation Ankaa. This gave me the impression that such forms were in fact dispensed with as a matter of course by the MPS throughout its many armed police deployments.
- 12.34 Both FA2 forms (for the deployment of the listening device in the Audi mission vehicle and for the operation itself) initially bore the wrong operation name. No one seemed to notice. This was not the only evidence that suggested that the FA2 forms were prepared without sufficient specificity or regard to the requirements of Operation Ankaa. Large sections of the forms were copied from one to another. This meant that the powers and policies and European Convention on Human Rights (ECHR) principles were given, at best, scant regard. While cutting and pasting or the use of a template is sometimes a necessary and acceptable approach, it should never be allowed to conceal the importance of accuracy and thoroughness; it leads to a perception of sloppiness and gives rise to the opinion that a rubber-stamping approach has been adopted. In this case, the “cut and paste” approach adopted by DCI Williams, coupled with the misidentification of the operation, was evidence of a generally slapdash and unprofessional approach to the care and attention that needed

to be applied to this operation before it could properly go ahead. Indeed, the way in which the FA2 forms were completed led me to conclude that DCI Williams had, as TFC, an agenda without sufficient consideration for Article 2 principles.

- 12.35 The FA2 form for the operation contained a series of inaccuracies and referred to the application for firearms presence at Wood Green Crown Court as all but having been granted, notwithstanding that the application had yet to be made.
- 12.36 The intelligence recorded on this FA2 form was inaccurately graded.
- 12.37 There was no multidimensional risk assessment carried out in the FA2 or the FA3 forms. This should not be surprising as there is nowhere on the forms to perform such crucial assessments. No such considerations or tipping points were recorded in the FA2 form. I note that there is also no box in the templates for either the FA2 or the FA3 form that expressly requires the identification of tipping points.
- 12.38 Nor was the recording of the threat and risk assessment in the FA3 form free from error. The Serco custodians and prisoners in the van were included twice – a clear duplication for which DSupt Turner had no explanation. While the detailed consideration of the threat and risk to the categories of individuals at risk was listed in priority order, consistent with the FA2 form, the summary is in a different order and contains fewer categories. DSupt Turner could not explain the mistake and could not rule out that he had pasted this summary from a different operation. Given his practice of so doing, I think he probably did.

Failure in assessing the risk in placing the tracking equipment in the Audi mission vehicle

- 12.39 On 5 November 2015, DC Sparks was involved in drafting the application for tracking equipment to be placed in the Audi mission vehicle. The application was made on 15 November 2015 and was subsequently approved by AC Pat Gallan. The fitting of the listening device was the subject of a subsequent application. It is not clear why the applications were made separately, but nothing turns on it.
- 12.40 During the Inquiry hearings, DC Sparks was asked about the PLAICE model form, used by the TSU, to assist in making the risk assessment for the deployment of the covert tracking equipment in the Audi mission vehicle. The way in which the risk posed by Ozcan Eren was handled by DC Sparks was incompetent – he should have asked for assistance but chose not to do so; further, his decision to exclude any reference to the intelligence linking Ozcan Eren to a Luger in July 2015 – on the basis that this did not assist in deciding whether he had access to firearms at his home address, when (a) the Audi mission vehicle was not at his home address; and (b) gun-toting criminals do not make a habit of keeping firearms at their homes – was a further example of MPS disingenuity.
- 12.41 In fact, DC Sparks did not know how these forms should be filled in and/or how the risk assessment figures were used. On the issue of the intelligence, his evidence was wholly contradictory to that of DCI Williams and was less than impressive.

Failure to engage with HMPPS about Izzet Eren's escape risk

- 12.42 DCI Williams admitted that no enquiries were made with HMPPS about the possibility of recategorising Izzet Eren as a Category A prisoner, despite the fact that an aborted escape attempt had been made on 29 October 2015. Nor was this attempt ever brought to the attention of HMPPS staff. The inference that I draw is that he did not make those enquiries because the decision to carry out an armed operation was predetermined. S48's note records

a “*corruption issue at HMP*” but there is no evidence about what that might have been.⁶ Furthermore, one inference that can be drawn, and which I do draw, from the lack of any discussion at the two planning meetings about the possibility of recategorising Izzet Eren as a Category A prisoner, is that it was widely recognised that recategorisation would have led to the end of Operation Ankaa – Izzet Eren would have been moved from HMP Wormwood Scrubs, in all probability to HMP Belmarsh, with the sentencing hearing moved to Woolwich Crown Court, to which he would have travelled via an underground tunnel to which the public do not have access. This would not have fitted with the predetermined outcome of an armed operation.

- 12.43 Having had the opportunity of seeing and hearing Governor Peter Nichols (Governor of HMP Wormwood Scrubs), DI Murray and DCI Williams (the quality of whose evidence was hindered by the absence of any notes on the topic), I am satisfied that not only was there a deliberate decision not to share with Governor Nichols the information that Izzet Eren had been planning to escape on 29 October 2015 but also one not to share the fact that this aborted escape plan had involved firearms. This decision emanated from DCI Williams and was implemented by DI Murray. Had DI Murray shared that information with Governor Nichols, then Izzet Eren would have been placed on the internal Escape List (E-List) for 28 days and he would have realised why. By sharing the information of the 29 October 2015 escape plan with Governor Nichols, DI Murray and DCI Williams would have known that there was a real risk that the escape plan for 11 December 2015 would not go ahead; it was quite clear – even to DI Steven Mayes from the PIU – that despite the fact that DCI Williams and others were claiming to have an open mind, they had no serious intention of doing anything other than allowing Operation Ankaa to run.

Failure to inform Serco of the escape plan

- 12.44 The decision to keep Serco in the dark about Operation Ankaa was wrong. A classic example of the importance of note-taking – and a consequence of its failure – can be seen in the way in which the decision not to embrace Serco in the planning for the operation on 11 December 2015 was based on unspecified, undocumented and unsubstantiated corruption issues within Serco. This was, by any stretch of the imagination, a major departure from the norm, and one which might well have required subsequent justification. At worst, the reality was information suggesting that there were corrupt individuals at the lower level within Serco. There were no such corrupt individuals – and no suggestion of any – at a higher or organisational level. DI Murray chose not to make any enquiries as to the level at which there was corruption or whether there was anyone within Serco who could be trusted.
- 12.45 Even though he had “*potential*” concerns about someone within the PIU bringing Serco into the loop, he did nothing between 30 October 2015, when those concerns were first aired, and 10 November 2015 to seek to control what happened to information about Operation Ankaa. Furthermore, although DI Mayes knew about the break-out plan as early as 30 October 2015 and although DI Murray spoke to DI Mayes on 13 November 2015 (the same day that he spoke to Governor Nichols), DI Murray did not share with DI Mayes his concerns about corruption within Serco until 8 December 2015.

6 [S48 29 June 2021 72/2-10](#)

7 [Robert Murray 22 June 2021 101/23-102/11](#)

- 12.46 Oddly, S48's note of the meeting on 10 November 2015 records that it was not known whether it would be Serco or G4S who would be transporting the prisoner and the corruption concerns were ascribed to "HMP".⁸
- 12.47 Had the MPS included Serco in the planning of the operation, it could have controlled the van in which Izzet Eren was placed, who else was placed in that van and the route it took from the prison to the court. DCI Williams accepted that this would have significantly improved the operation's ability to place surveillance officers at appropriate points along that route, as well as reducing the risk of losing sight of the van and of the Audi mission vehicle coming into contact with it.
- 12.48 In enabling the conspiracy to proceed and in allowing the prison van to be driven by Serco officers oblivious to the plan, the MPS allowed there to be a risk to their safety. One possibility is that the MPS could have replaced the Serco staff with police officers. DCI Williams said that it did not occur to him to do so but S48 said that it was considered and discussed during the meeting on 10 November 2015 but rejected because of the "*risks around compromise of the operation*".⁹ The absence of notes and the fact that this is a topic on which recollections differ, leave me in no doubt that this option was not considered.
- 12.49 No consideration was ever given to discussing the wisdom or propriety of this decision with a higher level, or even to obtaining legal advice on the potential consequences if harm were to befall anyone who should have been taken into account by those planning the operation. The thought processes that governed this exceptional decision were never recorded and I am satisfied that the key questions relating to the maintenance of control and the mitigation of harm were never adequately addressed.
- 12.50 Having considered all relevant evidence on this topic, I am satisfied that "corruption within Serco" was used as a reason for keeping Serco out of the loop and not informing it of the operation, without any reliable evidence of it being a problem of the magnitude required to justify such an exceptional approach as this, which DI Murray asked Governor Nichols to take.
- 12.51 Before leaving this topic, I note that the evidence before the Inquiry suggests that Commander Duncan Ball (Commander of Specialist Crime and Operations) was told about corruption within Serco, of which he had not previously been aware. Were there genuine concerns about corruption within Serco more broadly, this could clearly have had a very large impact on cases and individuals throughout London. He failed to do anything about it because he assumed that it was being dealt with by others. Unfortunately, he failed to carry out any checks as to what was being done or by whom, or the result of those actions, and, in the circumstances, failed to display the proactivity befitting his rank.

Failure to appreciate and act upon the information-sharing protocols between the MPS and prisons and involving NOMS and NPICC

- 12.52 At the relevant time, there were protocols in place directing the sharing of information between the MPS and those engaged with running the prison service and managing prisoners. There was no engagement between Operation Ankaa and the NOMS and NPICC. DI Mayes' explanation was that in his eyes the prison was synonymous with NOMS and

8 [S48 29 June 2021 84/16-85/2](#)

9 [S48 29 June 2021 86/6-9](#)

that his engagement with Governor Nichols, who was going to inform his line management, was sufficient. His refusal to accept any criticism for the way in which the information was handled and his attempt to justify the equation of Governor Nichols with NOMS was as unhelpful as it was unwelcome.

Failure competently to apply to Wood Green Crown Court for firearms presence

- 12.53** There was a level of incompetence present throughout the application to Wood Green Crown Court for the presence of armed officers during the sentencing hearing of Izzet Eren and Erwin Amoyaw-Gyamfi. This displayed a significant lack of knowledge within the higher echelons of the MPS as to who should be making such applications and how they should be made. The rules are clear and readily accessible; even if what they contain is not already known by those making the applications, physical access to copies of the rules should be immediately available to anyone making such an application.
- 12.54** The intelligence about the conspiracy to break out Izzet Eren was summarised on the application form, but it did not make any mention of the earlier aborted break-out attempt. DCI Williams believed that he would have informed Mr Justice Sweeney verbally, although he could not be 100 per cent sure as he did not recall doing so. Mr Justice Sweeney's statement made no reference to him being given such information. Considering the limited evidence on this topic, I reject any suggestion that DCI Williams did tell Mr Justice Sweeney about the earlier aborted break-out attempt during the course of their meeting. The combined effect of the failure to share that information with Governor Nichols and Mr Justice Sweeney creates an irresistible inference that it was a deliberate omission to minimise the risk of any procedural action being taken either by NOMS or HMCTS, which would or might have had the effect of holing Operation Ankaa below the watermark.
- 12.55** Common sense and good practice required that any decision being taken that might put Serco employees' safety at risk, without the knowledge of a judge (certainly Mr Justice Sweeney in the application for a firearms presence at the Court) or the prison service (and Serco), should be cleared at the highest level within the MPS. In fact, the higher the risk, the higher the level to which the person in strategic command must go in order to obtain the necessary clearance, even to the extent of obtaining legal advice, which was not done.

Failure of the briefing on 10 December 2015

- 12.56** An advanced detailed briefing which brought together all of the individuals and teams who would be deployed was clearly a good idea. On the face of it, DCI Williams' decision to have the CTSFOs present at the briefing was a sensible one; however, his failure to check that they were present or to find out why they were not, either then or subsequently, is something for which he had no explanation and which I cannot understand. As TFC, it is quite extraordinary that he was – and remained – unaware that none of the CTSFOs whose attendance he had requested at the briefing had been invited, nor was he aware that they were absent, nor why his instructions had been ignored. In fact, the CTSFOs did not even know that the meeting was taking place.
- 12.57** This briefing, the terms and contents of which were DCI Williams' responsibility, dealt only with possible geographical tipping points rather than evidential tipping points as, according to the officer, the former seemed more relevant. In my judgement, this conscious decision provides further evidence that this operation was going to be conducted in only one way, and further justifies my conclusion that whatever lip service may have been paid to considering other options, there was never in reality more than one.

Failure to conduct a multidimensional risk assessment during the briefings on 11 December 2015

12.58 The risk assessment conducted by the OFC DI Keely Smith during her briefing to firearms officers at 05:00 on 11 December 2015 and recorded on her FA form was made prior to deployment and was not multidimensional, and, as such, was meaningless. One consequence of the failure by DCI Williams to carry out a dynamic risk assessment at the planning stage was that it could never be included at the briefing stage. As a result, many CTSFOs receiving the briefing, perfectly understandably, disagreed with the assessments made in so far as they applied to them because they did not bear on the reality of the situation they faced at the point of interception.

Missed opportunities

12.59 Having considered the evidence and submissions upon it, I am satisfied that there was no missed opportunity to make earlier arrests of conspirators whose identity was not and could not reasonably have been known to the MPS.

12.60 In light of the failures identified above, I am satisfied that the planning of Operation Ankaa fell short of that which would have been reasonable, in particular having regard to the need to minimise to the greatest possible extent the risk to life.

