

Azelle Rodney Inquiry

Schedule of the MPS review into the recommendations made by Sir Christopher Holland

| <u>ARI Report para</u> | <u>Recommendation</u> | <u>Actioned</u> |
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| 23.10 & 23.10.2 | <p><u>Recommendation 1</u></p> <p>The MPS undertake a full, thorough review of all aspects of Operation Tayport. This is to include the following topics</p> | <p><u>AC Rowley Point 1</u></p> <p>As you will recall from my letter of 4th July, I commissioned DCC Chesterman to conduct a review of Operation Tayport and provided you with the executive summary of his findings.</p> <p>Following a meeting at NSY you asked me to appoint a senior MPS officer to look at your recommendations and stated that you did not consider DCC Chesterman's report sufficient for purpose in the review of Tayport.</p> <p>I made the point that my concern was to ensure that Operation Tayport was examined independently and the national lead for armed policing seemed wholly appropriate.</p> <p>The national lead, DCC Chesterman, worked with a non-MPS Firearms expert Supt Lee Davenport to conduct that independent review and in doing so Supt Davenport was given open access to the MPS and conducted his review for the national lead with the assistance of senior MPS colleagues.</p> <p>Nevertheless, following that meeting and your concerns that MPS experts in this area should review the operation internally, I commissioned Commander Neil Basu – the head of profession for armed policing in the MPS and an experienced Strategic Firearms Commander, to conduct a review of your recommendations as set out by Judy Kemish on the 3rd February 2014, and including those</p> |

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| | | <p>submitted to the Inquiry by Gary Gracey and Andy Mawhinney.</p> <p>Commander Basu has worked with senior operational police leads in the worlds of firearms, surveillance and organised crime to compile this response.</p> <p>For ease of reference, his conclusions are set out below in tabular form reflecting the correspondence received from Ms Kemish.</p> <p>Can I reassure you that every effort has been made to examine every comment within your draft and final reports, as well as those contained within the Gary Gracey and DCC Chesterman reviews.</p> <p>Not all the work is complete at the date of this report, but I am satisfied that all matters are either</p> <ol style="list-style-type: none">1. accepted and addressed;2. under active consideration through MPS or national working groups to which we are either a party or chair; or3. If they have not been accepted, that they have not been accepted after careful consideration, or because they are outside the control of the MPS or armed policing. <p>I trust you will find this response comprehensive.</p> |
| 24.4 – 24.5 | <p><u>Topic 1</u></p> <p>An officer needs to re-appraise the intelligence received in Operation Tayport to determine whether the correct conclusions were reached regarding the nature of the weapons the suspects would</p> | <p>The reviewing officer has examined the intelligence available to the commanders of Operation Tayport. This intelligence belonged to a third party (HMRC) and the reviewing officer is satisfied that there is nothing further the MPS commanders could have requested from the intelligence owners to further test its veracity.</p> <p>Silver for the operation has confirmed that the two HMRC intelligence</p> |

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| | <p>possess.</p> | <p>officers (one of whom subsequently transferred to SOCA now the NCA,) both gave evidence to the inquiry.</p> <p>They were questioned as to their assessment of the intelligence. They had both been working on the over-arching operation for 18-months.</p> <p>Silver, on the first day that he received the intelligence, questioned these two officers to understand on what basis the type of weaponry had been assessed. The answers he received left him in no doubt as to its provenance (although of course it has been shown subsequently that the type of weapon indicated by the intelligence - i.e. 'machine guns' - was wrong and they were not held by the subjects.)</p> <p>On the second day of the operation Silver again stated that he questioned the HMRC officers and made them aware that CO19 (now SCO19) would need to know the exact details of the weapons in order to formulate a tactical plan.</p> <p>The intelligence supplied by HMRC was tested by both Detective Sergeant Heerey and Silver, who were sitting next to each other in the control vehicle.</p> <p>Both DS Heerey and Silver were witnesses to the inquiry and questioned as to the actions they took to check that intelligence. There is nothing further to add to their evidence from a Metropolitan Police Service operational perspective.</p> <p>It is our contention that the intelligence provided and owned by a third party (HMRC) was tested by Silver and briefed to SCO19 accordingly.</p> <p>Any further questions on the veracity or provenance of that intelligence cannot be answered by the Metropolitan Police Service but would need</p> |
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| | | to be referred to HMRC. |
| 24.6 | <p><u>Topic 2</u></p> <p>Briefings need to be recorded and a sample briefing pack used on each operation should be kept to complement the recording</p> | <p>This is accepted and the action is complete. Operational Briefings are recorded and briefing sheets retained by the disclosure officer.</p> <p>It is accepted that due to the passage of time it was difficult to ascertain exactly what was shown to the officers at the initial TFC briefing and this was in issue at the inquiry. Such documents are now retained as an exhibit within the case management system by the investigating team, and should therefore form part of the permanent record of unused material.</p> <p>TFC briefings are also now audio recorded and as stated documents pertaining to the briefing are (and were) retained.</p> <p>Some intelligence can be highly sensitive and subject to legal and policy restrictions on recording and dissemination.</p> <p>It was not and is not appropriate to record the sensitive intelligence in a written briefing document which has wide distribution.</p> <p>Material that falls into this category can and must be passed verbally during the briefing. It is often the case that to avoid complications in disclosure and Public Interest Immunity applications; such sensitive verbal briefings will not be subject to the audio recording.</p> <p><u>Basu Recommendation 1</u></p> <p>The fact that this sensitive briefing has taken place must be recorded by the briefing officer in a suitable format and subject to a policy file decision on disclosure. This must be highlighted to SIOs/IOs and TFCs and should form part of the policy and SOP</p> |

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| | | <p>guidance for the MPS use of firearms.</p> <p>Any concerns raised by the OFC/Firearms Officers that affects the threat and risk assessment and therefore the working strategy must be recorded by the TFC and if necessary brought to the attention of the SFC.</p> <p>Consideration must be given to amending the TFC log to ensure that the question of concerns of firearms officers - including a negative return - are recorded within the log and the issue should be covered in command and control training.</p> <p>The fact that briefings are recorded can act as a barrier to open dialogue particularly for the audience who can be reluctant to speak out in a formal arena meaning some relevant questions are asked outside of this main briefing.</p> <p>What is not currently audio recorded is the team briefing carried out by the OFC and SCO19 officers. These are conducted with the assistance of large quantities of material (e.g. maps and photos) and any such briefing would need to be video recorded. This would be an unreasonable burden.</p> <p>The key issue to address is that there must be a system where critical safety issues or concerns raised by the team are immediately reported back to the TFC (and if further resources are required or a change of strategy then potentially the SFC). This is because such issues might alter the risk assessment relevant to the operation, or part of it, and therefore affect the tactical parameters or even the strategy.</p> <p>Where the TFC was the SIO it would have been impossible for the officer to be at the separate briefings but now these roles have been</p> |
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| | | <p>separated and are performed by two people it is possible.</p> <p>The minimum standard should be a report back from the OFC to the TFC summarising issues that arose during the SCO19 briefing – even if it is ‘no issues arising.’</p> <p><u>Basu Recommendation 2:</u></p> <p>The OFC must complete a log of their briefing to the SCO19 firearms team and pass any concerns or questions raised in that log to the TFC as soon as practicable. I have instructed the CFI that this should form part of command training and should be raised with the College of Policing as part of Authorised Professional Practice.</p> <p>In addition, all documents shown to officers at the OFC tactical briefing should be retained and exhibited by the OFC, and passed to the SIO for retention with the investigation papers.</p> |
| 24.7 | <p><u>Topic 3</u></p> <p>An officer needs to re-evaluate whether that fact that Azelle Rodney was wanted should have been included in the briefing pack</p> | <p>It is accepted that a misspelling of Azelle’s name was in documentation that HMRC possessed but this was not supplied to the MPS. Had it been supplied, and the correct associate Azelle Rodney been identified, it would have then shown him as wanted but may not necessarily have led to his immediate arrest.</p> <p>Regardless of that fact, it is only possible to countenance this recommendation with hindsight. It was not achievable by the SIO or TFC in Tayport as Azelle Rodney (AR) was not identified to the MPS at <u>this</u> stage of the operation.</p> <p>AR could also have been one of 3 or 4 associates from a cohort of 17</p> |

