



HMIC Review into MPS Implementation of Stockwell 1B Recommendations

Overview

This report is presented in response to a request made by Deputy Commissioner Paul Stephenson of the Metropolitan Police Service (MPS) to assess and validate MPS progress against the 16 recommendations made by the IPCC in conclusion to its Stockwell 1B enquiry.

Stockwell 1B refers to the events that occurred on 7th July 2005, whereby the MPS was confronted with a sequence of events created by sustained attacks by suicide terrorists on the UK capital city, London. The MPS had to deal with multiple major incidents caused by the detonation of bombs carried by individuals resulting in 52 fatalities; many people were injured, as well as significant damage caused to buildings and infrastructure. This was followed by a further series of events, including further attempts at suicide bombing, which in fact failed and culminated in the fatal shooting of Jean Charles de Menezes. Thus the service had to implement both reactive and proactive investigations, manage and contain multiple critical incidents, and continue to strive to reassure London communities that security could be maintained and further attacks prevented.

It is quite evident that in responding to this demand that the MPS achieved its initial objectives by conducting successful investigations and after a protracted and complex enquiry, arresting and latterly securing conviction of those responsible. Further, the swift co-ordination and management of the events of July 7th, notwithstanding complexity and uniqueness, are a testament to the learning and experience within the organisation, generated as a result of many years of dealing with and combating other terrorist attacks, albeit of an entirely different nature.

That said, it is also evident that in the aftermath of the above events, there was much more learning to be derived and distilled into organisational wisdom. In any professional assessment, it is inevitable that the handling of an event of this nature (encompassing many different aspects, demanding great skill and expertise, extended over a protracted period of time) will reveal both successes and areas necessitating objective examination, not least because of the perceived failings and weaknesses that led to fatal shooting of Mr de Menezes. The IPCC in its report produced an assessment supported by a series of 16 recommendations, all of which the MPS accepted, demonstrating a willingness to learn through experience, no matter how potentially painful.

Since July 2005 the organisation through the Kratos Review Group has examined every aspect of operations pertinent to the recommendations. Consequently, HMIC has found that learning has been profound and has been developed and implemented in various ways outlined in the report. HMIC have been impressed by the openness and willingness of MPS staff at all levels to discuss progress, notwithstanding the already exhaustive process of examination that has preceded this review and the considerable and sustained criticism levelled at the organisation in the 2 years since July 2005. HMIC is of the view that this attitude reflects the determination of the organisation to move forwards and continue learning in order to further develop its expertise and maintain its focus on keeping London safe and bring those who would undermine that security to justice.

HMIC are able to reassure the MPS that the progress it has made in implementing the IPCC recommendations is significant, sustainable and often innovative. HMIC would like to thank the MPS for its co-operation and further, acknowledges the complete and enduring professionalism demonstrated by its staff at all levels.

IPCC Recommendation 1:

Recommendation: To review existing policy and guidance in relation to the command and control of firearms operations to ensure there is absolute clarity of role and responsibility within the chain of command, particularly when a Designated Senior Officer is deployed. This should include deployments conducted under the auspices of Operations Kratos and Clydesdale.

MPS Action: All Operation Kratos standing operating procedures (Andromeda²⁰³, Beach²⁰¹ and Clydesdale²⁰⁴) have been reviewed and updated following extensive internal and external consultation and subsequently endorsed by the Kratos Reference Group (KRG), an external reference group commissioned by the MPS to oversee Kratos development. This group has now evolved into the Police Firearms reference group and will continue to monitor activity. The SOPs set out clear command structures (see appendix) and responsibilities, providing explicit guidance in relation to the management of such incidents. The SOPs are ‘owned’ by the AC policy holder (currently AC/CO) and managed by Commander CO19 (Firearms), providing unambiguous accountability for development, review and exercise. There is clarity as to the role of DSO and good understanding evinced in relation to this role by potential participants in a Kratos scenario.

Evidence: Operation Kratos SOPs, policy development, training regime and operational application in real time situations initially identified as Kratos events, such as the recent Haymarket bombing and Operation Seagram, (the post incident management strategy) provide clear evidence of the application of organisational learning and development, in relation to for example the re designed, nationally accredited MPS Gold, Silver Firearms Commander and SIO training and creation of DSO training. Interviews with MPS staff at both a strategic and operational level demonstrated a high level of knowledge in relation to the SOPs, through consultation, exercise or real time application, or a growing level of exposure to training opportunities and contribution to organisational learning practice such as debriefing or inter OCU consultation and feedback processes.