Terms of Reference – 11 December 2015

Failure properly to consider contain and call out

12.61 I have seen no evidence that contain and call out was ever considered as a realistic means of concluding this deployment. In the planning stage, far less at the activation stage, little or any real thought appears to be given to selecting the tactic to be used at the point of interception or intervention. I am convinced that this is because the MPS adopted a default position, whether deliberately or through the development of practice, for extraction. There appears to be no clear understanding nationally about whether, how or when the contain and call out tactic should be used by police forces; in particular whether, or how, it is used for suspects in vehicles. Extraction is a higher-risk tactic and has resulted in a number of deaths from police shootings which have necessitated inquests and public inquiries to scrutinise the use of extractions. No such scrutiny has been applied to the tactic of contain and call out, not even to understand the regularity with which it is utilised.

12.62 While this Inquiry was told that the use of contain and call out should be and always was considered as an option for the conclusion of every operation, the evidence demonstrated that in Operation Ankaa such consideration was confined to a passing mention in the FA5 form.

Failure properly to utilise C3000

12.63 The decision to authorise C3000 was that of the SFC, DSupt Turner, and yet he was not present at the 05:00 briefing in C3000. He had no discussion with DCI Williams at any stage during the course of the morning. DSupt Turner could easily have achieved intrusive supervision, as defined by the Inquiry's experts as "*proactive*" rather than "*passive*",¹⁰ as well as support, without infringing DCI Williams' space; his mere presence in C3000 later did not fulfil his obligation to show leadership to his TFC.

10 [Ian Arundale and Colin Burrows 21 July 2021 214/8-10](#)

- 12.64 DSupt Turner stated that the whole purpose of using C3000 was so that intelligence could be obtained and passed to key decision-makers in a timely manner. Those officers could then consider the developing picture and react to any dynamic situation that might develop. The CLIO loggist was not properly utilised by DCI Williams. Rather, and on purpose, he moved away from the loggist as he did not consider that she was sufficiently vetted to be privy to a great deal of matters that arose that morning. DCI Williams had not looked into obtaining the services of a loggist who had appropriate security clearance. It transpired that he was entirely unfamiliar with the whole CLIO system.
- 12.65 At 10:07, DCI Williams instructed the loggist to make a long entry in the CLIO system. It covered several events which had occurred since 08:35. The loggist's evidence was that DCI Williams had initially asked her to enter a series of messages but she pointed out to him that each message would be time stamped and so it would be clearer if she entered one single compendium message. He accepted that proposal. When asked whether she believed that DCI Williams had wanted it to look like the entries had been made contemporaneously, the loggist said that she did think that had been his wish but "*not out of any sinister reason*".¹¹ Notwithstanding her attempt to exonerate DCI Williams, it is difficult to think of a wholly innocent reason for wanting notes that were not contemporaneously recorded to appear as if they were.

Failure effectively to set up and run the Covert Monitoring Post

- 12.66 The CMP was not fit for purpose. The equipment was not effectively set up, there was no proper selection of operatives, no effective briefing of those charged with the responsibility of listening, and no CMP manager appointed.
- 12.67 The set-up and choice of equipment, as described by the TSU engineer EG39, was deeply flawed in that there was no split-feed and it was not possible to hear what was being recorded if another person was listening to a review. I heard evidence that the equipment had a "*notable failure rate*" and has since been replaced by the MPS.¹² I find it difficult to understand how neither the SIO nor the TFC were aware of the obvious shortcomings of this equipment when the decision to set up and equip the CMP was taken. EG39 could not recall whether those who activated the review function were told at any stage that they would not be able to follow the live feed. I am led to conclude, in accordance with their evidence, that they were not.
- 12.68 The investigating officer FE19 briefed the officers but he was unable to remember what he said and it was not covered in his witness statement. The evidence I heard was consistent with no specific instructions being given to the officers as to what details they should concentrate upon, record and report back to DCI Williams.
- 12.69 I found FE19 to be a singularly unimpressive witness. His efforts to justify the way in which he selected CMP officers were wholly unsatisfactory. Having tried initially to convince the Inquiry that there was a selection process during which he had spoken to "*quite a number of people*",¹³ he was unable to give any assistance to the Inquiry about who had been approached, when or where the selection process had been carried out or what form it had taken, and eventually conceded that there may have been no selection process at all.

11 [Emily Blakeney 7 July 2021 20/3-6](#)

12 [EG39 7 July 2021 35/3-7](#)

13 [FE19 6 July 2021 30/18-31/1](#)

FE19 was unable to identify any criteria by which selection had been undertaken. He tried to suggest that attending a training course (the existence of which he was unaware) would not be of assistance and never considered whether the absence of training was or would be an issue. He believed that there were more than enough operatives to do the job properly, yet none was provided with either a briefing or a crib sheet. Moreover, his written statement made no mention of the live review problem.

- 12.70 The training of the officers in the CMP was at best inadequate and at worst non-existent.
- 12.71 The appointment of a CMP manager would have brought important benefits and safeguards. The SIO accepted in oral evidence that the responsibility for the failure to appoint a CMP manager rested with him. The absence of the appointment of such an individual is indefensible.
- 12.72 FE19 intentionally did not share any intelligence with the officers in the CMP, so as to avoid influencing their perception of what they were hearing. DCI Williams agreed with this approach. In my view, the decision that the CMP team might be influenced in their interpretation of what was being said, by knowledge of intelligence such as that concerning the imitation firearm, was to underestimate their professionalism.
- 12.73 There are a number of material points from the audio footage that DCI Williams did not include in his notes, for reasons that I am not fully able to determine. I was, however, able to derive a clear picture from DCI Williams' account that – whatever the strength of the evidence on the potential charges of conspiracy to escape and conspiracy to possess an imitation firearm with intent to commit an indictable offence – he had no intention of being satisfied that an evidential tipping point had been reached to enable State Amber¹⁴ to be called and an interception and extraction to be undertaken. My conclusion here is partly based on the fact that, when DCI Williams was pressed in evidence, he agreed that the conversation the conspirators had about not having a shotgun corroborated the 06:58 intelligence (see paragraph 12.77) but that he was still “*keeping an open mind*”, so gave no update to the surveillance team.¹⁵ In reality, his mind was open only to the plan to deploy firearms.
- 12.74 As far as DI Murray and DCI Williams were concerned, the importance of evidential tipping points was minimal – so long as there remained a possibility of “*hitting the jackpot*” and arresting the occupants of the Audi mission vehicle for conspiracy to possess a firearm with intent to endanger life. Indeed, DI Murray confirmed, at the conclusion of his evidence, his understanding that the sentences for an offence related to the possession of an imitation firearm would be significantly less than those for an offence related to the possession of a firearm with intent to endanger life.

Failure to call State Amber at an earlier time

- 12.75 Despite the clear picture that emerges from what DCI Williams knew of the evidence of serious criminality, the fact remains that State Amber was only called very late in the day, at 08:58. The fact that he did not call State Amber earlier, when I consider it would have been appropriate for the subjects in the Audi mission vehicle to have been arrested, is indicative

14 State Amber refers to the stage of the operation at which the TFC declares that the activation of an arrest plan is now both justified and appropriate. It signifies to the OFC that they have the authority and discretion to call the timing of a move to arrest

15 [Neil Williams 6 July 2021 151/19-25](#)

of the fact that DCI Williams had given no consideration to whether or not the subjects might be arrested for offences including conspiracy to escape and/or conspiracy to possess an imitation firearm with intent to commit an indictable offence.

- 12.76 In truth, from no later than 08:08, there was clear evidence on those charges and in my judgement there is no rational justification for DCI Williams' failure to act upon that evidence, other than a belief in his mind that the sentence for the offences that could be proved would not provide, in his mind, sufficient sustained public protection. There was no liaison in advance between the SIO and the SFC or the TFC as to those key factors, nor any significant thought given to them by any of those officers individually. Had there been, they could have been in no doubt that, at least 45 minutes before State Amber was called, there was sufficient evidence to arrest and charge the occupants of the car with offences of conspiracy to possess an imitation firearm with intent to commit an indictable offence, namely escape and conspiracy to escape.

Failure to disseminate the 06:58 intelligence

- 12.77 At 06:58 on 11 December 2015, DCI Williams became aware from FE19 that, as of the previous evening, those planning the escape had only been able to source an imitation firearm. He did not pass this information on to Inspector Christopher Davies, the Surveillance Commander, or to the CTSFOs. There is currently no policy or guidance on whether or not to brief officers with intelligence in relation to imitation firearms. In this case, although the information was several hours old when it was received by DCI Williams, there had been no more recent information to supersede it at the time that the decision was taken not to share it. In my view, to disseminate it certainly could not have been described as a "*knee-jerk reaction*" as DCI Williams suggested in his evidence to the Inquiry.¹⁶
- 12.78 The evidence of the CTSFOs on the lack of dissemination of this intelligence and their lack of surprise about this suggested that this may have been common practice. The decision to withhold information that is relevant to an operation needs to be carefully considered, and documented with reasons specific to each piece of withheld information. This particular kind of intelligence (which suggests a lower level of threat) can be shared with CTSFOs without in any way detracting from their approach to treat anything that appears to be a firearm as real, until the contrary is proved. CTSFOs are highly trained individuals who can and should be entrusted with all relevant information, even if it is inevitably accompanied by an "*appropriate health warning*".¹⁷
- 12.79 Trust is a key part of the relationship between a TFC and CTSFOs and does not need to be put at risk by a failure to provide the full picture. I am firmly of the view that, as a general rule, the advantages of maintaining a relationship of trust and sharing all relevant information, with an appropriate "health warning", far outweigh any perceived advantage in being selective in this regard. I draw this conclusion while recognising that there are documented and specific examples where a departure from what should be the norm may be justified.

16 [Neil Williams 6 July 2021 135/12-136/8](#)

17 [Ian Arundale and Colin Burrows 21 July 2021 152/14-16](#)

12.80 In my opinion, it is crucial that wherever possible a uniform approach is adopted to the dissemination of such information, not least because it is becoming increasingly common for “cross-force” operations to be conducted and it is vital that the same approach to the sharing of information is adopted by all.

Failure to disseminate a clear message to the CTSFOs on the level of risk

12.81 At 07:29, a CLIO loggist in C3000 made an entry that the team had advised that “*intelligence suggests that any offence will be FIREARM enabled*”.¹⁸ A radio transmission was made at that time in these terms. DCI Williams said that he neither used the phrase “*firearm enabled*” nor expected it to be broadcast on the radio and indicated that the formulation of this phrase must have lain elsewhere. I did not find DCI Williams’ evidence on this matter convincing. I am satisfied that there was no misinterpretation by others. Indeed, if DCI Williams had used the phrase “*firearm enabled*” to Inspector Davies, there would have been no reason not to share that with all surveillance officers. The problem with the choice of this phrase, however, is that it is not one that is used operationally. The term was put to a number of witnesses who gave a variety of answers as to their understanding of its meaning. It is an unhelpful phrase to have used in a situation where clarity was required.

12.82 In my opinion, in the absence of clear and unequivocal information to the contrary, it was not unreasonable to proceed on the assumption that someone in the Audi mission vehicle would be armed with a live firearm, because the plan to spring Izzet Eren was so audacious that it could not have any prospect of success unless the occupants of the Audi mission vehicle had a live firearm at their disposal. None of that, however, impacts upon the entitlement of the CTSFOs to know the latest state of the intelligence regarding that.

Failure to consider the use of a set of common words for the CTSFOs

12.83 There is a perceived reluctance within the MPS and the College of Policing to train officers to use a common form of words when issuing commands to occupants of vehicles during an extraction. This reluctance is unreasonable and gives rise to unacceptable and avoidable risk.

12.84 It is recognised that officers are not trained to give standard commands and that the CTSFOs cannot themselves be criticised for failing to reach such an agreement. Concern was expressed during the hearings that making CTSFOs issue standard commands would detract from the need to ensure that officers are able to react on the spot and make split-second decisions as to how to react to the particular circumstances that confront them. This concern is misplaced. In most instances, a common command will be entirely consistent with what officers would command in any event – for example, “show me your hands”. But the officers could also be trained that the preferred command need not be used if the circumstances dictate otherwise. I can see no reason why one further instance in which officers’ discretion is structured – albeit subject to circumstances that might dictate otherwise – is liable to fundamentally undermine their ability to think on their feet.

12.85 At the very least, there is no doubt that training should make it clear that instructions should always be simple and to the point and that the use of different instructions can lead to misunderstanding by those to whom the instructions are being given – and by those who are giving them – and that, wherever possible, they should agree in advance what words will be used.

18 [IPC0000251_007](#)

12.86 I am persuaded that the best way of reducing, if not eliminating, the risk of misunderstanding – whether it be of words used or responses thereto – is rigorous training emphasising the importance of simple clear commands and directions. Those who are giving commands and instructions are highly trained officers who must be credited with a degree of understanding and appreciation of a given situation. While a risk of inconsistency of instruction exists, it is outweighed by allowing and encouraging trained officers to use their judgement, collectively and individually, in how to handle the communication of instruction in any given situation.

Failure fully to brief the CTSFOs

12.87 There was a lack of intelligence as to who was going to be in the Audi mission vehicle. Better surveillance could have led to greater clarity. The CTSFOs did not know that the windows were steamed up. Some inaccurate intelligence that the windows were tinted had also been disseminated. This was also relevant to the level of risk faced by the CTSFOs.

12.88 This was an extremely dangerous gang. Regardless of what was or was not said to the CTSFOs by way of formal briefing or update, they were justified in concluding that their personal risk was very high on the basis of what they knew of the OCN and the situation, namely: (a) that they had access to live firearms; and (b) that there were at least three men in the car with hoodies and possibly balaclavas, suggesting intent in that moment to commit an action requiring anonymity, possibly a crime.