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| | | <p>people, and it was not known who else might participate in the crime.</p> <p>To have included all of these people in a briefing document would not be good practice as, for example, asking surveillance officers to identify positively one of 17 people is unlikely to be successful. There is a danger in overloading officers with information, which could lead to a failure to identify a suspect or a mistaken identification increasing both the risk to the suspect, officers and the public. There were a large number of associates included within the briefing pack anyway, and for the reasons stated this in itself would not necessarily be wise. Nevertheless, AR had not been positively identified at this point, and the misspelled first name was not supplied to the MPS via the SIO and therefore could not have been researched or included.</p> <p>Even if AR had been identified as part of this group, Silver stated in his evidence that he would not necessarily have directed his arrest. This is because Silver was aware that to have so arrested him, (if he had been identified), would merely have transferred the risk to another time and place that the police would have had less control of.</p> <p>This is an issue of reconciling the competing interests of planning an operation to minimise the recourse to lethal force against the issue of long term sustained public safety. It was identified by DCC Chesterman in his report and currently is left to the discretion of experienced, qualified and accredited tactical firearms commanders who decide whether early intervention for a less serious offence fully mitigates the risk or whether early intervention would leave determined and violent criminals free to plan to commit the offence at a later time but now with knowledge of police surveillance. This work is already subject to a national working group on which the MPS are represented.</p> <p>It is accepted that all pre-planned firearms operations should have</p> |
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| | | <p>ongoing intelligence support to ascertain identities and background information on venues, vehicles and associates as operations progress. This is a resources issue and needs to be addressed by the SFC and the TFC in planning the operation, where time and available skilled staff permits.</p> <p>Should a previously unknown subject under observation be identified during the course of surveillance, and a check reveal that they are wanted, the TFC must then document any decision to delay arrest.</p> <p>As previously stated, had Silver known AR's identity and wanted status, he may still not have directed his immediate arrest in order to secure the working strategy and objectives of this operation. That is a rational decision and one for the TFC, with the information, to make.</p> <p><u>Basu Recommendation 3</u></p> <p>In line with DCC Chesterman's national recommendation 4 (see below), to work with the national lead and the College of Policing to ensure that this dilemma of sustained public protection versus immediate disruption is explored and suitable guidance given to firearms commanders through the Authorised Professional Practice doctrine.</p> <p><u>DCC Chesterman National Recommendation 4</u></p> <p>Firearms Commanders often have to weigh up longer term sustained public protection against delivering a short term deterrent. This is a subjective decision that is based on sound judgment but is not afforded enough clarity and protection by the recognition of this challenge within the APP. I recommend that I work with the CoP to create an approved reference to this subject</p> |
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| | | <p>within an updated version of the APP.</p> |
| <p>24.8</p> | <p><u>Topic 4</u></p> <p>An officer needs to appraise whether sufficient surveillance teams were provided to Op Tayport on 30th April 2005</p> | <p>This point was addressed in the evidence of Detective Supt Mark Welton but was not pursued by the Inquiry Team.</p> <p>The head of surveillance has provided a response.</p> <p><i>‘During Operation Tayport on the day that AR was shot and killed, Silver had asked for an extra team which was declined by the tasking officer who considered the request in context of the resources available to him/her at that time. A second team was not available. The surveillance co-ordinator will always attempt to resource operations to the best available level by re-prioritising work scheduled or ongoing on that particular day. E.g. It is common for other operations to be stood down when a serious threat to life is presented. In Operation Tayport, at the point a second team did become available, it was not possible to get them to the location and briefed in a manner that would have assisted the operation, as opposed to pulling staff away from developing the intelligence arising.’</i></p> <p>Commander Basu notes that the SFC has the primary responsibility to resource a firearms operation in conjunction with the TFC, and review any change to the threat and risk assessment (and therefore any change to the working strategy) that arises from an inability to secure the right level of resources.</p> <p>If insufficient resources are available to complete the preferred strategy and the recommended tactical option, the strategy and tactics must be reviewed, and the SFC must determine whether it is safe to proceed or the threats outweigh the compromise in the level of resource available (i.e. a real and immediate threat to life). This is already part of the</p> |

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| | | <p>responsibilities highlighted in command training.</p> <p><u>Basu recommendation 4</u></p> <p>The CFI is to confirm with the College of Policing that the responsibilities of Silver (now TFC) to inform Gold (now SFC) of a lack of resources and the potential impact on the working strategy at the earliest opportunity, is currently reinforced in command training. The decision to proceed, abort or change strategy should then be recorded by the SFC and communicated to the TFC.</p> <p>This situation reflects the reality of running operations against a backdrop of limited support services. It must never be acceptable to run an operation without sufficient resources in place unless there is a real and immediate threat to life.</p> |
| 24.10 | <p><u>Topic 5</u></p> <p>The MPS should appraise whether Silver Commanders (now TFCs) should have knowledge of, and control over, the aerial asset when in use on an operation</p> | <p>This issue has been considered at a national and MPS level with the leads for armed policing and surveillance. It remains a work in progress and has been submitted by the national lead for surveillance to a working group chaired by the MPS. The tactic is not confined to the MPS or a single law enforcement agency and any alteration to its current purpose has wider national ramifications and is not a decision that MPS can make unilaterally.</p> <p><u>Basu recommendation 5</u></p> <p>To negotiate with the national leads of armed policing, covert policing and counter terrorism to ensure that firearms commanders are made aware of the tactics being used in</p> |

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| | | surveillance to support their operations. |
| 24.12 | <p><u>Topic 6</u></p> <p>Should the facts of the shooting in Op Tayport be used as part of a future CO19 (now SC&O19) training</p> | <p>This is accepted without reservation.</p> <p>Operation Tayport has provided considerable organisational learning for the MPS and the recommendations are captured in an action tracker, which is subject to governance and oversight at chief officer level through the Armed Policing Delivery Board chaired by Commander Basu) and the Armed Policing Strategic Board (chaired by AC Rowley).</p> <p>The relevant recommendations for training are being pursued by the OCU Commander for the Specialist Firearms Command (SCO19) who is responsible for chairing a monthly organisational learning forum amongst armed command operational leads and one of three working groups to the Armed Policing Boards called the 'Operations, Tactics and Training Working Group' and in conjunction with the Chief Firearms Instructor.</p> |
| 24.14 | <p><u>Topic 7</u></p> <p>The use of two car stops, with static cover provided from the Alpha car, should be considered</p> | <p>Two car stops are already a viable tactic that is trained and available to a TFC. It forms part of APP and is available to all UK police forces as part of the National Police Firearms Training Curriculum.</p> <p>It is not however a panacea for risk as it creates risks of its own. It is not the nationally preferred method to deal with armed subjects in vehicles who may be determined to escape if confronted and whose reactions cannot be guaranteed.</p> <p>At present it is open to a tactical advisor to advise the TFC that such a</p> |

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| | | <p>tactic is viable. It is not the preferred option, nor is it considered the safest option within SCO19 or by the head of national armed policing.</p> <p>In Operation Tayport, the view of the majority consulted not merely inside the MPS, is that a two car option would not have been a suitable alternative. The OFC was dealing with three subjects in one vehicle. A two police vehicle stop would have contained a total of six police officers.</p> <p>Two of the six officers would have been drivers and therefore could not be relied upon to disembark quickly. A further two officers would have been equipped with Shotguns for tyre deflation and again, depending on the intelligence regarding a propensity to flee or the actual reactions of the driver of the subject vehicle, the Hatton gunners may have been deployed in this role. This could have left two officers in the initial phase dealing with cover on three subjects all of whom must be assumed to be armed.</p> <p>This would also have decreased the potential to use less lethal options and would potentially make it more likely the police officers would be put into a situation where they would make use of their firearms.</p> <p>The use of two cars would also increase the potential for a high speed pursuit with the aforementioned risks. Experience has repeatedly shown that, unless the subjects are effectively and rapidly contained, they will frequently attempt to break out of a vehicle stop.</p> <p>This issue will be further examined on visit to PSNI in March as part of the working group on enforced stops, where the tactic is now being reviewed at national level in a project chaired by the MPS, in partnership with the College of Policing and using material drawn from the UK and beyond.</p> |
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| | | <p>Two car stops are always a tactical consideration which may be planned for in certain circumstances, but the three car stop has evolved from practical experiences of subject cars breaking out of stops with the attendant dangers of a high speed pursuit - pursuits are statistically responsible for more deaths and serious injury than enforced armed stops.</p> <p>The working group formed to examine alternative methods of controlling subjects in vehicles will report back to DCC Chesterman as the national lead and the MPS will follow Authorised Professional Practice as determined by the national lead in this case.</p> <p><u>Basu Recommendation 6</u></p> <p>The MPS will work with and adopt the professional view of the national policing lead and CoP following its determination of the most effective and safe way of dealing with armed subjects in vehicles.</p> |
| 24.15 | <p><u>Topic 8</u></p> <p>The use of vehicle stop points should be considered.</p> | <p>Similar to the use of a two car stop, a vehicle check point (VCP) is a valid and trained tactic that is open to Tactical Advisors in presenting options to TFCs and is part of the UK national Police Firearms Training Curriculum.</p> <p>As such it is agreed that it is a tactic worthy of consideration if the circumstances dictate it would be safe and effective.</p> <p>VCPs do have a place on operations which are imprecise or, for example, as a disruption exercise. Each VCP would have to be resourced appropriately which would include a firearms response,</p> |