Comments: The role of Designated Senior Officer has been confirmed as Chief Officer (ACPO) level, which given the profound significance of Kratos decision making, in terms of consequence and impact has the full support of HMIC. HMIC also support the validity of the DSO role as a concept, subject to the following observation. MPS expertise and capability at present is vested in a small number of highly experienced Chief Officers (i.e. those who are well versed in terms of exposure, experience and training) who form a significant and valuable organisational asset, therefore resilience is at present limited. The MPS should implement a developmental training programme that will enlarge organisational resilience and ensure that that the most appropriate individuals are identified early enough and given sufficient opportunity, via structured development based on experiential and accredited learning, to enable them undertake the role with full confidence at both an individual and organisational level. HMIC acknowledge that with the introduction of new Kratos SOPs and the training regime newly implemented under the aegis of Commander CO19, that progress towards to achieving this objective has been made. Issues relating to hierarchy and confusion as to ultimate responsibilities should also be overcome through the revised SOPs and training now provided by the MPS.

IPCC Recommendation 2:

Recommendation: To review existing guidance and practice to ensure Gold, Silver and Bronze commanders have a clear and common understanding of the circumstances surrounding future firearms operations, the overall strategy and the key tactical options under consideration.

MPS Action: All MPS Commanders have or are scheduled to receive 'Gold' firearms training as well as training specific to the role of DSO, the latter using well established Hydra and Minerva immersion techniques and real time training exercises such as Operation Linchpin. CO19 have worked with the NPIA to develop MPS training provision for firearms commanders that is compliant with national standards, including amendments that are specific to MPS practice (e.g. Kratos/Kidnap SOPs). The new courses focus on developing operational and occupational competency, formal accreditation with ongoing refresher and re-accreditation of officers performing firearms command roles. The MPS has assembled a pool of experienced Gold and Silver firearms commanders who are participating in course delivery and assisting with course assessment. Each course has been piloted to ensure comprehensive feedback and inform content adjustment as appropriate. The NPIA has been invited to attend the pilot courses to validate MPS command training as compliant with the national standard.

Evidence: The training of all officers for firearms command (including DSO) is now the responsibility of CO19 under the aegis of the Commander providing consistency of approach and learning. The course syllabuses have been written and tested as well as having received validation from the NPIA and are scheduled to commence from September 2007, DSO training is ongoing²⁶⁶. Feedback from officers tasked with delivery indicates that staff and 'expert' views were sought and integrated into training design and that feedback processes will enable consistent review and update contributing towards delivering a quality product.

Comments: HMIC have reviewed the training schedules, course syllabuses, attended training events and interviewed key staff tasked with design and delivery. The MPS training provision for firearms commanders is innovative, relevant to the current operating context and highly professional. CO19 trainers are nationally among the most experienced and capable exponents of this challenging and highly demanding area of operations and consequently the MPS has been able to provide its staff with a training product that will equip officers undertaking the critical role of Gold and Silver firearms commanders with the skills and developmental opportunities that will stand the organisation in good stead in the face of an inevitable demand. In relation to accredited training for officers aspiring to undertake the Firearms Commander or who undertake the DSO role, this should include operational exposure and assessment wherever possible.

IPCC Recommendation 3:

Recommendation: To review existing practice to ensure that at a corporate level robust and appropriate facilities and mechanisms exist to maintain the effective command and control of future operations of a similar nature. Particular attention should be paid to ensuring that key briefings, strategic and tactical decisions are fully recorded or documented and in any event capable of audit.

MPS Action: The July Review Group (JRG) was established in August 2005 in order to take forward the 16 recommendations made by the IPCC in relation to Stockwell 1 and consequently 2. The JRG using a variety of scrutiny and inspection methods examined existing command and control doctrine and policy, as well as intelligence protocols, organisational capability and capacity in terms of weapons, equipment, training and community interaction. Progress towards required improvement and development of procedures is reviewed at management board level with each AC held to account for development and each OCU working to an action plan that is 'owned' by the relevant chief officer. For example, development of Kratos firearms doctrine is owned by the Commander CO19 and SO, 'Interoperability' development is owned by Commander, Counter Terrorist Command (SO15). Consequently there is accountability for progress at ACPO level and an organisational review process that enables constant oversight and learning which has delivered the development of command and control procedures to a point where in relation to the operating context facing the MPS, they are fit for purpose having been tested in numerous real time and exercise situations. In relation to briefings and creating decision making trails, recording of Silver Intelligence briefings is now standard procedure. The MPS has also invested heavily into Room 1600 which is now fit for purpose, although an interim facility. Room 3000 goes 'live' in April 2008 and is a state of the art facility²⁹³. Recording briefings and ambient recording is supported by jointly developed (between CO19, SO and SCD) and agreed protocols.