12.89 The failure of anyone to pass on to the CTSFOs, ahead of State Amber, the information (not merely intelligence) about the position of the BMW adjacent to the Audi mission vehicle was a significant failure of the operation. It added substantially to the challenge confronting those seeking to gain access to the Audi mission vehicle from the nearside, and limited their options in managing the situation once they had eventually gained access to the interior from the nearside. This was wholly avoidable and foreseeable; it is a failure for which ultimate responsibility must lie fairly and squarely with the TFC, DCI Williams.

Failure of DSupt Turner to exercise basic strategic control

12.90 The lack of basic strategic control displayed by DSupt Turner as SFC in the planning and preparation for this operation makes an unhappy catalogue of reading and highlights the point made in the Foreword that, had this operation not gone tragically wrong, none of these errors in practice and procedure would have been acknowledged or undergone scrutiny, resulting in their anticipated eradication.

12.91 In addition to what is set out in the preceding paragraphs, it is right that the MPS, through DSupt Turner, was obliged to ensure that the planning and operational phase of the firearms operation was undertaken so as to minimise, to the greatest extent possible, risks to life and to ensure clear regulation and caution in the use of weapons. All feasible precautions in the choice of means and methods had to be taken and alternative non-lethal solutions considered. The case law of the European Court of Human Rights has established an obligation of strict proportionality in the resort to potentially lethal force and, accordingly, an obligation to establish an appropriate administrative framework defining the limited circumstances in which police officers may use force and firearms, in light of the relevant international standards.

- 12.92** The responsibility for ensuring that there was no blurring of lines rested with the SFC. This responsibility he failed to discharge. The blurred lines in the arrangements in this operation existed in both directions: the SIO was intent upon putting the firearms plan in place and the TFC had a heightened drive to ensure criminal justice outcomes against the subjects of the operation.
- 12.93** The FA2 form which DSupt Turner received on 10 December 2015 still left in the air whether or not the indictment arising from the firearm offence for which Izzet Eren had been arrested was to be amended to conspiracy to murder. It was inconceivable that sustained public protection could have been achieved on 11 December 2015 without Izzet Eren being sentenced, and if he was not going to be sentenced there would have been no justification in taking him to court. It was therefore crucial for the SFC (and the TFC) to know by the time of the meeting on 10 December 2015 (at the latest) what the CPS stance was – yet the importance of this crucial piece of information appears to have eluded both of them. There were several instances where efforts were made – which could only be described as examples of institutional defensiveness – to justify what others might see as a blurring of roles or an extensive level of incompetence.
- 12.94** Despite the repeated examples of incompetence displayed by DSupt Turner during his role as SFC, I do not conclude that any one example or their cumulative effect were causative of Mr Baker's death.

Terms of Reference – Post-Incident Procedures, policies, training and competency

Post-Incident Procedures and medical care

- 12.95** The PIPs were all carried out effectively and in accordance with policy.
- 12.96** I express my appreciation and, I believe, that of Mr Baker's family, for the wholly professional way in which the various agencies identified in this Report attempted to deal with Mr Baker's catastrophic and inevitably fatal injuries. Furthermore, whatever the rights and wrongs of the operation in the course of which Mr Baker was shot, there can be no – nor has there been any – criticism of the valiant efforts made by the MPS CTSTFOs to save his life.

The reinstatement of W80 in a firearms role

- 12.97** As a result of evidence heard during the course of the Inquiry, I was keen to establish the circumstances in which W80 returned to duty. In particular, I wanted to know how, where and when occupational health assessments had been carried out before he returned in any capacity to the firearms team, and why a decision was taken before the resolution of the IPCC¹⁹ proceedings and/or the decision of the CPS not to prosecute.
- 12.98** Due to issues of confidentiality, limited disclosure of W80's personnel file has been made to the Inquiry, but in response to a series of written questions posed by Counsel to the Inquiry, solicitors acting for W80 have assured them, and I accept, that there is no material therein that is relevant to the circumstances of W80's return to work. In those circumstances, while the proposed redeployment of W80 certainly met with the approval and support of Chief Inspector Chris Nelson, the Post-Incident Manager, and was sanctioned, upon his

¹⁹ The IPCC was the name for the body that existed during Operation Ankaa and the following investigation; it was renamed the IOPC from 8 January 2018. The terms IPCC and IOPC will both be used in this chapter, depending on context

recommendation, by the Head of Professionalism in the DPS, DAC Richard Martin, it appears that the decision to redeploy him was taken without any formal occupational or other health assessment having been undertaken by the MPS.

- 12.99** DAC Martin told me that his decision, reached after consultation with the DPS and the Gold Group responsible for the MPS response, sought to balance W80's wishes and well-being, the public interest in providing value to the taxpayers funding W80's salary, the status of the disciplinary proceedings and the need to avoid pre-empting or speculating about the outcome of any ongoing proceedings. I fail wholly to understand how that balancing exercise, which also included the duty of care owed by the MPS to its officers and the public, could be undertaken without a full medical assessment as to W80's health and suitability for a return to work, bearing in mind the traumatic circumstances leading to his suspension and his initial reaction to those events.²⁰ Furthermore, DAC Martin's decision was made despite strong opposition from Mr Baker's family and cannot have assisted in creating for them a picture of objectivity on the part of the MPS.
- 12.100** On 21 May 2018, the restriction on W80 participating in the planning or training of tactical firearms operations was lifted to allow him to deliver firearms training. Neither the IOPC nor the family of Mr Baker were consulted on this occasion.
- 12.101** There was then a period of over two years during which there were a series of court decisions in relation to the propriety of bringing disciplinary proceedings against W80. Having seen all relevant minutes of the Gold Group meetings over the same period at which W80's status was considered, I am quite satisfied that the MPS gave no consideration to the propriety or otherwise of revisiting any restrictions. Following the decision of the Court of Appeal in October 2020 that the conclusions of the IOPC were justified, there was an expectation in the MPS Gold Group that the restrictions on W80 would be considered in November 2020 but as a result of an "oversight",²¹ no such review took place until October 2021 and only then as a result of enquiries made by this Inquiry. DCS Donna Smith of the DPS considered in October 2021 that to reimpose restrictions on W80 at that point would serve no purpose in managing any risk to the public or to public confidence in the MPS.
- 12.102** It is regrettable to have to observe that no one within the MPS has seen fit to seek to provide either an explanation for how or why this "oversight" occurred, or indeed any apology by anyone accepting responsibility for this significant system failure.
- 12.103** Given the time that had elapsed between the decision of the Court of Appeal and the actual review, and the length of time for which W80 had been operating potentially without any restriction on his duties, it is perhaps scarcely surprising that the review – which was undertaken urgently by DCS Smith once the request was made of her – allowed the status quo to continue, and I do not criticise her decision in that regard. Nor, given the history of this matter, was it surprising that it contained a factual error – namely that leave to appeal was granted by the Court of Appeal on 7 July 2020, whereas in fact it was granted on 7 November 2019.
- 12.104** Nothing that I have read has, however, allayed my concern about the way in which the family of Mr Baker were treated in relation to this matter after the original Divisional Court decision. The minutes of the October 2020 Gold Group include the clear expectation that

20 [MPS0004733](#)

21 [MPS0004740_0002](#)

views would be sought from “*all interested parties*”.²² Whatever the precise terms of the regulations in relation to consultation may have been, it cannot seriously be suggested that the family of Mr Baker were anything other than an interested party, and if consulting them was going to be necessary to decide the status of W80 in October 2020, common standards of humanity required that the family be treated no differently 12 months later. The fact that they had made it clear in 2017 that they wished W80 to remain suspended was not a reason for dispensing with those standards.

Police officers declining to answer questions during an investigation

- 12.105** Interviews during an IOPC investigation are not interviews under caution. Those being interviewed at the time by the IPCC (save for W80) were witnesses. The practice of answering “no comment” is to be strongly discouraged and might lead the casual observer to conclude that the protection of others’ interests was of paramount importance, as opposed to the obligation to assist the investigation. Guidance from the Police Federation of England and Wales would indicate that this is a common approach to such investigations, although the IPCC investigators at the time were critical of its effect. The process of, thereafter, providing written statements based upon the questions asked caused delays to the IPCC investigation.
- 12.106** Given that a representative of the IPCC was present when the officers wrote their accounts of Operation Ankaa, it is important for individual officers to acknowledge their obligation, whenever they are not suspected of a criminal offence, to give a clear account of the incident in question. The confidence that MPS asserts in its PIPs can only be shared by the public if it acknowledges its obligation, at the same time, to be accountable.
- 12.107** I consider it appropriate to introduce a practice requiring, as an alternative to a face-to-face interview, the submission of a list of questions for written answer within an appropriate fixed period of time – failure to provide which would, in the absence of a reasonable excuse, amount to misconduct.

The retirement of officers during the conduct of an IOPC investigation

- 12.108** On 11 May 2016, DCI Williams informed the MPS that he intended to retire on 27 September 2016, at the conclusion of 30 years’ service. DCI Williams was served with a notice of investigation on 28 July 2016 and an updated notice on 10 August 2016.
- 12.109** During Inquiry hearings, DCI Williams was asked a number of questions about the plans he made for his retirement. Although a degree of scepticism is hardly surprising, the fact is that the chronology does not support a conclusion that he had an ulterior motive in the timing of his retirement.
- 12.110** Of far greater concern to me, as it should be to the reputation and integrity of the MPS, is the fact that untried allegations of simple – as opposed to gross – misconduct fall by the wayside upon retirement or resignation of the charged individual.
- 12.111** The decision by the Home Office to limit the ability to bring disciplinary proceedings against former officers to those facing allegations of gross misconduct was a deliberate one. If an officer retires before proceedings for gross misconduct take place, they can be placed on an advisory list until the conclusion of that investigation and, if subsequently dismissed, can be placed on a barred list which would prevent that individual from rejoining a police force

22 [MPS0004741](#)

or other specified law enforcement agencies in the future. In addition, all officers for whom an allegation that could have led to their dismissal comes to light after they have left a force will also be placed upon the advisory list until the investigation is complete.

- 12.112 Both lists are administered by the College of Policing. The College makes decisions on whether it is appropriate to publish the information on the barred list but in the vast majority of cases the information will be published. The lists are public and searchable.²³ The lists were introduced to improve “*police integrity*”, increase “*the accountability of those dismissed from policing*” and “*to increase the transparency of the police discipline system*”.²⁴
- 12.113 These safeguards are not available for an officer who retires while facing allegations of simple misconduct.
- 12.114 Public confidence in the police service and its reputation – certainly as far as acknowledging the importance of transparency and openness are concerned – are likely to be adversely affected if potential employers are making decisions in relation to a prospective employee, with one hand, metaphorically speaking, tied behind their backs. Furthermore, given that many former police officers seek employment in related fields, such as security, the protection of the public may be seen to be at risk if the full picture is withheld from or unavailable to a potential employer.
- 12.115 If public policy led the Home Office to ensure that allegations of gross misconduct can survive retirement/resignation, there is no less a public interest in the survival of simple misconduct in such circumstances. It would also ensure that miscategorisation of misconduct would not have an arbitrary effect on the survival or demise of such proceedings. There are numerous occupations (this Inquiry has heard of several examples) pursued by retired police officers, of all ranks, in which knowledge of any proven blemishes against their character would be highly relevant to a potential employer. The fact that the current Regulations allow such blemishes to be concealed by a resignation or retirement is undesirable and flies in the face of the need for transparency and accountability.

23 College of Policing [Barred list](#) (2022)

24 [HOM0000002_003](#) para 10

Chapter 13: Conclusions II – unlawful killing

- 13.1 In this chapter, I consider the two most significant submissions that were made on behalf of the family of Mr Baker: (a) that he was unlawfully killed by DCI Neil Williams; and/or (b) that he was unlawfully killed by the CTSFO W80.

Unlawful killing – gross negligence manslaughter and DCI Williams

Law in respect of DCI Williams

- 13.2 A finding of unlawful killing, by reason of gross negligence manslaughter, would require a finding on all six elements as described in *R v Broughton* [2020] EWCA 1093,¹ namely:
- a. DCI Williams owed an existing duty of care to Mr Baker.
 - b. DCI Williams negligently breached that duty of care.
 - c. At the time of the breach there was a serious and obvious risk of death. Serious, in this context, qualifies the nature of the risk of death as something much more than minimal or remote. Risk of injury or illness, even serious injury or illness, is not enough. An obvious risk is one that is present, clear and unambiguous. It is immediately apparent, striking and glaring rather than something that might become apparent on further investigation.
 - d. It was reasonably foreseeable at the time of the breach of the duty that the breach gave rise to a serious and obvious risk of death.
 - e. The breach of the duty caused or made a significant (i.e. more than minimal) contribution to the death of Mr Baker.
 - f. The circumstances of the breach were truly exceptionally bad and also reprehensible as to justify the conclusion that it amounted to gross negligence and required criminal sanction.
- 13.3 There is no dispute that a TFC may owe a duty of care to the subjects of an operation, in his conduct of that operation. However, any finding of gross negligence manslaughter would require the scope of that duty, and the point at which it arises, to be clearly defined.² Only breaches occurring within the scope of that duty could provide the foundation for

¹ *R v Broughton* [2020] EWCA 1093

² *Ruling on Verdicts and Inquisition, De Menezes Inquest, 24 November 2008*

a finding of gross negligence manslaughter. The definition of the duty of care is not a straightforward exercise in the case of a complex and multi-faceted operation, such as Operation Ankaa, planned over a number of weeks.