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| | | <p>pursuit capability and command element. This increases the risk of compromise on a covert operation or the loss of the subjects.</p> <p>VCPs are used on overt operations. They are not considered suitable for ongoing covert operations which are subject to frequent intelligence updates.</p> <p>It is, however, also very difficult to see how this could operate in the London environment. The experience of the experts at the Inquiry was in the context of a background of policing in Northern Ireland.</p> <p>Northern Ireland is a fully armed service, with ballistically protected vehicles and a history, and therefore public cultural awareness of checkpoints and armed officers. A checkpoint may not be seen as unusual even to armed suspects approaching it. It should also be noted that the response to a subject trying to evade, ram or threaten a VCP in Northern Ireland is likely to be extremely robust and at a level that could be seen as unacceptable on the UK mainland.</p> <p>Current tactics in London are based on surprise and dominance to ensure minimal time for subjects to react, either by arming themselves or high speed driving to evade capture. A checkpoint provides ample preparation time and therefore increased risk to the public, officers and the subjects themselves.</p> <p>London infrastructure – a labyrinth of roads and junctions – would also make this very difficult to retain control of the subjects should they decide to flee on sight of a check point.</p> <p>In the very rare circumstances where the <u>precise</u> route and timings of subjects were known well in advance, this could be a consideration, and has been used just once in recent years.</p> |
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| | | <p>In conclusion there are very few locations in London where this tactic would reduce rather than elevate risk but it should not be discounted at the planning stage of an operation.</p> |
| <p>24.16</p> | <p><u>Topic 9</u></p> <p>The understanding of arcs of fire and their implementation during a stop should be reviewed to avoid danger created by the presence of officers or individuals in the arc of fire</p> | <p>This observation is accepted. Arcs of fire issues are constantly trained and assessed by Instructors, and this will also be considered as part of the enforced vehicle stop review mentioned above, given that it is accepted that the current tactics do present this risk. The mitigation of this risk is training, and training in ‘arcs of fire’ remains part of ongoing Continuous Professional Development for specialist firearms officers and this is reinforced by live fire exercises on suitable ranges.</p> <p>In carrying out any form of vehicle stop, it is necessary to try and contain the subject so as to reduce or neutralise the threat that they pose to others. An effective containment is one which prevents the chance or likelihood of the subject escaping from the officers.</p> <p>As such it is critical that the officers are able to surround the subject or threat, which will increase the risks posed by each officer to others as they may end up in a direct line of sight of each other.</p> <p>In relation to the management of risk, we can either remove it or reduce it depending on the circumstances. In an armed containment, it is not always possible to remove the risk of a ‘blue on blue’. Therefore we try to reduce the risk by teaching officers to maintain an awareness of the position of their colleagues at all times, the backdrop of the subject/threat and the position and carriage of their weapon when not dealing with an imminent threat.</p> <p>We teach officers to be aware of their ‘arcs of fire’ when covering</p> |

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| | | subjects/threats and to be aware that potentially, other officers performing their roles might enter their arc of fire unannounced. |
| 24.18 | <p><u>Topic 10</u></p> <p>The use of sirens and blue lights as a matter of course when stopping a vehicle should be considered</p> | <p><u>DCC Chesterman re para 16.9</u></p> <p><u>Identification of Police Officers during an Armed Intervention</u></p> <p>'First mentioned at para 16.9 and subsequently mentioned at various points throughout the ARI is the importance of armed police officers identifying themselves at the point of an armed intervention to ensure that they are not mistaken for members of an opposing criminal gang. The ARI comments on this subject in respect of the plain clothes officers and their failure to don police baseball caps, their failure to shout warnings to those who were the subject of the intervention, and the failure to activate sirens and blue lights during the intervention stage of the operation.</p> <p><u>DCC Chesterman Observations</u></p> <p>I would advocate the wearing of clothing that identifies a covert firearms officer as a police officer at a point where they become overt in order to carry out an armed intervention. Under these circumstances, when police officers are not in uniform, the ability to be clearly identifiable as a police officer is essential, especially where the police use of firearms is concerned. The simplest way to achieve this is with police baseball caps.</p> <p>Officers are trained to shout simple, clear commands to people they are detaining in such a stressful environment to minimise the risk of misunderstanding or not hearing. The activation of sirens at this point</p> |

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| | | <p>would be highly likely to drown out all other noise, including the officers' words of command.</p> <p>I fully endorse the principle that police firearms officers should be identifiable when making an arrest, especially when the arrest is being made from a covert approach and is therefore entirely unexpected.</p> <p>The benefits of using blue lights and sirens to achieve this would normally be outweighed by the risks and simple, clear words of command from officers wearing police baseball caps is the best solution in most circumstances.</p> <p>The MPS has previously endorsed DCC Chesterman's comments, which remain current practise in MPS operations (no lights or sirens, mandatory use of baseball caps and the use of clear simple commands e.g. 'stop, armed police, show me your hands.').</p> <p>Use of sirens or blue lights on an enforced vehicle stop, although within the training and capabilities of SFOs if circumstances dictated this, was appropriate as a consideration at the point of deployment, but would not have been a satisfactory option in Operation Tayport.</p> <p>The basic aim of an armed operation is to identify, locate and contain the threat. The use of sirens and blue lights would have compromised the operation prior to the effective containment of the vehicle unless activated at the precise moment the vehicle was effectively contained when the concentration and focus of the firearms officers would and should be on dealing with the threat.</p> <p>The officers were aware that the suspects were involved in a serious level of criminality and, if convicted, would face a substantial prison term. The option of activating blue lights and sirens, if not judged to the</p> |
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| | | <p>precise second (or more likely fraction of a second) would have presented a serious risk of a high speed pursuit at a busy time of day in a built up area. This would have presented significant risks to members of the public, police and the subjects.</p> <p>In addition, if the subjects were of a mindset to confront police with resistance, this would have been an opportunity to prepare a response with potentially lethal consequences for the public, police and subjects.</p> <p>As stated with regard to Vehicle Check Points above, deaths associated with police pursuits have always been significantly higher than in firearms incidents and amounted to 18 in the last year of available figures (2011-12).</p> <p>However – we have reviewed other force and agency tactics and I have asked the CFI to review a current National Crime Agency (NCA) tactic as there remains some debate from different specialists as to the need to remain covert in the final stages of a ‘strike’.</p> <p>I have been briefed that the NCA now use lights and horns at the stage of intervention (strike). The horns are programmed to stop 3 seconds afterwards in order that the verbal instructions given can be heard clearly. Clearly they wish to avoid the situation where the subjects believe they are being attacked by another criminal group – a concern raised by a jury member into the Inquest of Terry Nicholas in 2009 - balanced against the need to avoid a dangerous pursuit if the subjects have time to flee, or preparing an armed response if they wish to ‘stand and fight.’</p> <p>MPS tactics, as previously stated, are based on surprise and domination. It is accepted that this effect may be achieved by large police vehicles in close proximity with familiar blue lights and sirens.</p> |
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| | | <p>However I am not yet convinced that the NCA approach is the safest approach. The 3 second delay before lights and sirens switch off seems to depend on remarkable choreography to balance all the competing threats outlined above.</p> <p><u>Basu Recommendation 7</u></p> <p>The CFI is to speak to his counterpart in NCA and produce a report for the Commander Armed Policing comparing the efficacy and safety of the NCA approach versus the MPS approach in the use of blue lights and sirens, including whether the use of just blue lights might be appropriate at the point at which the convoy stops the subject vehicle.</p> |
| 24.19 | <p><u>Topic 11</u></p> <p>Consideration should be given to what type of commands should be given to suspects to maximize the chances of suspects complying</p> | <p><u>DCC Chesterman re para 16.9</u></p> <p>See above. The MPS trains armed officers to use simple clear commands e.g. 'Stop, Armed Police, Show me your hands,' directed by the firearms officer at the subject they are assigned to cover.</p> <p>The reviewing officer notes that despite extensive training in the use of clear simple shouted commands, there is every possibility that the tactics used to minimise threat in enforced stops - that of surprise and domination - induces shock and stress in witnesses and suspects. This may result in their own perceptual distortion, which will include auditory exclusion, and may prevent them hearing armed officers' commands - hence the need to adequately test recommendation 7 and the NCA approach.</p> |