Evidence: There is comprehensive evidence available suggesting that the work of the JRG and the focus and commitment of the MPS senior strategic command has engendered significant development in terms of changed culture and working practice across all MPS command groups as well as investment in training and equipment. Enduring records of decision making are now created and accessible via the CLIO database, an electronic log of participants, actions and decisions, which generates both a record of events as well an audit trail available for both scrutiny and learning. The recording of briefings SOP^{215, 216, 217} stresses the responsibility of supervisors to be mindful that briefing content may directly affect the response of officers to any perceived threat from the subject as well as preserve the integrity of intelligence by using an agreed form of words with the intelligence 'owners'. The JRG has achieved dialogue and co-operation between command groups that hitherto was either non existent or ad hoc, assisting the MPS to apply learning and create real organisational change and improvement. Recording intelligence briefings will also be introduced at BPCU, following a training programme. Implementation is being led by a nominated ACPO lead and is to be concluded by November 2007.

Comments: HMIC spoke to staff at strategic and operational level across the relevant MPS command groups and all staff interviewed evinced knowledge of the IPCC recommendations and their various OCU responsibilities under corporate action plans. Staff support for the successful development of 'fit for purpose' command and control procedures was commendable and testament to the effectiveness of the JRG in progressing the agenda for change. For example, the recording of briefings has entailed a significant culture change within SO and SCD (driven by CO19) and additionally the introduction of ambient recording in Rooms 1600/3000 should not be underestimated in terms of achieving change in the face of significant initial resistance.

IPCC Recommendation 4:

Recommendation: To review the existing mechanisms and policy for ensuring that sufficient and robust channels of communication exist that provide commanders with 'real-time' updates on intelligence, operational and resourcing issues that could adversely impact the successful implementation of the overall strategic parameters and the identified tactical options and that robust procedures are in place to ensure that the necessary fast-time action is taken in the early stages of an incident to achieve this.

MPS Action: The KRG has worked with CO and SO/SCD and reviewed all communications and intelligence management processes relating to the command and control of major incidents such as Kratos. Kratos SOPs have consequently been clarified and amended to include the requirement that DSOs and incident commanders receive constant updates and briefings either verbally by an allocated 'Silver' intelligence or via access to the CLIO system. Facilities within rooms 1600 and 3000 ensure that intelligence managers work within close proximity of DSOs and incident commander. Difficulties presented by the current radio capability have been temporarily resolved by exchange of encryption 'fills' on the Cougar radios, facilitating interoperability²²⁹. Debriefing routinely occurs post exercise/operation, enabling contingencies to be developed in the event of failure. The roll out of Airwave in 2008 will resolve most of the current difficulties; the DOI is confident that the roll out will be carried out over the next 6 months and will include a crypto management facility as well as a solution for ground to air transmissions.. The web based version of CLIO (which also allows the attachment of documents) was successfully tested during Operation Linchpin and has been fully adopted in room 1600/3000. A cadre of SO officers are co-located within the MI5 control room, facilitating intelligence flows and improving liaison and communications between the Security Service (MI5) and the MPS.

Evidence: HMIC have reviewed the Kratos SOPs and tested CO, SO and SCD staff understanding of procedure during interviews, as well as observing joint OCU exercising in Room 1600 and reviewing inputting onto CLIO. Visits have been made to Rooms 1600/3000 and Thames House operations room, and MI5 representatives have also been interviewed. All DSOs and firearms commanders likely to be involved in high level operations where sensitive data is being used are now security vetted to the appropriate level. There is evidence indicating some intelligence 'drag' between the MPS and MI5, but there are processes in place to expedite matters and to review effectiveness post operations.