- 13.4 For the reasons set out below, I do not consider it necessary to deliberate in detail or to reach a determination on the scope of the duty of care in this case. I have, as a starting point only, considered each of the criticisms and failures that I have identified in the conduct of DCI Williams as TFC throughout this Report. I have been careful to restrict myself to concentrate on acts and omissions that are DCI Williams' alone.
- 13.5 It may be helpful to summarise in headline form at this point those specific failures that Counsel for the family of Mr Baker sought to persuade me satisfied the criteria for a finding of gross negligence manslaughter:
- a. failures in the management and handling of the intelligence;
 - b. failure to ensure accurate and up-to-date briefing to CTSFOs of any changes in the intelligence picture relevant to the threat assessment;
 - c. evidential tipping points; and
 - d. failure to use the available surveillance tools on the morning of 11 December 2015 to minimise the risks of an interception.
- 13.6 A finding of gross negligence manslaughter may rest upon only those failures that reach the threshold of "negligent", i.e. those failures where DCI Williams' conduct fell below the standards of a reasonably competent TFC in 2015. In accordance with *Bolam v Friern Hospital Management Committee* [1957] 1 WLR 582:
- There may be one or more perfectly proper standards; and if he conforms with one of those proper standards, then he is not negligent ... a man is not negligent, if he is acting in accordance with such a practice, merely because there is a body of opinion that takes a contrary view.*³
- 13.7 In order to conclude whether or not DCI Williams' conduct fell below those standards (I shall call this "the *Bolam* test"), I was entitled to receive opinion evidence from appropriate experts as to what could reasonably have been expected from a competent TFC at the time. *The Crown Court Compendium* has described expert evidence as "critical in establishing whether there has been a breach of the duty".⁴
- 13.8 Not every negligent breach of duty will constitute a gross breach, for the purposes of gross negligence manslaughter. A gross breach must be "truly exceptionally bad",⁵ while:
- mistakes, even very serious mistakes, and errors of judgement, even very serious errors of judgement ... are nowhere near enough for a crime as serious as manslaughter to be committed.*⁶

3 *Bolam v Friern Hospital Management Committee* [1957] 1 WLR 582

4 Judicial College *The Crown Court Compendium – Part I: Jury and Trial Management and Summing Up* (December 2020), Part 19-26 para 10

5 *R v Sellu* [2017] 4 WLR 64 at [151]

6 *R v Misra and Srivastava* [2005] 1 Cr App R 21 at [25]

- 13.9 During the hearings, I indicated that the absence of any mention by Counsel for the family of Mr Baker of gross negligence manslaughter at any stage prior to the closing submissions would not affect my approach to the merits of her argument.⁷ However, even though these are inquisitorial rather than accusatorial proceedings, I cannot ignore the absence of any suggestion directed by Counsel for the family of Mr Baker to DCI Williams – whose culpability is said to be such as to warrant the label of “gross negligence” – on that topic and consequently any evidence from him thereon. Nor was any questioning on the topic directed to the Inquiry’s policing experts, whose expertise is not in doubt and whose evidence may well have been of assistance, on: (a) whether or not DCI Williams’ failures amounted in their opinion to “gross” negligence; and (b) whether the line had been crossed between serious or very serious mistakes or lapses of judgement, and conduct that was “*truly exceptionally bad and was such a departure from the standard [of a reasonably competent TFC] that it consequently amounted to being criminal*”.⁸ As it is, a qualitative assessment of DCI Williams’ alleged failures was not assessed by anyone giving evidence during the Inquiry. For the avoidance of doubt, I reject the submission of Counsel for the family of Mr Baker to the effect that, whereas an expert can give evidence of opinion as to whether a failure amounts to negligence, that evidence cannot assist on the issue of whether the negligence is gross. On the question of whether any such negligent breaches were gross, the Court of Appeal has been clear that not only am I entitled to receive expert opinion on that issue but that experts may be better informed on that point.⁹
- 13.10 I was assisted in this Inquiry by both written and oral evidence from the Inquiry’s policing experts. Their evidence was lengthy and thorough. I note that the Inquiry’s policing experts were critical of a number of aspects of DCI Williams’ conduct in the planning and direction of Operation Ankaa. However, they did not describe those failures, either explicitly or by implication, in terms that would satisfy the *Bolam* test for negligence, or indeed the test for gross negligence. In addition, in relation to some of the decisions made by DCI Williams on which Mr Baker’s family have relied, I have heard evidence from others who have undertaken TFC training that they would have done the same.
- 13.11 Of course, the opinion of expert witnesses is not and could not be determinative, nor is the absence of such evidence fatal to a finding of gross negligence manslaughter. The decision is mine alone and must be made considering all of the evidence before me.

Failures of DCI Williams

- 13.12 A fundamental aspect of DCI Williams’ responsibility as TFC was to maximise the safety and minimise the risks of the operation, not just the risks posed by the conspirators but the risks arising from the deployment of firearms officers. Whether or not it was legitimate to identify in order of priority those whom he was required to protect, such that the subjects of the Audi mission vehicle and the CTSFOs came lower down the hierarchy than the general public, he was nonetheless under a duty to minimise the risks to life of all potentially affected, by taking operational measures to protect individuals whose lives were at risk. This duty plainly arises in respect of any armed interception, which puts the lives of either or both the CTSFOs and the subjects at risk. Alongside this positive obligation is the duty

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8 *R v Sellu* [2017] 4 WLR 64 at [152]

9 *R v Sellu* [2017] 4 WLR 64 at [134]

only to use force where it is necessary and proportionate. Both concepts required that the operation be planned to minimise, to the greatest extent possible, resource to the use of lethal force.

- 13.13** It was the geographical tipping point alone upon which DCI Williams focused as the means by which to minimise the risks of the operation. This was the start and end point of the steps he took, or even considered he needed to take, to secure the safety of those persons potentially affected by the operation. And it was because he focused his attention exclusively on threat at the point of the offence being completed – that is, the Serco van and Audi mission vehicle coming together – that he allowed the conspiracy to run as long as he did. As far as Ozcan Eren was concerned, DCI Williams had no knowledge of his position or what he was doing between 05:57 (when intelligence placed him in the Tottenham area) and 09:17 (when there was a possible and entirely fortuitous sighting of him in Wood Green). He had previously written in the FA2 form: “*it is unknown whether he will be in the actual team on the day*”.¹⁰ In other words, he let the offence run despite having no control over Ozcan Eren, and even though he did not know whether he would be directly involved in the break-out on the day and therefore possibly himself armed, or with someone who was armed.
- 13.14** Furthermore, although DCI Williams believed that there had been an issue of inherent corruption within Serco, he did not think through the consequences of such corruption, not least the increased risk that the van bringing Izzet Eren to court might take a different route, and the associated risk of losing control of the prison van and the Audi mission vehicle. DI Robert Murray’s uncertainty as to whether this issue was considered when deciding whether to allow the conspiracy to run with a view to achieving sustained public protection¹¹ leads me to conclude that it was not considered. I find this astonishing.

Conclusions in respect of DCI Williams

- 13.15** Throughout this Report, I have identified a number of failures in the planning and in the conduct of Operation Ankaa which were, in my opinion, attributable to DCI Williams as TFC.
- 13.16** Whereas I may be able to reject the evidence of those who supported – or did not dissent from – the approach of DCI Williams as “firearms orthodoxy” or symptomatic of the closing of ranks, I find myself unable to make the leap to saying that not only did DCI Williams act in breach of his duty but the major breaches highlighted by Counsel for the family of Mr Baker and summarised above can properly be categorised as gross. Accordingly, it is not necessary for me to consider or rule upon the remaining elements of gross negligence manslaughter as they apply to this case.
- 13.17** Having considered each of the criticisms and failures that I have identified in the conduct of DCI Williams as TFC throughout his involvement in Operation Ankaa, and without underestimating them either individually or collectively, even if it can be said that any of them satisfy the *Bolam* test for simple negligence, none of them come close to fulfilling the criteria of gross negligence.

¹⁰ IPC0001143

¹¹ Sustained public protection is the police term for protecting the public through the detection and prevention of crime over the longer term

- 13.18 For the sake of completeness, let me observe that, even if I am wrong in my assessment of the culpability to be attached to DCI Williams, I am satisfied that none of the breaches relied upon, even though they may give rise to a foreseeable risk of death, made more than a minimal causal contribution to the death of Mr Baker.

Unlawful killing – W80

Law in respect of W80

- 13.19 Counsel to the Inquiry made written and oral submissions on the legal framework, which I accept as correct. I received written and oral submissions on behalf of W80, the MPS and the family of Mr Baker on the tests that I should apply when assessing the lawfulness of W80's actions.
- 13.20 In the paragraphs that follow, I set out the law against which I have judged the actions of W80. This is largely taken from the submissions of Counsel to the Inquiry,¹² but I have made additions and amendments to reflect submissions made by core participants. I have also derived assistance from the report by the Chairman of the Anthony Grainger Inquiry, Judge Teague QC, now Her Majesty's Chief Coroner, where similar considerations applied.¹³
- 13.21 This Inquiry was established when the Inquest into the death of Mr Baker was suspended. In hearing that Inquest, I would have been required to answer the four statutory questions in Section 5 of the Coroners and Justice Act 2009 (CJA): who the deceased was, and how, when and where the deceased came by his death. The Terms of Reference of this Inquiry reflect those same questions.
- 13.22 Although the scope of this Inquiry has stretched far wider than the few seconds that directly preceded Mr Baker's death, the immediate cause of Mr Baker's death is plain: he was killed when an armed police officer fired on him. The central issue which I must determine is whether that officer's decision to discharge his weapon amounted to a lawful or unlawful killing.
- 13.23 In determining whether the actions of W80 amount to lawful self-defence, I shall consider whether his actions were limited to the use of reasonable force. Different tests in respect of the decision to use reasonable force for self-defence are applied in respect of the civil tort of battery and in respect of the criminal offence of murder. In short, a defendant in **criminal proceedings** may rely on an honest mistake alone where the belief was reasonable but a defendant in **civil proceedings** may not. In full:
- a. In **civil proceedings**, a person using force in self-defence must establish that there were reasonable grounds for his belief that it was necessary to do so. An unreasonable and mistaken belief that there was an imminent threat provides no defence, even where that belief was honest.¹⁴

12 [Written Submissions of Counsel to the Inquiry on the Applicable Legal Framework, August 2021](#)

13 [The Anthony Grainger Inquiry *Report into the Death of Anthony Grainger* \(2019\)](#)

14 [Ashley v Chief Constable of Sussex Police \[2008\] 1 AC 962 at \[85\]](#)

- b. In contrast, the position in **criminal proceedings** is now set out in Section 76 of the Criminal Justice and Immigration Act 2008 (CJIA):

(3) *The question whether the degree of force used by D was reasonable in the circumstances is to be decided by reference to the circumstances as D believed them to be, and subsections (4) to (8) also apply in connection with deciding that question.*

(4) *If D claims to have held a particular belief as regards the existence of any circumstances—*

(a) *the reasonableness or otherwise of that belief is relevant to the question whether D genuinely held it; but*

(b) *if it is determined that D did genuinely hold it, D is entitled to rely on it for the purposes of subsection (3), whether or not—*

(i) *it was mistaken, or*

(ii) *(if it was mistaken) the mistake was a reasonable one to have made.*¹⁵

13.24 There is no rule of law determining whether the chairman of a public inquiry should apply the civil test or the criminal test for self-defence (“the reasonableness question”).

13.25 Furthermore, in civil proceedings the questions of fact will be resolved on the balance of probabilities, whereas in criminal proceedings a person will only be convicted where the case is proved beyond reasonable doubt. The chairman of a public inquiry is not bound by any statutory or common law principles to apply either the civil or criminal standard of proof (“the standard of proof question”).

13.26 As noted above, I have derived assistance from the analysis of Judge Teague, the Chairman of the Anthony Grainger Inquiry, at paragraphs 6.3–6.13 of his report,¹⁶ although the law has since moved on in one significant way, which I shall address below. In his report, Judge Teague noted the distinctions between the law in civil and criminal proceedings in respect of both the reasonableness question and the standard of proof question. He then turned to consider the answer to these questions “*in the context of a different species of inquisitorial proceeding, namely inquests*” (paragraph 6.8). He determined that in the Anthony Grainger Inquiry he should apply the same principles that would apply in an inquest, reaching that conclusion for the following reasons (paragraph 6.10–6.13):

- a. The Terms of Reference in that Inquiry required the Chairman to answer the questions of who the deceased was, and when, where and how the deceased died. Those are precisely the same questions that a coroner investigating the same death would be required to ask and answer in an inquest.
- b. That Inquiry was set up because it was not possible to conduct an inquest that could hear all relevant evidence.
- c. It “*would be odd indeed*” if the need to convert the inquest to an inquiry “*had the unintended consequence that a different substantive legal framework fell to be applied when judging the legality*” of the officer’s use of force.

15 [Criminal Justice and Immigration Act 2008 Section 76](#)

16 [The Anthony Grainger Inquiry *Report into the Death of Anthony Grainger* \(2019\), p167-171 paras 6.3-6.13](#)

- d. The Inquiry proceedings were “*truly inquisitorial proceedings*” and had “*very many similarities with coronial proceedings*”, citing *R (Duggan) v HM Assistant Deputy Coroner for the Northern District of Greater London*¹⁷ at paragraphs 91–97. The important question is not whether inquiry proceedings are more akin to civil or criminal proceedings, given the strength of the proper analogy between an inquiry and an inquest which preceded it.