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| | | <p><i>I further assume that this comment within ARI relates to what Azelle Rodney could have reasonably done to avoid being shot (if that is not what the Chairman meant by this comment then I would be grateful for further instruction on this point).</i></p> <p>The further question of what a subject could reasonably be expected to do is difficult to answer. Clearly the purpose of the commands taught to firearms officers is to make subjects surrender, sit/stand still and show open hands. It is accepted that a subject so challenged by armed police but refusing to comply, (or apparently refusing to comply), accompanied by suspicious movements could increase the risk that they will be shot.</p> <p>There is a balance to be struck between the tactic of 'surprise and domination' to minimise the chance of a subject being able to arm themselves and fight or to evade capture by attempting to flee, and giving them sufficient warning time to surrender. This is a constant training point for armed officers and the success of that training is reflected in the very low number of incidents in which shots are fired in these scenarios.</p> <p>This is inevitably a very difficult issue, but with respect I believe the comment poses the wrong question so far so the training of a firearms officer is concerned.</p> <p>A suspect can avoid being shot by not acting in a way that may be perceived to pose a threat. That was so for the other two suspects present with Azelle Rodney in the vehicle who were both arrested without sustaining any injury.</p> |
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| | | <p>However the burden is on the officer to justify any use of force and inevitably that is where the issue of training must necessarily focus. The statistics disclosed in the course of the Inquiry, support the contention that, generally, firearms officers are able to appropriately assess the threat and react proportionately to it.</p> <p>The issue therefore is not what Azelle Rodney could have done to avoid being shot, but rather what threat E7 perceived that justified his decision to fire.</p> <p>The Chairman concluded that Azelle Rodney did not pose the threat that E7 perceived and further that E7 could not have reasonably perceived such a threat. This is clearly disputed by E7 and may be subject to further criminal proceedings.</p> |
| 24.20 | <p><u>Topic 12</u></p> <p>Consideration should be given to how an officer providing cover can safely fire a pre-emptive shot when a gun is not visible</p> | <p>It is uncertain what this comment implies. This goes to the heart of the law on self defence and is the responsibility of the individual firearms officer in determining their belief that they or another are in immediate threat of being killed. The standard to apply is whether the officer held an honest belief that was the case and that belief was reasonable in all the circumstances.</p> <p>In hindsight that decision may be a mistake and the decision making will depend on numerous factors not least the intelligence, the officer's training and the officer's experience. Most importantly what the individual officers 'senses' at the time will be paramount.</p> <p>Knowledge of the law is an essential element of an armed officer's</p> |

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| | | <p>training. Training continually tests an officer's honestly held belief and their responsibilities under the Human Rights Act.</p> <p>To prescribe that officers must only ever fire when they see a gun in my view highly dangerous given the reaction times of officers and subjects. It is likely to introduce hesitation into the decision making process for armed officers which could be fatal for them, their colleagues, the public and subsequently fatal for the subject if they are armed and intent on opening fire. The officer is trained to justify, individually, their use of force and this justification will include everything they see, hear and sense unfolding around them and the briefing they were given and their knowledge of the subjects from the operation itself.</p> <p>It is precisely the level of constant training in this area in my view, which means that MPS (and indeed UK) armed officers rarely fire their weapons.</p> <p>During the Duggan Inquest, statistics were made public (and supplied to the Home Secretary) that described the actions of armed officers in London over the period 2005-2013. In summary: There were 23,829 Armed Response Vehicle deployments during that time and an additional 15,735 authorised armed operations. In total armed officers deployed both overtly and covertly on 39,564 occasions. There were 21 incidents at which a total of 84 rounds were discharged by police – an average of 2.3 incidents and 9.3 rounds per year. There were 9 fatalities – on average 1 per year. Over 9 years London police officers in dealing with armed incidents and armed operations, discharged their weapons on 0.05% of occasions.</p> <p>The MPS does not seek to demonstrate complacency. Every time a round is fired it is the most serious of situations with the most serious</p> |
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| | | <p>of consequences for the subject and their family; the officer and his/her team, the force, national armed policing and the concept of policing by public consent.</p> <p>Armed officers do not deploy with the intention of discharging their weapons. They deploy with the intent to arrest or prevent loss of life. As a result of their actions – and they are all volunteers in one of the world’s few routinely unarmed services – gun crime is significantly reduced in the capital city. The figures are intended to represent the professionalism and restraint of armed officers, which is a testament to the quality of training and capability of both AFOs and their commanders.</p> |
| 24.26 | <p><u>Topic 13</u></p> <p>The hours the officers were on duty should be appraised and whether they should have been paraded much later</p> | <p>I am satisfied that the intelligence given to Silver indicated that the offences would take place much earlier in the day than actually occurred, and therefore it was absolutely necessary to have staff on at the times they were briefed and deployed.</p> <p>It is right to highlight this very relevant point and TFCs and OFCs are charged with ensuring that firearms officers are not pushed beyond their physical limits when on extended operations – a fact they must constantly check and record.</p> <p>The most specialist firearms officers have to maintain the highest standards of physical fitness of any officer in the UK, which are routinely tested many times throughout the year.</p> <p>They know they will routinely be called upon to work extended tours of duty and the practicalities of replacing firearms and surveillance teams in the middle of active operations where the intelligence can change in seconds should not be underestimated and represents great risk in itself.</p> |

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| | | <p>They have a personal responsibility, enforced at every briefing, to self declare if they are not fit for duty for any reason.</p> |
| 24.27 | <p><u>Topic 14</u></p> <p>The review should consider the effect that ramming has upon the behaviour of the suspects</p> | <p>The MPS accepts the fact that if police and subject vehicles collide this will initiate involuntary movements of the subjects inside the car and that creates a risk of those movements being misinterpreted by armed officers as a threat. This of course was not the evidence of E7, whose actions are being reviewed by the CPS to determine whether E7 will be charged with a criminal offence, and the MPS makes no comment on whether that happened in the instant case.</p> <p>Moreover, 'Ramming' is not a police tactic and not taught as part of the enforced stop tactic.</p> <p>On occasions contact (referred to as 'incidental contact') will be made between vehicles due to the precise timings and placement of vehicles required in dynamic situations, and the need to effectively box in the subject vehicle to prevent escape.</p> <p>It should also be noted that s.3 Criminal Law Act 1967 applies. If an officer feels that there is no other choice but to use his/her vehicle to prevent loss of life or an escalating threat to the public, themselves or another they may make that decision, but know they will have to justify that use of force individually.</p> <p><u>Basu recommendation 8</u></p> <p>Given that evidence was given in this case that Azelle Rodney's body movements in the car, which was struck by a police vehicle, may have been involuntary movements that were capable of</p> |

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| | | <p>being misconstrued by officers witnessing them, I have asked the CFI to ensure that this learning point is reinforced in training of the enforced stop tactic and that the national working group reviewing this tactic take this point into consideration.</p> | | | | | | | | | | | | | | | |
| <p>24.29</p> | <p><u>Topic 15</u></p> <p>Consideration should be given to whether Hatton guns should be used at all in vehicle stops as the risk of vehicle movement can be countered by other means, the gunner exposes himself to risk and it looks like vandalism</p> | <p>The MPS endorses the comments made by DCC Chesterman in his Tayport Review and can add nothing further.</p> <p>Hatton Rounds remain a suitable method of preventing a determined suspect driving a vehicle from escaping and using that vehicle to endanger others or evade arrest.</p> <p>They should not and are not used as a default tactic but after careful consideration of all the circumstances including intelligence on the capability and intent of the subjects. MPS statistics demonstrate that they are not used as a default option in the case of an enforced stop.</p> <p>From the beginning of 2010 to 06/11/2013 there were 1,901 MPS MAST Operations authorised. Hatton Rounds were used in 36 (1.88%) of these operations, an average of just 9 times a year.</p> <p>Special Munitions used on MAST Operations</p> <p>Year - total of authorised MAST operations - occasions on which Hatton Rounds used</p> <table border="0"> <tr> <td>2010</td> <td>604</td> <td>9</td> </tr> <tr> <td>2011</td> <td>452</td> <td>12</td> </tr> <tr> <td>2012</td> <td>466</td> <td>10</td> </tr> <tr> <td>2013</td> <td>to 06/11/2013)</td> <td>379</td> </tr> <tr> <td></td> <td></td> <td>5</td> </tr> </table> | 2010 | 604 | 9 | 2011 | 452 | 12 | 2012 | 466 | 10 | 2013 | to 06/11/2013) | 379 | | | 5 |
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| | | <p>Total 1,901 36 (1.88%)</p> <p>I reproduce DCC Chesterman's comments below and note that the national lead and the College of Policing are looking at alternative ways to disable a vehicle based on improving technology (e.g. remote electronic disabling of the engine) and the MPS will continue to contribute to that debate and seek to adopt any better practice that ensues.</p> <p><u>DCC Chesterman re use of Hatton Rounds</u></p> <p><u>The use of Hatton Rounds within MASTS based vehicle interventions</u></p> <p>'The Inquiry position is that the use of Hatton rounds should be restricted to Method of Entry tactics.</p> <p><u>DCC Chesterman Observations</u></p> <p>For the purposes of this summary I will restrict my commentary to the balance of risk between the subjects, and possibly police officers, perceiving that firearms are being discharged, against the responsibility of the police to prevent the target vehicle from being allowed to evade them and leave the scene.</p> <p><i>R v Bannister</i> places a responsibility on the police for the driving behaviour of an individual they are pursuing.</p> <p>If a traffic officer, seeking to manage the risk presented by a driver who is making off, has a degree of responsibility for their actions behind the</p> |
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| | | <p>wheel, a similar conclusion could be applied to an armed vehicle intervention. If so, preventing the suspects from escaping the intervention has even greater importance.</p> <p>Therefore, I do not support the comments made within the ARI. The police service needs to be equipped with reasonable tools to protect the public and themselves and the use of Hatton round to disable a vehicle and prevent its escape is an important tactical option.</p> <p>For clarity, my comments are not meant to be interpreted as a call for Hatton to be routinely used in vehicle interventions during firearms operations. The use of Hatton as a tyre deflation device should be supported by risk assessment founded on the capability and intent of the subjects and intervention’.</p> |
| <p>24.31 & 24.33</p> | <p><u>Topic 16:</u></p> <p>a. An officer should consider whether a meeting at the outset of the operation between relevant units should be held and the use of a control room to run an operation such as Op Tayport should be considered.</p> <p>b. The MPS should also consider constructive expert opinions they receive.</p> | <p>On point (a) - control rooms: DCC Chesterman endorsed this position and the MPS has considered the matter carefully. The use of dedicated control room has benefit in certain scenarios; in other situations, armed commanders on the ground are more effective - (e.g. containment and call out and ‘lower risk’ surveillance operations which are single agency and do not involve covert technology).</p> <p>The MPS does not dispute that at the highest end of threat, with operations involving multiple agencies and a myriad of intelligence feeds including CCTV feeds in urban environments as well as covert sensitive surveillance methodology, then control and risk <u>may</u> be best managed through a dedicated control room. Personal experience – and the view is universal – is that a control room cannot replace the need for a TFC to be on the ground with the team, and can introduce delays into the decision making and communications at critical points. It is not a panacea for all risk.</p> |

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| | | <p>Nevertheless, a senior officer from covert policing (Det Supt Colin Kennedy) has been tasked with a project to demonstrate how control room capability can be resourced given the number of higher threat operations run by the MPS.</p> <p>The only dedicated fully staffed control room at present relates to Counter Terrorism. A similar model would need to be found for serious and organised crime.</p> <p>The MPS disagrees with DCC Chesterman that the use of a dedicated control room for the majority of pre-planned operations should be <i>routine</i> (MPS emphasis). It should be based on whether or not it reduces risk and the decision should be made by the SFC.</p> <p>Please note that the MPS agrees that it should always be a consideration as a tactical parameter, and that decision should be part of the policy file of the SFC.</p> <p>It will not always be practical to establish a working control room environment to respond to fast time intelligence and that must be a factor.</p> <p>For the MPS to support a second dedicated 24/7 control room environment for covert serious crime operations at a time of financial austerity, and when that part of the business is undergoing significant cuts and changes in processes, will be extremely difficult.</p> <p>Control rooms will only provide benefits if there is an undertaking to staff them appropriately and provide necessary technology. This also applies to ensuring that the ground assigned TFC has the best available mobile platform and technology to control an operation.</p> |
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| | | <p>I also note that Op Tayport relied to a significant extent on intelligence that was arriving in a manner where a control room would not necessarily have added value, and that the practicalities of providing a live feed of pictures describing routes ahead of the targets, when the planned route is unknown, to enable the selection of the most appropriate point to strike is highly unlikely.</p> <p>The viability of this approach as recommended by DCC Chesterman, is part of the terms of reference for Det Supt Kennedy's work.</p> <p>DCC Chesterman's position is produced below.</p> <p><u>Control room: DCC Chesterman MPS Rec 2</u></p> <p>'I recommend that the MPS consider the routine use of a control room environment for the management of the majority of its pre-planned operations, only moving to a mobile or site specific command base where there is documented rationale.</p> <p>I appreciate that the MPS has commissioned a separate piece of work on this subject. I believe that the command of operations from a purpose built environment with access to the necessary information and assistance required to manage a job professionally will be best served by this'.</p> <p><u>Basu Recommendation 9</u></p> <p>I agree that the use of a control room should always be a consideration as a tactical parameter, and that decision should be part of the policy file of the SFC. I have asked the CFI to work with the College of Policing to introduce this point into command</p> |
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| | | <p>training.</p> <p><u>Basu Recommendation 10</u></p> <p>The use of control rooms for certain high threat operations must be considered and Det Supt Kennedy will inform Management Board in the MPS of the practicalities and costs of that decision. This will include giving guidance to SFC/TFC on when control rooms should be considered.</p> <p>On point b (re: listening to experts): I am absolutely convinced that armed policing in London is ready and able to listen to constructive criticism and ideas from around the country and indeed the rest of the world. The fact that MPS, after consultation may disagree with an expert view should not automatically be interpreted as a failure to listen.</p> <p>SCO19 are active participants at a senior practitioner level in 21/21 national working groups under DCC Chesterman, including chairing some of the highest profile issues. They are also active in 'Atlas' - a confederation of European armed forces – and work closely with the College of Policing. SCO19 has been responsible for writing a great deal of the content of the National Police Firearms Training Curriculum and is responsible for the vast majority of armed operations in the UK.</p> <p>DCC Chesterman specifically looked at whether the MPS could be seen to be a learning organisation in relation to armed policing and found that we had systems and governance that might be considered best practice for national policing.</p> <p>Below are ten examples of how armed policing has sought to adapt its working practices following criticism and recommendations from inquiry</p> |
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| | | <p>and inquest</p> <ol style="list-style-type: none">1. The MPS introduced a surge of command training in 2007 under Commander Jo Kaye to ensure we had properly trained commanders overseeing firearms operations. Maximised at 1800 firearms commanders in the MPS through 2008. (A response to Stockwell Part 1.)2. This further developed into a pre-planned operations firearms command cadre in 2009 (at SFC and TFC level) to respond to the criticism about our lack of 'clarity of command' in Stockwell. This took firearms command from being a generic management skill of an Inspector (TFC) or Superintendent (SFC) to one of a professionalised system invested in a core of dedicated professionals.3. In 2012 this concept was developed further by the introduction of the spontaneous firearms TFC command cadre extending the pre-planned firearms specialist command function. Consequently we stopped training hundreds of managers who might never have used the skill with which they had been trained.4. After Markham Square (the fatal police shooting of Mark Saunders) - the MPS again responded to criticism about 'confusion of command' by introducing a new role - that of Operational Firearms Commanders (OFC) - introducing a course compliant with national guidance within 6 months - and leading to an OFC (or firearms team leader) cadre of 350 officers.5. Responding to further criticism in the Saunders case, the MPS also introduced a clear separation of roles by identifying the OFC and Tactical Advisor as different officers. This had previously been a single role and it was accepted that this placed an unreasonable burden on |
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| | | <p>an OFC managing the final stages of a tactical plan in also having to advise the TFC on tactical options as well as providing a further safety net in the dynamic independent review of tactics.</p> <p>6. To improve community understanding of our armed response in London, SCO19 has introduced 'Operation Makepeace'. This is a community engagement process - supporting Trident and Borough engagement through presentations by armed police officers. Makepeace over the last 2 years, has supplemented extensive schools and community programmes with firearms 'Masterclasses.' These are workshops attended by various community groups from around London. SCO19 explain all the firearms roles. Operationally competent SFC/TFC/OFC/TAs explain how a firearms operation works. Participants are given a scenario to plan and asked to make critical decisions in a command role. This has helped community members to better understand the threats London and armed officers face on a daily basis, and the significant work that goes into ensuring that we plan operations to mitigate that threat and reduce risks to the public, police officers and the subjects of the operation.</p> <p>7. Following the grenade attacks by Dale Cregan in Greater Manchester we had to consider our threat response and introduce alternative tactical options, training all specialist firearms officers to respond to that threat.</p> <p>8. Following the Mumbai terrorist atrocity, the MPS introduced the 'single system of search training for all armed officers, to ensure national interoperability in response to a similar attack in the UK where firearms officers could be drawn from any part of the country to work together to neutralise the threat.</p> <p>9. As part of the national interoperability work stream, the MPS has</p> |
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| | | <p>also introduced a joint surveillance and firearms glossary. The lack of common terminology was a direct criticism in Stockwell around the clarity of command and instruction when multiple teams from different organisations and units were being deployed simultaneously on the manhunts following the failed bombings on 21st July 2005.</p> <p>10. Following the Azelle Rodney Inquest criticism about post incident de-briefs - a criticism accepted by the national lead for Armed Policing and the MPS, all safety critical and organisational learning issues will now be debriefed. This is due to be incorporated into Authorised Professional Practice at the next national armed policing working group chaired by DCC Chesterman. Post Duggan, three 'organisational learning debriefs' operating to the principles of this model have already taken place in the MPS with IPCC agreement, following non-fatal shootings in the MPS.</p> <p>It remains unfortunate that officers giving evidence during the inquiry gave anything other than the impression that they were willing to listen, but alongside that comes a responsibility to challenge where we disagree with tactics and methodology.</p> <p>The MPS, its serious crime command and its specialist firearms teams are amongst the most experienced and highly regarded in the world and the responsibility to contribute to the development of armed policing in Western and other democracies is not taken lightly. At the time of writing the MPS Commissioner has been asked recently to allow SCO19 to train forces as diverse as Singapore, Abu Dhabi and Jamaica in firearms strategy and tactics. These approaches are common.</p> <p>In response to the Inquiry's criticism the MPS is grateful to DCC Chesterman for his response and it is reproduced below along side AC</p> |
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| | | <p>Rowley’s response to the Chair.</p> <p><u>DCC Chesterman National Rec 2</u></p> <p>2. The process that was commissioned by the MPS to self-assess their own compliance with recommendations that it had been subject to is a process that would have national benefit. I recommend that either ACPO AP or the College of Policing (CoP) commit to managing a national register of recommendations relating to armed policing. In response, all forces can give due consideration as to whether those recommendations have relevance to their own force area. I will consider the most appropriate means to achieve this aspiration and discuss it with colleagues in the CoP to determine appropriate ownership and governance’.</p> <p><u>AC Rowley’s response to you re Chesterman National Rec 2</u> (as above)</p> <p>DCC Chesterman is currently in the process of arranging a series of meetings with the College of Policing on a range of firearms issues. His view is that a national register of recommendations arising from inquests, enquiries and post incident investigations should be hosted by the College. He will be working with them to achieve this based on the best practice currently employed by the MPS.</p> |
| <p>24.32 & 24.55</p> | <p><u>Topic 17</u></p> <p>The MPS should reconsider whether Bronze and Silver commanders should “double hat”</p> | <p>I have reviewed this point and it does not happen in London Armed Policing today. The MPS has accepted the national recommended position contained in APP.</p> <p>The roles previously referred to as Gold Silver and Bronze (now SFC, TFC, and OFC supported by separate Tactical Advisors) have become</p> |