13.27 I consider that each of the points made by Judge Teague applies with equal force to the present case. I shall apply the same principles in respect of the reasonableness question and the standard of proof question as I would have done had I enquired into Mr Baker’s death as a coroner in an inquest.

13.28 In this Inquiry, core participants agreed in their submissions that I should adopt this approach.¹⁸

13.29 I shall now consider the principles that would guide a coroner conducting such an inquest.

Unlawful killing, lawful killing and self-defence

13.30 Although I will not complete a Record of an Inquest, Form 2 in the Schedule to the Coroners (Inquests) Rules 2013¹⁹ is of some assistance in describing the principles that should be followed. Note (i) to Form 2 provides a list of short-form conclusions. The list is not exhaustive but the former Chief Coroner’s guidance is that “*straying from the list will usually be unwise*” in an inquest.²⁰

13.31 One short-form conclusion on that list is “*lawful/unlawful killing*”. These can be defined as follows:

- a. A lawful killing is one which is deliberate and which would amount to murder or voluntary manslaughter but for the presence of an additional factor which justifies it. One such factor is self-defence.²¹
- b. A conclusion of unlawful killing is one which may be entered to reflect an act which amounts to murder, manslaughter (including corporate manslaughter) and infanticide.²²

13.32 In answer to the reasonableness question, the principles to be adopted are those of the criminal law. As the Court of Appeal held in *R (Duggan) v HM Assistant Deputy Coroner for Northern District of Greater London*, it:

¹⁷ *R (Duggan) v HM Assistant Deputy Coroner for the Northern District of Greater London* [2017] EWCA Civ 142 (29 March 2017) 1 WLR 2199 at [91-97]

¹⁸ Phillippa Kaufmann, 6 September 2021, 10/5-9, 12/9-17

¹⁹ *Coroners (Inquests) Rules 2013*

²⁰ Chief Coroner *Guidance No. 17 Conclusions: Short-form and narrative*, p6 para 27

²¹ *R (Duggan) v HM Assistant Deputy Coroner for the Northern District of Greater London & Ors* [2017] EWCA Civ 142 (29 March 2017) at [69-72]

²² *R (Wilkinson) v HM Coroner for the Greater Manchester South District* [2012] WLR(D) 274 [2012] EWHC 2755 at [70]

*has never been the function of an inquest to concern itself with civil liability for a death, and the conclusion of lawful killing has always been understood to have been linked to crime and amounted to a statement that the jury believed that the deceased was probably not the victim of a homicide.*²³

13.33 Accordingly, the significant principles which I shall follow in this case may be summarised as follows:

- a. A police officer who kills a person may have a defence at common law of self-defence to the use of otherwise unlawful force. A closely related statutory defence is provided by Section 3 of the Criminal Law Act 1967:

3.—Use of force in making arrest, etc.

(1) A person may use such force as is reasonable in the circumstances in the prevention of crime, or in effecting or assisting in the lawful arrest of offenders or suspected offenders or of persons unlawfully at large.

*(2) Subsection (1) above shall replace the rules of the common law on the question when force used for a purpose mentioned in the subsection is justified by that purpose.*²⁴

- b. Section 76 of the CJIA provides a two-limb test to be applied when determining whether a person's use of force is justified. The first limb provides a subjective test: whether or not the person honestly believed that it was necessary to use force in defence of him- or herself or others. If this limb is satisfied, an objective assessment is then made under the second limb: whether or not the person used no more force than was reasonably necessary, given the circumstances as he or she believed them to be.
- c. As to the first limb of the test, the reasonableness of the belief is only relevant insofar as it informs the tribunal whether the belief was honestly held.²⁵ I note that, in Section 76(7)(a) of the CJIA, an assessment of reasonableness under the second limb does not require a person acting in the heat of the moment to “weigh to a nicety” the precise degree of force required.
- d. *The Crown Court Compendium* of the Judicial College (updated December 2020) describes that the “defence is available even if D is mistaken as to the circumstances as he/she genuinely believed them to be, whether or not the mistake was a reasonable one for D to have made”,²⁶ citing CJIA Section 76(4).
- e. The question of reasonableness is a question of fact for the tribunal, after considering various factors, including all the circumstances in which the person concerned made the decision as to whether to use force and the level to use.²⁷ A pre-emptive strike may be lawful in the right circumstances.²⁸

23 *R (Duggan) v HM Assistant Deputy Coroner for the Northern District of Greater London & Ors* [2017] EWCA Civ 142 (29 March 2017) at [93]

24 *Criminal Law Act 1967* Section 3

25 *R v Gladstone Williams* (1984) 78 Cr App R 276 at [280-281]

26 Judicial College *The Crown Court Compendium – Part I: Jury and Trial Management and Summing Up* (December 2020), Part 18-1 para 3

27 *Attorney General for Northern Ireland's Reference* [1978] AC 105, HL; *R v Whyte* [1987] 3 All ER 416, CA

28 *Beckford v R* [1988] AC 130 at [144]

- f. Where a person is entitled prima facie to rely on the defence of self-defence but the force used was excessive and more than reasonable, he or she is outside the scope of the defence. However, in the case of any person, but perhaps even more so a police officer arresting an offender who is believed to be dangerous, a choice as to what force to exercise will sometimes “*be exercised on the spur of the moment, without time for measured reflection*”.²⁹
- g. The training and instructions given to firearms officers do not alter the substance of the legal test; however, they are material facts which may be taken into account in assessing whether a person acted reasonably by reference to the facts as he honestly believed them to be.³⁰
- h. The words “honest” and “genuine” are used interchangeably to qualify the relevant belief, hence the use of the phrase, “honest and genuine belief”. During the course of his submissions, I asked Counsel representing W80 whether the word “genuine” added anything to the word “honest” when assessing the belief of someone who claimed to be acting in lawful self-defence. He agreed that it did not. I have therefore used the word “honest” to describe the relevant belief of someone who claims to be acting in lawful self-defence.

Standard of proof

- 13.34 Across a chairman’s various findings of fact, a public inquiry typically adopts a flexible and variable standard of proof,³¹ but the chairman should indicate, when making findings, the standard of proof to which they are made.
- 13.35 However, for the reasons of principle set out above, the standard of proof in respect of the central question of whether Mr Baker was lawfully killed should be the same as the standard of proof that would have applied had this investigation been an inquest concerning the same matters.
- 13.36 The Notes to Form 2 in the Schedule to the Coroners (Inquests) Rules 2013, which came into force on 25 July 2013, are now out of date in one respect: they state that the standard of proof applicable to most conclusions in an inquest determination is the civil standard (i.e. the balance of probabilities) but that the standard of proof required for the short-form conclusions of “unlawful killing” and “suicide” is the criminal standard (i.e. beyond reasonable doubt).³²
- 13.37 In November 2020, the Supreme Court gave judgment in *R (Maughan) v HMC for Oxfordshire* [2020] UKSC 46. The appeal concerned the standard of proof required for the determination of the result of an inquest into a death where the question is whether the deceased committed suicide. The Court held not just that the standard of proof in respect of suicide is the balance of probabilities but that the standard of proof for all short-form conclusions is the balance of probabilities. This includes a conclusion of unlawful killing or lawful killing.³³

29 *R v Clegg* [1995] AC 482 at [497-498]

30 *R (Bennett) v HM Coroner for Inner South London* [2007] EWCA Civ 617 at [15]

31 For example, Sir Thayne Forbes *The Report of the Al Sweady Inquiry*, p36 para 1.169

32 *Coroners (Inquests) Rules 2013*

33 *R (Maughan) v HMC for Oxfordshire* [2020] UKSC 46 at [143]

Other findings not required by law

- 13.38** The family accept that for the purposes of considering whether Mr Baker was unlawfully killed, I should not consider whether W80's decision was objectively reasonable. However, I am urged nonetheless in submissions to go on to make such findings as part of my broad discretion. The submission is made on two grounds: first, that such a matter forms part of the circumstances of Mr Baker's death and second, that it would be valuable for me to make such findings for purposes including the prevention of future deaths.
- 13.39** I am not persuaded on either ground that I should make such a finding. The lawfulness of W80's actions may be determined without reference to that question and the central purpose of this Inquiry, at least insofar as it concerns the actions of W80, is to establish whether he acted lawfully. It would be a step too far for me to consider too whether that act was objectively reasonable.

W80's background

- 13.40** In December 2015, W80 had been an MPS police officer for 26 years and an AFO since 1998.³⁴ From 2010 until November 2013, W80 was an SFO.³⁵ In November 2013, W80 became an MPS firearms instructor until 23 November 2015,³⁶ at which point W80 rejoined as an operational SFO.
- 13.41** He had undergone all the required training expected of an SFO when carrying out his role on 11 December 2015.³⁷ The MPS's CFI, Paul Thornhill, stated that W80 exceeded the required refresher training contact hours to undertake the role as an SFO.³⁸ W80 had his annual authority to deploy with firearms renewed on 26 March 2015.³⁹
- 13.42** He undertook a classification shoot (to ensure his continued competence to carry firearms) on 7 December 2015 in respect of his carbine weapon.⁴⁰

W80's involvement prior to 11 December 2015

- 13.43** In the following paragraphs of this subsection, I give a high-level summary of W80's involvement in Operation Ankaa. The detail is set out in the preceding chapters of this Report.
- 13.44** S105, as W80's sergeant, was the first person to bring Operation Ankaa to W80's attention, doing so on 6 December 2015.⁴¹ W80 attended Lemn Street Police Station and was given a briefing by Sergeant Darren Stewart and a CTSFO, K78.⁴² This included the outline of the operation, that there was a stolen Audi that was near Wood Green Crown Court, the identity of the individuals who it was intended would be broken out of custody and the offences for which those individuals were to be sentenced.⁴³

34 [W80 20 July 2021 3/7-8](#)

35 [W80 20 July 2021 4/6-11](#)

36 [W80 20 July 2021 4/12-15](#)

37 [W80 20 July 2021 5/9-10](#)

38 [MPS0000054](#)

39 [MPS0000054](#)

40 [W80 20 July 2021 15/23-16/15](#)

41 [W80 20 July 2021 18/5-14](#)

42 [W80 20 July 2021 19/6-25](#)

43 [W80 20 July 2021 20/24-21/11](#)

- 13.45 W80 was then instructed to perform a reconnaissance at Wood Green Crown Court with K78. This was to familiarise themselves with the area around the Court and to look at some locations for holding areas for covert police vehicles.⁴⁴
- 13.46 On 7 December 2015, W80 became aware that the Audi mission vehicle had been moved to the Eastern Road car park.⁴⁵
- 13.47 W80 provided firearms protection during the TSU deployment on 8 December 2015, during which listening devices (often described as “audio probes”) were fitted to the Audi mission vehicle.⁴⁶ W80 did not see the Audi on that day.
- 13.48 W80 attended a briefing at New Scotland Yard on 10 December 2015. He was the only CTSFO to do so.⁴⁷ W80 expected to be responsible for “cascading” the information he received to others in the team.⁴⁸

Why W80 decided to fire on Mr Baker

- 13.49 W80 described his state of mind at the end of the briefing on the morning of 11 December 2015 in the following way, in a witness statement:

At the end of this briefing my state of mind was that the attack was likely to happen, that it would be undertaken by a group of experienced and dangerous individuals who would be armed and would use firearms in the course of the offence. The fact that the main suspect had previously been caught in possession of a loaded machine pistol caused my threat assessment to be very high.

Based on the information given at the briefing I believed that the suspects would be armed with weapons, possibly machine pistols, to enable the attack. Whilst we undertake a lot of operations where the intelligence is that a suspect may be in possession of firearms, it is fairly rare where the intelligence is that the suspect may be armed with a machine pistol.