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| | | <p>professionalised and separated.</p> <p>It is right that there continues to be debate around protracted, complex, major crime enquiries where the SIO and their team is often best placed to assess the intelligence and predict the threat.</p> <p>Introducing independent strategic and tactical firearms commanders who may change many times during the course of an operation running many months, does introduce an element of risk. In multiple handovers, intelligence could be misconstrued or lost.</p> <p>Serious and Organised Crime commanders believe that a command and control model that allows the SIO to take the role of TFC reduces risk and it is by no means clear that there is evidence to support the contention that it increases risk.</p> <p>The argument that double hatting increases the risk that an SIO operating as a TFC will push the boundaries of the operation to secure prosecution for a major crime at the expense of an earlier, lower risk intervention is a powerful and emotive argument. It is not accepted as the norm. That the SIO will put evidence gathering and prosecutions before safety (of his team, armed colleagues, the public and the subjects) is regarded as an affront to their professionalism and is certainly against their training.</p> <p>That there is a risk that a less experienced SIO/TFC performing that dual role may decide to do just that is however, real.</p> <p>On balance, the MPS current position is that the national standard which prohibits 'double hatting' will be adhered to.</p> <p>To avoid doubt, Serious and Organised Crime command will be writing a policy in conjunction with the Commander Armed Policing which</p> |
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| | | <p>describes their approach to command and control and which adheres to the Authorised Professional Practice of separating the role of SIO and TFC. This will be subject to final approval by AC Rowley.</p> <p>AC Rowley has responded to you previously and this is reproduced below.</p> <p><u>DCC Chesterman re para 9.9 & MPS Rec 1</u></p> <p><u>Dual Roles in Firearms Command</u></p> <p>‘First mentioned within Para 9.9 but repeated throughout the relevant part of the ARI is reference to the dual roles performed by some of those involved with managing the police response to Op Tayport. The Gold Commander (Strategic Firearms Commander) also performed the role of Authorising Officer. The Silver Commander (Tactical Firearms Commander) also performed the role of Senior Investigating Officer. The Bronze Commander (Operational Firearms Commander) also performed the role of the Tactical Advisor.</p> <p><u>DCC Chesterman Observations</u></p> <p>The debate about dual roles, in particular SIO & TFC, has been ongoing for a number of years within the MPS, albeit this is isolated to specialist units, where the belief is that the volume, complexity and risk associated with their operations is best served by the SIO, who has the detailed knowledge of the operation and the intelligence, deploying as the TFC.</p> <p>The ongoing issue is that this practice is contrary to the national guidance which has evolved as a result of the learning from adverse</p> |
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| | | <p>incidents and a number of independent reports. I endorse the principle that dual roles can present enhanced risk and I have recommended that the MPS reviews its approach and clarifies its position within force policy and procedure’.</p> <p><u>AC Rowley re Chesterman MPS Rec 1</u></p> <p>The MPS has accepted this recommendation. The only role whereby a single officer will perform a dual role is that of ‘live’ kidnap investigations. The APP has been amended to reflect the unique status of live kidnaps and supports the concept of dual SIO/firearms commander in these circumstances.</p> |
| <p>24.44 & 24.24</p> | <p><u>Topic 18</u></p> <p>An officer should reconsider how threat and risk assessments (including dynamic risk assessments over the location to stop) were used in Op Tayport and the part they played in decisions taken. Consideration should also be given to whether the material should be used in TFC training courses</p> | <p>DCC Chesterman’s point on this topic is reproduced below as is AC Rowley’s most recent response.</p> <p>The MPS accepts that threat and risk assessments are a critical part of the role of firearms commanders and are integral to the National Decision Making Model which is the foundation for decision making in armed policing and other high risk, high threat policing operations.</p> <p>This approach has been significantly reworked since Operation Tayport and the limitations to the risk assessment approach at that time were accepted.</p> <p>It is clear that the dynamic risk assessment of the team leader (OFC) in conducting the enforced stop in an area of high risk was flawed. This would be a clear organisational learning point for command training.</p> <p><u>Basu Recommendation 11</u></p> |

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| | | <p>The CFI is to ensure that the practice of threat and risk assessment and its importance in pre-planning and dynamically throughout the operation are reinforced in armed command training and continuous professional development.</p> <p>The CFI is also to monitor developments in the APP that will result from DCC Chesterman’s national recommendation 4 and ensure along with the College of Policing, that it is reinforced in command training (see also Basu recommendation 3).</p> <p>For reference:</p> <p><u>DCC Chesterman National Rec 4</u></p> <p>‘Firearms commanders often have to weigh up longer term sustained public protection against delivering a short term deterrent. This is a subjective decision that is based on sound judgement but is not afforded enough clarity and protection by the recognition of this challenge within the APP.</p> <p>I recommend that I work with the CoP to create an approved reference to this subject with an updated version of the APP’.</p> <p>Please note that consultation has already commenced. The intention remains that guidance on delivering sustained public protection will be incorporated into the APP. Awareness will be delivered through the annual refresher training program for SFCs and TFCs.</p> |
| 24.54 | <p><u>Topic 19</u></p> <p>The tactics adopted by DI Silver should be</p> | <p>The MPS agrees with this point. All high threat, high risk operations and particularly those that end with the state taking a life, must be subject to a comprehensive debrief and all organisational learning fed</p> |

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| | <p>appraised and could contribute to future training of TFCs</p> | <p>into training for firearms officers and their commanders.</p> <p>This will happen with Operation Tayport, but will still be delayed until the outcome of any proceedings contemplated against E7 in a criminal court.</p> <p>There is now an established programme of continued professional development for TFCs and subsequent assessment to ensure competence.</p> |
| <p>24.57</p> | <p><u>Topic 20</u></p> <p>The appointment of a senior officer with sufficient status and confidence to deal with situations at the scene with common sense based flexibility</p> | <p>The issue of command and control at the scene of a critical incident is under review within the MPS at this time. In addition, there is a national consultation process with the IPCC on the treatment of principal police officers involved in police shootings which is due to conclude at the end of May 2014.</p> <p>The Post Incident Management (PIM) process has continued to develop since 2005 and although much more advanced has still revealed flaws as the Mark Duggan Inquest has found. It has however improved further since Mark Duggan as the Woolwich murder of Lee Rigby and the subsequent IPCC report demonstrates.</p> <p>The MPS accepts however there is much more to be done and this remains a significant challenge.</p> <p>The issue of 'who owns the scene' following a fatal shooting is a particularly difficult area. It is inevitably complicated by the different MPS OCUs involved - invariably including the investigating OCU, SCO19, SCD11, DPS, SCD4 and the local borough, as well as the</p> |

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| | | <p>IPCC who ultimately <u>will</u> own the scene but will not have the resources or speed to deploy to it in a timely manner to take immediate control of it. Moreover, the MPS is (along with other police services) a hierarchical organisation that generally defers to rank. Accordingly, when a senior officer arrives at a scene, individuals may assume that he or she is in charge of it when in fact they are not.</p> <p>There is therefore no easy solution to this issue. However, the MPS accepts that in light of comment both in the ARI and MDI on this issue, it must be addressed forthwith. I have therefore commissioned a working group to deal specifically with this issue in order to agree a workable, simple and easy to understand policy. When this is completed, it will be sent to the ARI.</p> <p><u>Basu Recommendation 12</u></p> <p>A working group led by Professional Standards should be formed to review and examine the issues of command and control from the OFC through to Management Board in DSI critical incidents.</p> <p>DCC Chesterman (national recommendation 5) recommended a working group examine module 7 of the APP as it related to the Post Incident management Process relating to the principal officers. This work is well advanced and I make no further comment other than we (the MPS) are contributing to that work.</p> <p>The need for DCC Chesterman's national recommendation 5 to be pursued with vigour is obvious and wholly supported by the MPS. It does not explicitly include the immediate command and control at the scene as per Basu recommendation 12 above, but the MPS believes that was implicit in his approach.</p> |
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| | | <p><u>DCC Chesterman National Rec 5</u></p> <p>'I recommend that a working group is formed that re-examines the issues that are present in a post incident response. This should include the PIP, the role of the PIM, critical safety issues, the welfare of the principal officers, the post incident programme that determines the continued fitness of principal officers and the application of consistent recording practices of the associated decisions. This work-stream can build on the observations and recommendations within my review and the associated best practice that exists across the UK'.</p> |
| 25.1 | <p><u>Topic 21</u></p> <p>The police should consider the nine recommendations made by Mr Gracey in his report</p> | <p>Mr Gracey's report was accepted by the College of Policing and is largely accepted by the MPS as shown below. Each recommendation has been examined and we have recorded our current processes. These recommendations were in fact largely implemented prior to Mr Gracie's report being commissioned by the Inquiry and a result of organisational learning.</p> |
| <u>Gary Gracey's Recommendations</u> | <p>1) It is recommended that the design of the MPS forms is reviewed, to ensure alignment with national guidance in relation to the use of the National Decision Model.</p> | <p>This recommendation was accepted and has been completed.</p> |
| | <p>2) It is recommended that to ensure commanders provide a clear audit trail; the MPS should review initial and refresher training to impress the requirement and value in</p> | <p><u>Basu Recommendation 13</u></p> <p>The CFI has been asked to ensure that a process of maintaining the continuous professional development of armed commanders</p> |

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| | <p>keeping accurate and detailed records in accordance with the National Decision Model and national guidance.</p> | <p>is put in place and that the initial course and refresher training recognises the value of auditable decision making and the maintenance of logs.</p> |
| | <p>3) It is recommended that threat and risk assessment training be reviewed. Whilst no threat assessments were evident it is apparent that measures were put in place, using the risk assessments, to address the current threats. This can be developed through appropriate training by understanding the National Decision Model.</p> | <p>The MPS is content that threat and risk assessment training now forms a key part of command training for OFCs, TFCs, Tactical Advisors and Strategic Firearms Commanders.</p> <p>This is based upon demonstration and application of the National Decision Making Model in training scenarios and assessments.</p> |
| | <p>4) It is recommended that the roles of Tactical advisor and Bronze Commander are assigned to individual officers at the beginning of an operation. This is as per Police Complaints Authority Report 2003 and national guidance contained within the ACPO MCAD of Armed Officers 2011.</p> | <p>These roles (now known as Tactical Advisor and Operational Firearms Commander – OFC) are clearly stated at the TFC briefing at the outset of every operation. Recent training for TFCs and SFCs (January 14) has reiterated the operating processes for the separation of the OFC/TA role.</p> |
| | <p>5) It is recommended the roles of Senior Investigating Officer (SIO) and Silver are assigned to two separate officers at the beginning of an operation. This is as per Police Complaints Authority Report 2003 and national guidance contained within the ACPO MCAD of Armed Officers 2011.</p> | <p>The roles of SIO and Silver (now Tactical Firearms commander) are currently separated in the MPS, which complies with national Authorized Professional Practice, and the MPS will be documented in policy as recommended.</p> <p>Please see the response on ‘double hatting’ above at 24.32/24.55.</p> |

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| | <p>6) Consideration regarding the development of cameras in cars and on officers to assist in recording the actions of the officers and suspects, during the operation. This would be of significant value in establishing what occurred prior to any discharge of firearms.</p> | <p>A National working group chaired by Supt Ian Hackett (MPS SCO19) on behalf of DCC Chesterman has been established to look at the issue of body worn cameras for armed police officers. This is also running in tandem with an MPS project on body worn cameras in core policing run by Commander Adrian Hanstock.</p> <p>Trials are anticipated to commence within training in April 2014 with live operational trials anticipated in June/July in several forces including London.</p> <p>Cameras in cars were not currently being considered but the review work is highlighting the difficulties associated with equipping covert officers – both surveillance and AFOs - with suitable body worn cameras that will not immediately compromise their covert status to the public and subjects. The logistical, practical and legal issues it raises have all been considered and we are attempting to resolve them.</p> <p>Covert vehicles equipped with ‘deep fit’ cameras front, rear and side may be an alternative and will be incorporated into the project terms of reference.</p> |
| | <p>7) It is recommended that meetings held in the preparation and planning of firearms operations be fully audited.</p> | <p>The results of these planning meetings are full documented on comprehensive national forms known as FA1, FA2 and FA3, which provide the audited record of the planning, intelligence, threat and risk assessments for the operation and are maintained by the Firearms Policy unit – a central register in the MPS.</p> |
| | <p>8) It is recommended that briefings, for all operations where firearms may be discharged,</p> | <p>The auditing of briefings is covered early in this report. It is simply not practical to record every single briefing given during a firearms</p> |

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| | <p>are fully recorded. All subsequent briefings delivered throughout an operation should also be audio recorded. If this is not possible the briefings should be fully audited.</p> | <p>operation.</p> <p>The SFC/TFC/TA pre-planning meeting results in comprehensive documentation – forms FA1-3 – which clearly document the decision making of the senior officers and to which they will be held to account.</p> <p>The TFC briefing prior to the operation is audio recorded.</p> <p>The point about not audio recording or writing down highly sensitive information on an operational order is made early on in this report, though it is recommend that the briefing officer ensures that the sensitive intelligence is recorded elsewhere in a sensitive policy file, which should be established practice.</p> <p>The OFC team leaders briefing to colleagues is not currently recorded. It is a recommendation that any concerns are logged and referred to the TFC immediately (see Basu recommendation 2).</p> |
| | <p>9) It is recommended that the MPS training materials be reviewed and audited to ensure that they are current with reference to the most current national guidance issued by ACPO and NPIA.</p> | <p>In December 2013 MPSTC – the firearms training establishment – was inspected by the College of Policing for compliance in granting its training license.</p> <p>The license has been extended, albeit a development plan was indicated, which is largely to do with logistics and for which an action plan has been established to rectify these issues before April 2014.</p> <p>Commander Armed Policing has met with the College of Policing in February 2014, and they are satisfied the MPS is complying with Authorized Professional Practice and the National Police Firearms Training Curriculum.</p> |

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| 25.4 | <p><u>Topic 22</u></p> <p>The MPS should consider the use of cameras mounted on vehicle or officers to record operations</p> | <p>Please refer to Gracey point 6 above. The MPS is committed to introducing body worn cameras into armed and core policing and is working through the implications.</p> <p>Clearly there are additional logistical complications with both armed officers (where the most appropriate camera location would be head mounted or within glasses to reflect the actual view) and covert armed and covert surveillance officers where head or overt camera systems would clearly be nonsensical. The Home Office Centre for Applied Science and Technology (CAST) are assisting in examining the right technical solution and we intend to go to training trials shortly.</p> <p>The MPS commitment has been in response to ARI and DCC Chesterman's Tayport review recommendation which is re-produced below, together with AC Rowley's initial response to you.</p> <p><u>DCC Chesterman National Rec 6</u></p> <p>'As the ACPO lead for armed policing, I recognise the importance that is placed on the use of video recording devices at the scenes of armed operations. This is a common thread in several post incident investigations.</p> <p>I will take personal ownership to refresh the prior research on this subject and in conjunction with the MPS led research and any other identified best practice, will provide a commitment to reconsider the use of cameras, when the relevant issues that I have identified within the body of my report can be addressed'.</p> <p><u>AC Rowley re Chesterman National Rec 6</u></p> |
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| | | <p>A working group has been established to consider the use of video recording devices in firearms and Taser deployments. The first meeting was held on 16th August. The role of this group will be to define the user requirements and make recommendations to the service on the use of cameras in firearms and Taser operations. This group will dovetail with the Body Worn Video National User Group which has a broader remit to consider cameras in support of policing in general.</p> |
| <p>25.5</p> | <p><u>Topic 23</u></p> <p>Radio transmissions of teams such as surveillance and firearms officers should be recorded</p> | <p>This is not an issue for the MPS or armed policing to lead on and remains with the national head of covert policing and the sub groups working on surveillance.</p> <p>The last response from the national lead (ACC Ward) was that there should not be routine recording of covert airwave transmissions in major crime operations.</p> <p>A confidential paper outlining the rationale has been produced and the Commander Armed Policing will discuss this with ACC Ward, but the paper had national consensus and maintains the status quo. The potential for compromise against surveillance operatives and methodology as well as the disclosure burden on recording, transcribing and storage were considered insurmountable.</p> <p>The only place where the recording of command and control decisions in armed operations is considered is within the Counter Terrorism Police Operations Room (CTPOR) in defined circumstances.</p> <p>These reports and tactics can be made available to the Chairman on a confidential basis if requested.</p> |
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| 25.6 | <p><u>Topic 24</u></p> <p>Press releases should be worded with care to ensure they cannot be misunderstood</p> | <p>The MPS agrees with this recommendation and appreciates the distress that inaccurate or uncorrected false information has caused in a number of cases.</p> <p>A media strategy and communications template for armed policing incidents is currently being reviewed by the MPS Directorate of Media & Communications.</p> <p>It provides a framework for the Gold Commander and DMC to work towards and specifies the responsibilities for collecting the information and quality assuring the product.</p> <p><u>Basu Recommendation 14</u></p> <p>That Management Board and the DMC endorse the media framework and adopt its principles for post shooting incidents.</p> |
| 25.7 | <p><u>Topic 25</u></p> <p>The MPS & ACPO should carry out regular reviews and re-evaluation of tactics and methods, particularly including “hard stops”</p> | <p>This is accepted. At the conclusion of every firearms operation the TFC is responsible for ensuring a tactical debrief is undertaken and any relevant Organisational learning (OL) is referred to the OL coordinator in the Firearms Policy Unit. The Chief Superintendent SCO19 chairs a monthly OL meeting and decides which one of the current three MPS armed policing working groups should review and implement that OL or whether it relates to a particular business group only.</p> <p>The MPS is fully engaged with CoP and participates in 27/27 practitioner groups that review tactics and training.</p> <p>This includes a current national working group to review what the police refer to an enforced stop (not ‘hard stop’) tactics which is mentioned earlier in this report.</p> |