In this operation there was the added factor that the main suspect had actually been arrested in possession of a loaded machine pistol in the past.⁴⁹

- 13.50 As set out at paragraph 13.49 above, the personal threat assessment of W80 was as high as it could be, as State Amber was called.⁵⁰ He said that he “*thought we were going to get shot*” and “*believed that the occupants had firearms, probably machine pistols, they were experienced and they were intending to attack a prison van and break free a dangerous criminal and I believed the occupants would fight their way out rather than surrender*”.⁵¹

44 [W80 20 July 2021 23/2-24/5](#)

45 [W80 20 July 2021 25/4-7](#)

46 [W80 20 July 2021 36/14-16](#)

47 [Neil Williams 6 July 2021 82/9-14](#)

48 [W80 20 July 2021 50/9-53/17](#)

49 [W80 20 July 2021 81/10-82/11](#)

50 State Amber is the stage of the operation at which the TFC declares that the activation of an arrest plan is now both justified and appropriate. It signifies to the OFC that they have the authority and discretion to call the timing of a move to arrest

51 [W80 20 July 2021 128/21-129/2](#)

- 13.51 Counsel to the Inquiry sought to elicit the reason that W80 believed that those in the Audi mission vehicle would fight their way out, including by shooting at a police officer. W80 was “pretty sure” that he could recall an incident of a gang member shooting at a police officer “in the Tottenham area” but he accepted that he did not know if it was this OCN.⁵² It was put to W80 that there was no evidence that the subjects *would* fight their way out and in fact the arrest of Izzet Eren and Erwin Amoyaw-Gyamfi had concluded without a “fight”. W80 told the Inquiry that he had never been involved in any intervention or interception where the subjects *did* try to fight their way out. Nevertheless, he maintained that he had believed this is what the subjects would do.⁵³
- 13.52 It would be unwise to speculate how W80 would or might have reacted if he had been given correct information about the OCN’s access to live weaponry, even with appropriate clarification or a limitation warning, but the decision to keep the CTSFOs in the dark was seriously flawed and can have served only to heighten W80’s sense of anxiety. “Firearms enabled” – the phrase authorised by DCI Williams – conveyed to W80 the presence of at least one live firearm, which was likely to have been automatic and easily fired. The danger posed by the gang, based on their history of serious and often fatal armed violence, was an added factor.
- 13.53 When the interception began, W80 saw the OFC S111 go to the front passenger door of the Audi mission vehicle. If he had been able to get past, W80 would have gone to the rear passenger door, so as to put cover on all subjects in the Audi mission vehicle.⁵⁴ S111 attempted to break the front passenger window but, after three failed attempts, W80 said to S111 “push on, I’ve got it”.⁵⁵
- 13.54 Certain training material⁵⁶ was put to W80, which described a technique whereby one firearms officer provides cover and a second extracts a subject from the vehicle, initially holding the subject by the wrist. W80 was asked whether he should have done this. He answered that he would not have done so without there being firearms cover on all of the occupants first.⁵⁷ Therefore, W80 opened the front passenger door, behind which Mr Baker was sitting. His intention was “to put cover and then wait for someone else to come and extract, or for someone else to tell me to move and they put the cover on and then I extract”.⁵⁸
- 13.55 W80 accepted in evidence that, once he had opened the door, he had drastically limited the options available to him, on account of his positioning. The adjacent BMW was so close to the Audi mission vehicle that the Audi mission vehicle’s open door created a barrier between W80 and Mr Baker. Given that S111 had opened the door at the rear of the Audi mission vehicle on the same side, Mr Baker was boxed in. Nobody could get hold of Mr Baker to extract him through the open front passenger door without climbing over the top of the BMW or the Audi mission vehicle.⁵⁹ W80 was asked whether he had considered moving past the closed door before opening it. He said that this would have meant his passing a

52 [W80 20 July 2021 129/6-11](#)

53 [W80 20 July 2021 129/23-134/5](#)

54 [W80 20 July 2021 137/19-138/9](#)

55 [S111 14 July 2021 64/13-15](#)

56 [IPC0000219](#)

57 [W80 20 July 2021 138/14-15](#)

58 [W80 20 July 2021 139/22-24](#)

59 [W80 20 July 2021 140/11-16](#)

door that he could not see into, with the possibility of the person on the other side posing a threat to him.⁶⁰ I note, however, that this was precisely the action which he had told his colleague S111 to take just a moment earlier.

- 13.56 W80 found himself in a position where it was impossible for him to deliver any physical distraction strikes to Mr Baker. Nor could he drag Mr Baker from the car. W80 did not have a Taser. He accepted that he had just two options: verbal commands or the use of a firearm. He pointed his carbine at Mr Baker.
- 13.57 He said that he could see that Mr Baker was wearing dark clothing and a balaclava, with a bag on his chest (described as a “man bag”, a small cross-body bag over his shoulder). He could not remember the exact position of the bag,⁶¹ but he did recall that it was high on Mr Baker’s chest.⁶² W80 could not recall whether the bag was open or closed.⁶³ W80 was focused, he said, on Mr Baker’s hands.⁶⁴ Mr Baker was not, said W80, asleep.⁶⁵ W80 said that his vision into the car was “clear ... through that gap ... between the open car door and the sill of the Audi”⁶⁶ mission vehicle.
- 13.58 W80 said that he repeatedly told Mr Baker to put his hands on the dash, or dashboard. His words were probably, he said, “put your hands on the ... dashboard”.⁶⁷ He expected Mr Baker’s hands to move, because that was the instruction he had given.⁶⁸ Had Mr Baker put his hands on the dashboard, W80 gave evidence that he would not have fired.⁶⁹ No unequivocal support is found in the audio recording for W80 having given such a command.⁷⁰
- 13.59 W80’s weapon was “protruding” into the Audi mission vehicle, “because I wanted obviously to gain vision into that vehicle”.⁷¹ W80 recognised that this was within Mr Baker’s “fighting arc”,⁷² in that Mr Baker would have been able to take hold of it. W80 did not take “careful” aim, not having the opportunity to do so but he could see where his weapon was pointing because he was using a laser sight.⁷³
- 13.60 W80 fired on Mr Baker. He did so when Mr Baker’s hands were, he said, “on their way towards the bag”⁷⁴ moving upwards, placing his finger on the trigger as Mr Baker’s hands moved.⁷⁵ W80 was asked, a number of times and in a number of ways, whether the movement of Mr Baker’s hands was “consistent with him putting up his hands in an

60 [W80 20 July 2021 140/17-22](#)

61 [W80 20 July 2021 143/8-11](#)

62 [W80 20 July 2021 145/8-12](#); [W80 20 July 2021 148/4-8](#)

63 [W80 20 July 2021 151/4-5](#)

64 [W80 20 July 2021 145/11-12](#)

65 [W80 20 July 2021 142/3-4](#)

66 [W80 20 July 2021 142/5-7](#)

67 [W80 20 July 2021 156/23-157/17](#)

68 [W80 20 July 2021 143/4-7](#)

69 [W80 20 July 2021 146/15-24](#)

70 [W80 20 July 2021 156/12-15](#)

71 [W80 20 July 2021 149/25-150/6](#)

72 [W80 20 July 2021 149/23](#)

73 [W80 20 July 2021 150/14-25](#)

74 [W80 20 July 2021 147/8-10](#)

75 [W80 20 July 2021 150/11-13](#)

indication of surrender".⁷⁶ W80 said that he did not hear any other officers shouting instructions that included "put your hands up" and that he was "focused on the role that I was doing at that time".⁷⁷

- 13.61 However, whether or not W80 knew this, other officers were giving conflicting commands. The agreed transcript of words spoken at the scene of the shooting includes unattributed comments, before the shot was fired, of "get your fucking put your hands up" and "get your hands up", as well as "put your hands on your ...".⁷⁸ Until taken to his witness statement, S111 gave evidence that "I think I would have said, told them, 'get hands up'".⁷⁹ Mr Mason, one of the conspirators in the Audi mission vehicle, recalled officers saying "put your hands up, police"⁸⁰ and "police, put your hands up, don't move";⁸¹ immediately before he was dragged out of the car.
- 13.62 W80 was asked how much time elapsed between S111 trying to break the window and him firing the shot. He said, "it all happened very quickly ... I don't know the exact timings".⁸² He squeezed the trigger immediately upon putting his finger on it.⁸³
- 13.63 Counsel to the Inquiry asked W80 why he did not wait to see any part of a weapon being removed from the bag before firing on Mr Baker. W80 said that he had to shoot before Mr Baker's hands reached the bag because "action beats reaction".⁸⁴ W80 was asked the following series of questions and repeated his answer:

Q. But you would have had an opportunity once his hands had reached the bag, and grappled with a weapon, to shoot then, wouldn't you, given the proximity that you had to him?

A. I couldn't wait for his hands to reach the bag.

Q. He was sitting in a chair in a car, wasn't he?

A. Yes, he was.

Q. You were standing over him, pointing your weapon at close range. You were keeping your absolute focus on him?

A. On his hands, yes.

Q. Yes. So you could have waited a few seconds more to establish whether or not he was indeed about to take a weapon out of that bag, couldn't you?

A. No, my training is that – is that his actions could beat my reactions, so I reacted to his actions moving towards the bag.

76 [W80 20 July 2021 148/9-23](#)

77 [W80 20 July 2021 148/24-149/2](#)

78 [INQ0000025_001-002](#)

79 [S111 14 July 2021 66/12](#)

80 [Nathan Mason 13 July 2021 223/20](#)

81 [Nathan Mason 13 July 2021 224/19-23](#)

82 [W80 20 July 2021 150/9-10](#)

83 [W80 20 July 2021 153/12-18](#)

84 [W80 20 July 2021 151/10-11](#)

Q. *Without knowing whether it contained a weapon at all?*

A. *Given all that information, I was sure that there was a gun in that bag, and that is why I decided to fire.*⁸⁵

- 13.64 W80 fired one round. He was asked whether it was his training to fire twice but he confirmed that his training is to fire once and then to reassess.⁸⁶ W80 was specifically asked whether he did not fire a second shot because he realised his first had been a mistake. He said this was not the case.⁸⁷ Neither, he confirmed, was his firearm discharged in error as he opened the door.⁸⁸
- 13.65 It is normal for CTSFOs to work in pairs around a vehicle, if they can.⁸⁹ If S111 had not moved towards the rear of the car but had stayed with W80 at the door behind which Mr Baker was sitting, S111 accepted that they could have worked together. If the subjects had been doing “*exactly as we had asked them to do*”, then either of W80 or S111 would have stowed his primary weapon and extracted Mr Baker from the car by hand.⁹⁰ If W80 had been on the bonnet side of the car door and S111 on the open side of the car door, S111 may have been in a position “*to get hands on Jermaine Baker*”.⁹¹

W80 after the fatal shot

- 13.66 S105 spoke with W80 after he had fired on Mr Baker. W80 confirmed to S105 that he had been the shooter. W80 told S105 that Mr Baker had moved his hands up to his chest area but W80 made no mention of Mr Baker’s bag.⁹² W80, giving evidence, could not give an adequate explanation of his failure to mention this clearly important information, nor the equally important fact that he had believed that Mr Baker was reaching for a gun.⁹³
- 13.67 W80 was then asked to sit in the back of a van with another CTSFO, G79, shortly before he was driven to Leman Street Police Station where the Post-Incident Procedure (PIP) took place.⁹⁴ This was the first time that W80 had been a key police witness.⁹⁵ A countback of the ammunition in his firearm, conducted in the presence of the IPCC and the MPS DPS, confirmed that W80 had fired a single round from his carbine.⁹⁶
- 13.68 W80 felt “*shocked and upset*” when he returned home, after giving a statement during the PIP. He did not eat for the rest of the day. Looking back, he said that his physical and mental health at the time was good but after the shooting he felt exhausted. On the Sunday – the operation having occurred on a Friday – he continued to feel physically and mentally exhausted.⁹⁷

85 [W80 20 July 2021 151/12-152/6](#)

86 [W80 20 July 2021 152/9](#)

87 [W80 20 July 2021 152/10-13](#)

88 [W80 20 July 2021 152/14-17](#)

89 [W109 14 July 2021 195/13-19](#)

90 [S111 14 July 2021 86/18-24](#)

91 [S111 14 July 2021 87/14](#)

92 [W80 20 July 2021 160/18-161/21](#)

93 [W80 20 July 2021 161/22-25](#)

94 [W80 20 July 2021 162/3-11](#)

95 [W80 20 July 2021 162/16](#)

96 [W80 20 July 2021 163/3-11](#)

97 [W80 20 July 2021 164/4-165/22](#)

Assessment of W80 by his colleagues

13.69 Many officers were asked about how W80 was acting on the morning of 11 December 2015 and nobody had anything concerning or negative to say about him. S111 described W80 in this way, when asked about his demeanour before the shooting:

*Normal. No different than any other day. I have known him for 20 years and he has always been very level headed, very professional and a really good guy. I am sorry I can't help you with his demeanour, but that's – we are all fairly level headed to be honest.*⁹⁸

13.70 PC Ronan O'Connor said: “W80 is, in my opinion, the consummate professional. Very calm, level headed and a good operator ... on that day.”⁹⁹

13.71 These comments were typical of the evidence I heard on this topic and relevant to my assessment of W80's character, which in turn impacts upon my assessment of his evidence.

Audio analysis evidence

13.72 As I have described above, I had the benefit of analysis of the audio recording for the Audi mission vehicle. Alan French and Martin Barry, audio specialists, carried out analysis working from a number of enhanced versions of the recording and transcripts which Mr French produced. Mr French had been instructed by the IPCC and Mr Barry by the MPS. Together, they then produced agreed transcripts and time-compared transcripts.

13.73 They also carried out the analysis of a spectrogram, which is a graphical representation of the loudness of the recorded sounds. The spectrogram revealed the following:

- a. There were four loud banging noises, which were caused by efforts to break the window.
- b. There was a further noise which coincided with the officers' shouting being clearer and louder. I am satisfied that this was the door being opened.
- c. Then the spectrogram illustrated the sound of the gunshot which occurred at just under 5 seconds from the start of the recording.
- d. Thereafter, there were two “thumping” noises, at 6 and 16 seconds respectively, made by the slamming of car doors.

13.74 No witness or advocate has suggested any alternative interpretation of these noises and I am satisfied that the evidence of Mr French and Mr Barry is accurate in this regard and can confidently be relied upon. W80 accepted that the sound that I concluded was the gunshot is consistent with the timing of his shot.¹⁰⁰

Conclusions with respect to W80

13.75 It seems to me that, when I am considering W80's evidence and in particular his state of mind, I should effectively give myself a “good character direction” as I would a jury in a criminal trial. This means that, although his good character, such as I find it to be, cannot be a defence to a criminal charge, it is relevant in two respects: first as to whether or not I believe

98 [S111 14 July 2021 38/20-24](#)

99 [Ronan O'Connor 15 July 2021 129/18-24](#)

100 [W80 20 July 2021 158/19-23](#)

his evidence, and second as to whether or not a person with his character would be likely to act in the criminal way alleged against him. The weight which I give his character is obviously a matter for me.