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| | | <p>This group is benchmarking the UK and London approach against international forces and will report to the national policing lead later in 2014.</p> <p>AC Rowley has made several public statements on our willingness to accept others suggestions as to how we could intercept armed subjects in vehicles in a safer way. We are open to ideas. What we do not contemplate is a scenario in which this tactic is no longer available to police armed criminality in London. We contend that it is essential and its removal would have serious consequences for public safety.</p> |
| 23.19 | <p><u>ARI recommendation 2</u></p> <p>Liaison between the IPCC, MPS and ACPO with a view to establishing a protocol for an early debriefing following a shooting</p> | <p>DCC Chesterman agreed with recommendation 2 in his own Tayport review, and AC Rowley endorsed his national recommendation reproduced below.</p> <p>The MPS has actively engaged with this recommendation through the head of Professional standards and the Deputy OCU Commander of SCO19.</p> <p>We have been unable to secure agreement or co-operation from the IPCC to date, although a meeting has been arranged on the 28th April 2014 at the ARI in order to discuss these issues.</p> <p>The reality is that any debrief process will be disclosable evidence in any future judicial proceedings and is not wholly capable of being anonymised. This will restrict its effectiveness.</p> <p>We were grateful for your observations that video and audio recording could be self defeating – although this point is not accepted by the IPCC and remains the single largest issue of contention.</p> |

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| | | <p>We have also examined IT systems whereby participants could anonymously respond to the questions raised at the debrief</p> <p>We are clear that the process can only take place during an IPCC investigation with their knowledge and after detailed statements or accounts have been taken from all principal officers and significant witnesses.</p> <p>An interim protocol has been established in the MPS and three organisational learning debriefs have taken place on the three non fatal shootings that have occurred since Mark Duggan was shot and killed in August 2010. Significant safety critical learning relating to the effectiveness of equipment has been achieved, proving the worth of this astute recommendation.</p> <p>The IPCC and judicial processes contemplated in Duggan and Rodney have precluded any attempt to individually or collectively debrief officers at this stage given the passage of time and the number of times these cases have been examined in court, by lawyers and by independent experts.</p> <p><u>Basu Recommendation 15:</u></p> <p>Once the national system for organisational learning debriefs is agreed it will become part of Authorised Professional Practice and will be fully adopted by the MPS.</p> <p>DCC Chesterman re 20.16 & National Rec 3</p> <p><u>Post Incident Investigations-Reviews & De-briefs</u></p> |
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| | | <p>The ARI made extensive comments on the importance of the police service undertaking a post-incident review following an incident where a death or serious injury had occurred.</p> <p><u>DCC Chesterman's Observations</u></p> <p>I have to conclude that I agree that more needs to be done in relation to extracting the learning from incidents at an earlier stage and I have suggested options to achieve this. This is an issue of national importance and is not restricted to the MPS.</p> <p>This is a far from simple process as officers who partake in post incident debriefs may be subject to criminal and/or misconduct investigation and the debrief itself could give rise to allegations of collusion.</p> <p>I will take personal responsibility to agree a way forward on this subject in a way that balances the desired outcome of the ARI with the appropriate safeguards of those representing interested parties.</p> <p><u>DCC Chesterman Nat Rec 3</u></p> <p>'I recommend that, as a priority, a meeting is convened that enables all relevant parties to discuss the provision of post incident debriefing. The meeting will need to agree how de-briefing objectives can be met, whilst protecting the legal and employment rights of the officers, compliance with legislation and prior guidance whilst minimising the opportunity for future allegations of wrongdoing.</p> <p>I am cognisant of the extensive work that is being advanced by the MPS in parallel with this review and I will endeavour to incorporate its</p> |
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| | | <p>findings into this process.'</p> <p><u>AC Rowley Point 2 & re Chesterman National Rec 3</u></p> <p>2. The MPS, the IPCC and the Association of Chief Police Officers should endeavour to establish a protocol which will allow for debriefing of future operations while an IPCC investigation is progressing.</p> <p>Commander Gibson, (Directorate of Professional Standards) wrote to the IPCC on 24th July 2013 requesting that they designate a single point of contact to work with the MPS and ACPO as per your recommendation. A reply was received on 29th August 2013 declining the opportunity to nominate such a person or to be represented as an organisation on the Post Incident Procedure Working Group which has now been formed to progress this issue. They have however asked that draft proposals are forwarded to them for comment. The working group itself is composed of MPS, ACPO Armed Policing and College of Policing representatives and is considering principles and proposals to cater for the different incidents and requirements in relation to deaths and serious injury following police contact.</p> |
| <p>23.20</p> | <p><u>Recommendation 3</u></p> <p>In the event of a shooting, the Commissioner should appoint a senior officer to conduct a full operational debriefing</p> | <p>This is directly linked to the point at 23.19 and forms part of the operating protocols for organisational learning debriefs. It is accepted.</p> <p>AC Rowley's response to you in relation to DCC Chesterman's national recommendation 3 is reproduced below but has moved on as stated above.</p> <p>There have been 3 debriefs and we are closer to finalising the national model for APP, which we think will be based on our interim model currently within our own MPS Manual of Guidance.</p> |

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| | | <p>I attach our own policy as Appendix A for your information and interest. Your views would be appreciated.</p> <p><u>DCC Chesterman re 20.16 & National Rec 3</u> (As above)</p> <p><u>AC Rowley Point 3 & re Chesterman National Rec 2</u></p> <p>3. In the event of another shooting by an MPS officer resulting in death or serious injury, a senior officer should be appointed to conduct a full operational debriefing.</p> <p>Whilst the development of a comprehensive debriefing process progresses further, as an interim measure, the MPS has now put in place a "Safety Critical Debriefing Process". Following an incident of death or serious injury following police contact an operationally independent senior officer is to conduct a debrief with officers concerned in order to immediately identify crucial safety matters and immediate operational learning. The MPS Police Use of Firearms, Standard Operating Procedures have been amended to reflect this interim measure pending the replacement with the new National Policy once it has been finalised. Two safety critical debriefs have been conducted since this measure was introduced following non-fatal police shootings of Adejolaajo and Adebolwale in Woolwich (May 2013) and Azary (August 2013)</p> <p><u>DCC Chesterman Nat Rec 2</u></p> <p>The process that was commissioned by the MPS to self-assess their own compliance with recommendations that it had been subject to is a process that would have national benefit. I recommend that either ACPO AP or the College of Policing (CoP) commit to managing a</p> |
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| | | <p>national register of recommendations relating to armed policing. In response, all forces can give due consideration as to whether those recommendations have relevance to their own force area. I will consider the most appropriate means to achieve this aspiration and discuss it with colleagues in the CoP to determine appropriate ownership and governance.'</p> <p>DCC Chesterman is currently in the process of arranging a series of meetings with the College of Policing on a range of firearms issues. His view is that a national register of recommendations arising from inquests, enquiries and post incident investigations should be hosted by the College. He will be working with them to achieve this based on the best practice currently employed by the MPS.</p> |
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