- 13.76 As W80 approached the Audi mission vehicle, he was entitled to believe that the occupants of the car were armed with at least one firearm. No one had ever said anything to disabuse him of that belief or to lower the “*very high*” assessment of risk that he had formed. The legal direction given to a jury on self-defence (“*in the heat of the moment* [a defendant] *cannot be expected to work out exactly how much force to use*”¹⁰¹) is relevant to my assessment of W80’s response to Mr Baker’s actions, such as I find them to be, in particular whether it was unreasonable, and, if so, whether that impacts upon my view as to the honesty of W80’s belief.
- 13.77 I think it likely that Mr Baker did move his hands towards his bag in a way that meant W80 honestly believed he was not complying with the instruction to place his hands on the dashboard – it was an easy instruction, even from a sitting position, with which to comply. On the evidence, I conclude that, in the moments before the shot was fired, Mr Baker was not asleep.
- 13.78 I must then consider whether his honest belief extended to a similarly honest belief that Mr Baker was going for a gun and that he could not wait any longer (“*action beats reaction*”). It was at this point that the consistent thread of the intelligence was likely to have its greatest impact upon W80’s thought processes.
- 13.79 The evidence as to why W80 fired the shot which killed Mr Baker and as to his belief at the relevant time was fairly and properly challenged by Counsel for the family of Mr Baker and thoroughly tested by Counsel to the Inquiry. Despite the shortcomings in W80’s evidence, in particular as to what he did and did not say after the incident, his overall credibility remained largely intact. Indeed, as far as his actions are concerned, as a result of this Inquiry, the position of W80 has become clearer as it has been supported by both the policing and reconstruction experts. I conclude that, when W80 shot Mr Baker, he held an honest and genuine belief that Mr Baker was moving in order to reach for a firearm. As such, W80 perceived that Mr Baker posed a lethal threat. In the circumstances that pertained (the timing of the shot, the time available for decision-making, the vulnerability felt by officers deployed in a dynamic extraction in these circumstances and the effect of “*perceptual phenomena*”¹⁰²), I draw the conclusion, on the balance of probabilities, that the perceived threat from the actions and movement of Mr Baker was such that W80 honestly believed that it was reasonably necessary for him to shoot at Mr Baker. I conclude this on the following evidence in particular:
- a. The shot is the loud sound that can be heard a couple of seconds after the last of the four bangs, at 00:09. W80 himself accepted that this sound was consistent with the timing of his shot.

101 Judicial College *The Crown Court Compendium – Part I: Jury and Trial Management and Summing Up* (August 2021), Part 18 para 19

102 According to the policing expert witness Colin Burrows QPM, “*perceptual phenomena*” refers to what happens “*in high-risk situations*”, when “*the senses become flooded ... particularly if it is life threatening*”. The phenomena include: “*auditory exclusion or auditory amplification*”, “*a narrowing of our vision and a focusing in on the threat*” and other issues “*in relation to time and distance*” (Colin Burrows 21 July 2021 204/16-206/19)

- b. The only instructions issued between the four bangs and the shot are instructions directed to those inside the Audi mission vehicle.
- c. At the time the shot is fired an instruction is being issued, which was not completed. It is recorded in the agreed transcript as, possibly, “*put your hands on your ...*”.¹⁰³
- d. Mr Baker’s left wrist was raised above the entry wound to the neck, although the precise position (height) of the wrist is unknown.
- e. Mr Baker’s right shoulder area was supported by the back of the passenger seat at the moment the shot was fired.
- f. The muzzle of the tactical carbine was inside the vehicle, between the door and the A pillar, within a maximum of 50 centimetres of the left wrist, and a minimum distance of a few centimetres, but not in contact.
- g. The damage to the bag strap was caused by the bullet.
- h. The time taken from firing the shot and it striking Mr Baker (first on the wrist) was instantaneous.

13.80 The criticism of W80 for failing to wait until he saw any part of a weapon before firing is not justified within the context of the law of self-defence. In addition, and contrary to the suggestion put by Counsel for the family of Mr Baker, W80 was not trained to fire twice and the related suggestion that he only fired once because he realised that he had made a terrible mistake is untenable.

13.81 W80 may have been tragically wrong in his belief but I am unable to conclude that it was not honestly held, nor is my conclusion negated by the errors in his account to the Inquiry, in particular as to the number of times that he shouted to Mr Baker to put his hands on the dashboard. When considering what was in W80’s mind, it seems to me that far more important than a clear recollection as to the number of times that the order was given is the fact that the order was given at all. It is easy to be critical of post-incident omissions and inconsistencies, but, unless he was a cold-blooded killer, a significant degree of trauma would be inevitable; and if he were a cold-blooded killer, he would in all likelihood not have ordered Mr Baker to put his hands on the dashboard at all, and have justified his actions by reference to Mr Baker’s bag, which he was criticised for having failed to mention. And to jump to such a conclusion, even though on one view of the evidence it might be justified, would be to ignore the effect of “perceptual phenomena” and distortions in recollection about which I heard clear evidence. Consequently, I have come to the conclusion that the theory proposed by Counsel for the family of Mr Baker of deliberate concoction on the part of W80 in relation to the circumstances of the shooting and the position of Mr Baker’s hands and the bag does not survive the careful analysis to which I have subjected it.

13.82 I do not accept that the reaction of W80 after the shooting and the fact that he attempted suicide are pieces of evidence from which an unlawful killing by him can or should be inferred. On any interpretation of the evidence, W80 had been involved in a most traumatic and, literally, shocking incident. His response thereto is as consistent with genuine shock as it is with a guilty conscience.

Chapter 14: Narrative conclusion

- 14.1 Jermaine Baker was born on 16 March 1987. He died on 11 December 2015 in Bracknell Close, Wood Green as a result of injuries caused by a gunshot fired by W80, a Counter Terrorism Specialist Firearms Officer (CTSFO) from the Metropolitan Police Service (MPS).
- 14.2 Mr Baker's death occurred during the conduct of a police operation known as Operation Ankaa. Operation Ankaa commenced on 30 October 2015 following the receipt of intelligence that there was a plan by members of the Tottenham Turks organised crime network (OCN) to assist in the escape from custody of one of its members, Izzet Eren, while he was being conveyed from Her Majesty's Prison (HMP) Wormwood Scrubs to Wood Green Crown Court.
- 14.3 I have found a number of failures in the planning of Operation Ankaa, namely:
- a. failure properly to consider any outcome other than armed interception;
 - b. failure to consider or record tipping points;
 - c. failures in record-keeping;
 - d. failure to record briefings;
 - e. failure properly to utilise the static camera;
 - f. failure to assess the risk posed by Ozcan Eren;
 - g. failure to ensure a separation of roles and to avoid "double hatting";
 - h. failure accurately to complete the FA forms;
 - i. failure in assessing the risk in placing the technical equipment in the Audi mission vehicle;
 - j. failure to engage with Her Majesty's Prison and Probation Service (HMPPS) about Izzet Eren's escape risk;
 - k. failure to inform Serco of the escape plan;
 - l. failure to appreciate and act upon the information-sharing protocols between the MPS and prisons and involving the National Offender Management Service (NOMS) and National Prisons Intelligence Coordination Centre (NPICC);
 - m. failure competently to apply to Wood Green Crown Court for firearms presence;

- n. failure of the briefing on 10 December 2015; and
 - o. failure to conduct a multidimensional risk assessment during the briefings on 11 December 2015.
- 14.4 On the morning of 11 December 2015, there were a number of failures in the conduct of Operation Ankaa:
- a. failure properly to consider contain and call out;
 - b. failure properly to utilise C3000;
 - c. failure to set up and run the Covert Monitoring Post effectively;
 - d. failure to call State Amber¹ at an earlier time;
 - e. failure to disseminate the 06:58 intelligence;
 - f. failure to disseminate a clear message to the CTSFOs on the level of risk;
 - g. failure to consider the use of a set of common words for the CTSFOs;
 - h. failure fully to brief the CTSFOs; and
 - i. failure of Detective Superintendent (DSupt) Craig Turner to exercise basic strategic control.
- 14.5 At 08:58 the order was given for the CTSFOs to intercept the Audi mission vehicle in Bracknell Close and arrest the suspects. Present in the car were Gokay Sogucakli, Nathan Mason and Mr Baker. I have concluded that Mr Baker was awake when the police approached.
- 14.6 The CTSFOs arrived in Bracknell Close, got out of their vehicles and shouted “*armed police*”. The officers also shouted conflicting instructions to the occupants of the Audi mission vehicle. One officer tried to smash the window next to Mr Baker by hitting it with his weapon.
- 14.7 The CTSFO W80 opened the front passenger side door and pointed his weapon at Mr Baker. He told Mr Baker to place his hands on the dashboard. I have accepted W80’s evidence that Mr Baker moved his hands in the direction of the bag that he was wearing. As a result of briefings received, W80 believed that the suspects in the car would be armed with weapons and might try to fight their way out of the Audi mission vehicle. I have accepted W80’s evidence that he honestly believed that Mr Baker was not complying with the instruction to place his hands on the dashboard and that he was reaching for a firearm. W80 shot Mr Baker once. The shot was fired just under five seconds after the police began to shout.
- 14.8 A post-mortem examination was carried out by Dr Charlotte Randall on 12 December 2015. Dr Randall found that the bullet had caused a wound to Mr Baker’s neck and to his left wrist. The injury to Mr Baker’s neck would have led fairly rapidly to his unconsciousness followed by his death. The medical cause of death was given as 1A: Gunshot wound to the neck.

1 State Amber refers to the stage of the operation at which the Tactical Firearms Commander declares that the activation of an arrest plan is now both justified and appropriate. It signifies to the Operational Firearms Commander that they have the authority and discretion to call the timing of a move to arrest

Expert evidence indicated that Mr Baker's left wrist was raised above the entry wound to his neck when he was shot. It has not been possible on the evidence to conclude the position of Mr Baker's wrist or the position of the bag that he was wearing.

- 14.9** I have identified in paragraphs 14.3 and 14.4 numerous failures attributable to various MPS officers. While I am satisfied that the MPS failed to plan and conduct the operation on 11 December 2015 in such a way as to minimise, to the greatest extent possible, recourse to the use of lethal force, I do not conclude that Mr Baker died as a result of these failures.
- 14.10** I have concluded that W80 shot Mr Baker because he honestly believed that Mr Baker posed a lethal threat and that it was reasonably necessary for him to shoot in order to defend himself.
- 14.11** I have concluded that the failures of Detective Chief Inspector (DCI) Neil Williams do not amount to gross negligence and that, in any event, his failures were not causative of death.
- 14.12** As a result, I have concluded that Mr Baker was lawfully killed.
- 14.13** After the shot, Mr Baker received first aid from trained police medics. At 09:12, a crew from the London Ambulance Service arrived and took over Mr Baker's treatment. At 09:22, a Helicopter Emergency Medical Service crew arrived and assisted. Mr Baker showed no response to treatment provided and life was pronounced extinct at 09:39.

Chapter 15: Recommendations

Recommendations for the MPS, College of Policing and the NPCC

The following recommendations are intended to relate to both the Metropolitan Police Service (MPS) and to armed policing guidance issued by the College of Policing and/or the National Police Chiefs' Council (NPCC).

Separation of roles

- 15.1 There should be clearer guidance from the MPS, College of Policing and/or the NPCC on the separation of roles between the Senior Investigating Officer (SIO) and the Tactical and Strategic Firearms Commanders (TFC and SFC). The guidance should be clear that not only should the SIO and TFC/SFC be different individuals, but the importance of the separation of responsibilities under those roles should also be emphasised.

Multidimensional risk assessments

- 15.2 Training should emphasise that multidimensional risk assessments must be carried out throughout police operations, including the planning and briefing of operations. Those risk assessments should assess the future threat and risk at all stages of the operation.

FA forms – MPS (and equivalent firearms authorisation forms in forces other than the MPS)

- 15.3 In order to provide for efficacy and transparency, the NPCC and College of Policing should be tasked with providing a document management system for FA (and equivalent) forms. The system should allow for the auditing of completion and submission dates as well as version management.
- 15.4 There should be an amendment to FA (and equivalent) forms to:
- encourage a multidimensional risk assessment (to comply with Article 2) to “*minimise, to the greatest extent possible, recourse to lethal force*”;¹
 - include a provision for reference to evidential and, where appropriate, geographical tipping points;
 - include a dedicated box on the FA2 form to be completed when no FA1 form has been completed, with an explanation for the reason therefor;
 - include the provision (and the requirement) for updating the forms during the course of an operation.

¹ *McCann and Others v United Kingdom* (1995) 21 EHRR 97 at [194]

- 15.5 Appropriate training and refresher courses on the usage and completion of FA (and equivalent) forms should be made compulsory for firearms commanders and Tactical Advisors.

Contain and call out

- 15.6 The NPCC should commission a national review of the frequency with which this strategic option is used and its efficacy. The NPCC should consider whether contain and call out is being given meaningful consideration in the planning of armed deployments.

Recording of planning meetings/briefings

- 15.7 MPS Armed Policing Standard Operating Procedure (SOP) to be amended so that:
- a. Notes and/or audio recordings should be made of **all** meetings in relation to general strategy where it is envisaged that firearms may or will be deployed during the course of a planned operation, and training given to explain why it is so important – for reasons of accountability and to establish an audit trail.
 - b. Such notes should include the date, location and duration of the meeting, the identity of those present, the capacity in which they are attending, and details of decisions made and actions accepted or rejected.
 - c. All planning meetings should be properly minuted and the minutes thereof should be centrally retained.
 - d. All briefings relating to firearms operations should be audio-recorded unless it is not reasonably practicable on the grounds of sensitivity of information/intelligence to do so, in which case they should be minuted in the same way as planning meetings (see paragraph 15.7c).
- 15.8 The NPCC and/or College of Policing should ensure that these amendments are reflected in the guidance and training given to forces nationally.

Intelligence briefings

- 15.9 The College of Policing's *Authorised Professional Practice – Armed Policing* (APP-AP) should clarify that, during the course of an operation, any relevant intelligence should be briefed out to the firearms officers even if it is appropriate, in the circumstances, to provide clarification or a limitation warning together with the intelligence.
- 15.10 When intelligence is being provided, the use of any language that is capable of misinterpretation is to be avoided. Training to address this point should be provided to all officers and staff directly or indirectly involved in armed operations.

Covert Monitoring Posts

- 15.11 Only those officers who have received the requisite training and accreditation should be posted to a Covert Monitoring Post (CMP).
- 15.12 There should be clear and unequivocal written guidance for the CMP from the TFC as to the key information and intelligence that is being sought.
- 15.13 The training referred to in paragraph 15.11 must emphasise the importance of covert monitoring officers (CMOs) making accurate notes of: (a) what they have heard; and (b) what they have passed on.

- 15.14** CMPs should not be established without the appointment of a properly trained CMP manager, whose responsibility it should be to appoint a team of CMOs, once satisfied from proper assessment as to their qualifications and ability.
- 15.15** When a CMP is being used to gather evidence or intelligence, the MPS (and other forces) should consider developing an SOP to ensure that the information is adequately recorded to provide a clear audit trail.

Sustained public protection

- 15.16** APP-AP should be amended to cover the following:
- a. Sustained public protection² should never be the object of an operation unless and until there is a clearly recorded note of the possible charge(s) that are anticipated, the evidence that will be required to establish guilt, the evidential (and, if appropriate, geographical) tipping points, and the probable sentence – expressed if necessary as a range within which the sentence is likely to fall, at the conclusion of any trial.
 - b. This may necessitate the involvement of the Crown Prosecution Service (CPS), whose early advice should be sought if there is any uncertainty as to any of the matters set out in paragraph 15.16a.
 - c. Written sentencing guidelines exist for almost all serious offences and, like the Criminal Procedure Rules (see paragraph 15.21), should be readily accessible to inform any opinion as to the probable sentence (see paragraph 15.16a).

Police medic training

- 15.17** Police medic training should emphasise that, in cases of catastrophic external torso haemorrhage, the immediate action is to apply direct pressure and then progress directly to using haemostatic gauze. Chest seals should only be used where there is no evidence of ongoing catastrophic haemorrhage.

Training on the CLIO system of command officers

- 15.18** Training should be made mandatory for command officers in the use of the Computer Logging of Intelligence Operations (CLIO) system and the Serious Organised Crime Tasking and Briefing (SOCTAB) system (a firearms version of CLIO which has specific tabs created in it and lends itself to firearms deployments). This should include training to enable the CLIO system to be compatible with the FA forms.

Uniformity and unequivocal commands

- 15.19** Advice should be given by the College of Policing about the benefits of uniformity in instructions and commands. Ultimate discretion as to what is said must be left to the CTSFOs, based on the situation that confronts them, but the protocol should encourage agreement to be reached on the command/instruction that is to be given.

² Sustained public protection is the police term for protecting the public through the detection and prevention of crime over the longer term

Returning to work after a fatal shooting

- 15.20 There needs to be proper and objective consideration by the NPCC as to whether, and if so when, it is appropriate for a firearms officer to return to active deployment following their part in a fatal shooting. Such consideration must always occur at an appropriately senior level in the organisation and take account of the views of the family of the deceased and all relevant public interest matters. A proper audit trail must be kept of the process.

Recommendation for the Criminal Procedure Rules

The following recommendation is intended to relate to the Criminal Procedure Rules 2020 and national training regarding them.

Application for firearms presence at court

- 15.21 There should be an amendment to the Criminal Procedure Rules which govern the process in applications for a firearms presence in court – a requirement for witness statements, sworn evidence and the taping of proceedings should all be included.
- 15.22 There should be training of those who are authorised by reason of rank to present such applications at court, and no-one should act as a substitute for a properly authorised person unless they have been appropriately trained. In any event, a copy of the Rules should be readily available in every chief inspector's office with which any officer making an application should be familiar (as is the case with Special Procedure Material applications).

Recommendation for the IOPC

The following recommendation is directed to the Independent Office for Police Conduct (IOPC).

IOPC procedures

- 15.23 Consideration should be given to the introduction of a practice requiring, as an alternative to a face-to-face interview, the submission of a list of questions for written answer within a fixed time – failure to provide which, absent a reasonable excuse, would amount to misconduct.

Recommendation for the Home Office

The following recommendations are directed to the Home Office.

Reflective practice review process

- 15.24 The IOPC should be provided with the power to require a force to take “management action” in situations that fall short of misconduct but where standards of conduct and/or performance have fallen short of a reasonable public expectation. A force required by the IOPC to carry out such “management action” should confirm within 28 days of the requirement having been notified that it has been carried out and what it entailed, or else provide a written explanation as to why no action has been taken.

The survival of misconduct charges

- 15.25 Serious consideration should be given to the public interest in amending the current legislation so that allegations of “simple” misconduct, as distinct from “gross” misconduct, will survive following a police officer's resignation or retirement. I do not recommend that the survival of allegations of simple misconduct carries with it any threat to a pension

entitlement, but any post-resignation/retirement finding of simple misconduct should remain on the relevant personnel file and a matter of public record for a period of two years thereafter.

Weapons

- 15.26** Consideration should be given by the MPS, Home Office and the NPCC to finding a more suitable solution for smashing windows during the course of an armed operation, so that an officer who is holding a firearm does not need to take their hand off their main weapon to utilise a life hammer.

Appendices

Appendix A: Inquiry overview

Terms of Reference

Purpose

To investigate:

- a) who the deceased was;
- b) how, when, where and in what circumstances he came by his death; and
- c) the particulars (if any) required by the Births and Deaths Registration Act 1953 to be registered concerning the death; and
- d) to make any such recommendations as may be appropriate.

Scope

The Inquiry's investigations will include:

1. Planning

- 1.1 What plans were made for the conduct of the operation by the MPS, between 13 October 2015 and 11 December 2015;
- 1.2 What was the strategic plan;
- 1.3 What was the tactical plan;
- 1.4 Was the above planning reasonable, in particular having regard to the need to minimise to the greatest possible extent the risk to life;
- 1.5 In particular, was it reasonable to plan to permit the conspiracy to proceed to the point of arrest;
- 1.6 Were those responsible for the implementation of the operation appropriately briefed.

2. Information

- 2.1 The information available to those who planned the operation and the accuracy, reliability, interpretation, evaluation, transmission and dissemination of such information;
- 2.2 In particular, what information, relevant to the pre-planned firearms operation on 11 December 2015, was known by those within the Metropolitan Police Service by 11 December 2015;
- 2.3 When was that information received and by whom;

- 2.4 How was the information evaluated;
- 2.5 When, to whom and in what form was that information transmitted and disseminated;
- 2.6 Was the above handling of information reasonable, in particular having regard to the need to minimise to the greatest possible extent the risk to life.

3. Implementation

- 3.1 What occurred on the 11 December 2015;
- 3.2 What was done in respect of command and control, including tactical decisions made;
- 3.3 What was done on the ground. In particular the actions of officers during the arrest phase;
- 3.4 The shooting, namely the circumstances in which the officer who fired the fatal shot came to discharge his weapon;
- 3.5 Was the command and control of the operation conducted reasonably, in particular having regard to the need to minimise to the greatest possible extent the risk to life;
- 3.6 Was the operation conducted reasonably on the ground, in particular having regard to the need to minimise to the greatest possible extent the risk to life;
- 3.7 In particular, could the shooting (and hence the death) of Jermaine Baker have been avoided;
- 3.8 In particular, was it reasonable to permit the conspiracy to proceed to the point of arrest.

4. After the shooting

- 4.1 What occurred after the shooting, including assistance and medical treatment given to Jermaine Baker;
- 4.2 Were the post-incident procedures conducted appropriately.

5. Practice, policies and procedures

- 5.1 Were the relevant firearms policies and procedures appropriate and were they appropriately applied;
- 5.2 Training and competency of the deployed firearms officers and commanders.

Method

The Inquiry will examine and review all documents as the Inquiry Chair shall judge appropriate. The Inquiry will receive such oral and written evidence as the Inquiry Chair shall judge appropriate.

Reporting

The Inquiry will report to the Home Secretary as soon as practicable. The Report will make such recommendations as the Chair deems necessary to prevent future deaths.

Representation

Counsel to the Inquiry

Kate Blackwell QC
Nikita McNeill
Aaron Moss

Solicitors to the Inquiry

Tim Suter
Abigail Scholefield
Michael McCagh

Core participants

The family of Jermaine Baker	
Counsel	Phillippa Kaufmann QC Fiona Murphy
Solicitor	Michael Oswald, Bhatt Murphy

Metropolitan Police Service	
Counsel	Matthew Butt QC Ruby Shrimpton
Solicitors	Daniel Futter, Directorate of Legal Services Grace Bovill, Directorate of Legal Services

National Crime Agency	
Counsel	Neil Sheldon QC Alice Kuzmenko
Solicitor	Anthea Brookes

W80	
Counsel	Duncan Penny QC
Solicitor	Scott Ingram, DAC Beachcroft

Independent Office for Police Conduct (IOPC)	
Solicitor	Danny Simpson

Evidence received

Number of witness statements obtained: 880

Total pages of evidence obtained: 65,372

Total pages disclosed (following the exclusion of irrelevant and duplicate documents): 34,030

Preliminary hearings and public hearings

Preliminary hearings	
1	13 February 2020
2	28 July 2020
3	15–16 March 2021
Public hearings	
1	14 June 2021 – 3 August 2021
2	6–8 September 2021

Warning letters

Rule 13 of the Inquiry Rules 2006 provides:

- (1) *The chairman may send a warning letter to any person –*
 - a. *he considers may be, or who has been, subject to criticism in the inquiry proceedings; or*
 - b. *about whom criticism may be inferred from evidence that has been given during the inquiry proceedings; or*
 - c. *who may be subject to criticism in the report, or any interim report.*
- (2) *The recipient of a warning letter may disclose it to his recognised legal representative.*
- (3) *The inquiry panel must not include any explicit or significant criticism of a person in the report, or in any interim report, unless –*
 - a. *the chairman has sent that person a warning letter; and*
 - b. *the person has been given a reasonable opportunity to respond to the warning letter.*

In accordance with rule 13, warning letters were sent as appropriate to those who were covered by the provisions of rule 13, and the Chairman considered the responses to those letters before finalising the report.

Appendix B: List of abbreviations

AA	Appropriate Authority
AC	Assistant Commissioner
ACPO	Association of Chief Police Officers
AFO	Authorised Firearms Officer
APP-AP	<i>Authorised Professional Practice – Armed Policing</i> (College of Policing)
ARV	Armed Response Vehicle
CC	Chief Constable
CFI	Chief Firearms Instructor
CI	Chief Inspector
CJA	Coroners and Justice Act 2009
CJIA	Criminal Justice and Immigration Act 2008
CLIO	Computer Logging of Intelligence Operations
CMM	Conflict Management Model
CMO	covert monitoring officer
CMP	Covert Monitoring Post
COP	College of Policing
CPD	Criminal Practice Direction
CPR	cardiopulmonary resuscitation
CPS	Crown Prosecution Service
CSupt	Chief Superintendent
CTSFO	Counter Terrorism Specialist Firearms Officer
DAC	Deputy Assistant Commissioner
DC	Detective Constable
DCI	Detective Chief Inspector
DCS	Detective Chief Superintendent
DI	Detective Inspector
DPP	Director of Public Prosecutions

DPS	Directorate of Professional Standards (MPS)
DS	Detective Sergeant
DSI	Death or Serious Injury
DSupt	Detective Superintendent
E-List	Escape List
GCS	Glasgow Coma Scale
HEMS	Helicopter Emergency Medical Service
HMCTS	Her Majesty's Courts and Tribunals Service
HMP	Her Majesty's Prison
HMPPS	Her Majesty's Prison and Probation Service
IC codes	police ethnic appearance codes
IOPC	Independent Office for Police Conduct
IPCC	Independent Police Complaints Commission (became the IOPC on 8 January 2018)
LAS	London Ambulance Service
LOV	loss of vision
LPACT	London Prisons Anti-Corruption Team
MASTS	Mobile Armed Support to Surveillance
MPD	Metropolitan Police District
MPS	Metropolitan Police Service
MPS SOP	Metropolitan Police Service Armed Policing Standard Operating Procedure
NCA	National Crime Agency
NDM	National Decision Model
NOMS	National Offender Management Service
NPCC	National Police Chiefs' Council
NPFTC	National Police Firearms Training Curriculum
NPICC	National Prisons Intelligence Coordination Centre
NSY	New Scotland Yard
OCG	organised crime group
OCN	organised crime network
OFC	Operational Firearms Commander
OIC	Officer in the Case
PC	Police Constable
PIP	Post-Incident Procedure
PIU	Prison Intelligence Unit
PLAICE	Physical, Legal, Assets, Information Management, Compromise, Environmental

SCO7	Organised Crime Command
SCO19	Specialist Firearms Command
SCO35	Armed Surveillance
SFC	Strategic Firearms Commander (Gold Commander)
SFO	specialist firearms officer
SIO	Senior Investigating Officer
SOCTAB	Serious Organised Crime Tasking and Briefing
SOP	Standard Operating Procedure
Supt	Superintendent
TacAd	Tactical Advisor
TFC	Tactical Firearms Commander (Silver Commander)
TSU	Technical Surveillance Unit (MPS)
VRM	vehicle registration mark

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