Comments: The effective management and promulgation of intelligence is a critical aspect of incident management and its importance escalates in proportion to the nature and significance of the incident. In relation to Kratos incidents therefore, NIM compliant intelligence provision is a crucial factor, not least because the intelligence required is usually of the most sensitive nature. The MPS has had to work hard to overcome some internal disquiet (and from MI5 - prompted by the best of reasons) to introducing new intelligence sharing protocols and methodologies. That said, the above developments demonstrate good progress. Dialogue between MPS OCUs and MI5 is such that relationships and trust have been enhanced and the greater levels of co-operation will greatly benefit intelligence flows. **One aspect that will need to be considered is that of disclosure and the implications for intelligence flow, since MI5 do have concerns specifically in relation to ambient recording. This may require a negotiated protocol agreed at the highest strategic level, since MI5 have reservations as to the security of sensitive data it provides while the ambient recording facility is being used. The matter will require urgent referral to the Senior Contact Group.**

IPCC Recommendation 5:

Recommendation: To review existing procedures and training for carrying out assessments for operations of this nature incorporating lessons learnt from this incident.

MPS Action: The MPS has made solid progress and co-operation between the CO19, SO15 and SCD commands in terms of the joint development of risk and threat assessment/management processes. Consequently clarified command and control protocols and intelligence management have been produced, leading to more structured and informed threat and risk assessments, which enables effective management strategies.

Evidence: The Conflict Management Model and Threat Assessment will form an integral part in the new Gold (starts Nov '07) and Silver (started June '07) Firearms Command courses. Gold & Silver re-accreditation training begins October '07, and this will again, major on these themes. This training will be the subject of student evaluation. The commission of an MPS Inspectorate review of whether the training fully meets need may be appropriate after 12 months of implementation (autumn 2008). The form 3605 already outlines and provides direction on the use of the Conflict Management Model. CO19 are piloting (with SCD7) a form forwarded to the requesting OCU that is ACPO PuF compliant and specifically requests 'Information, Intention and Threat Assessment' completion before the CO19 Tactical Advisors take the operation forward at the tactical level. The MPS PuF SOP²¹¹ refers to the CO19 Toolbox and the MPS Generic Risk Assessments that can be accessed via the MPS FPU website. Risk Assessment training for Tactical Advisors is a 2-day MPS H & S department course. All SFO Tactical Advisors at Inspector level have completed this course. Since then, the MPS PuF manual has been revised to provide clarification as to the difference between threat and risk assessment and the requirement to document assessments. It also clarifies the need to revisit the threat assessment as the intelligence changes.

Comments: The events of July 2005 created an operating context for the MPS that tested command and control effectiveness and resilience as well as intelligence management and ensuing risk and threat assessment to previously unequalled limits. Undoubtedly the MPS delivered excellent results in terms of investigation and subsequent arrest of suspects (also recently convicted) and overall major incident management. However, this was overshadowed by the shooting of JCdM and the organisational shortcomings in relation to risk assessment, communications management and command and control that led to that event. The MPS recognised that there was thus both success and error that required rigorous review in order to achieve a full understanding of those issues and the above represents real progress in terms of equipping the organisation and staff with the skills and capability to meet the challenge of such a series of events occurring again.

IPCC Recommendation 6:

Recommendation: To review existing policy and practice to ensure that when, in pursuance of an armed operation, it is necessary to stop or otherwise detain potential subjects of a surveillance operation, appropriate firearms support is in place to expedite a prompt and safe resolution of the encounter.

MPS Action: The MPS acknowledges that the operational imperative in any incident is to ensure that resources deployed are commensurate with the tactical options appropriate to the circumstances. The issue is covered in both the ACPO Police Use of Firearms Manual and in the MPS training manual. At a practical level the MPS is aware of the necessity of ensuring that the right level of trained resources are available for deployment and maintains accurate records of asset skills and training requirements, operating (in particular in CO19), a training and refresher regime that exercises various OCU resources together in real time operations as described later. Such inter OCU training and exercising aimed at addressing issues of interoperability will also have a beneficial impact on this recommendation since as a result of exposure to other OCU operational protocols and working practice incident commanders and DSOs will become more familiar with cross organisational capability that will inform decision making and deployment, for example in facilitating the process of firearms teams moving through the green, amber and red handover process when working with SO15 surveillance teams, working towards a seamless transition.

Evidence: The revision of the Kratos command protocols has been vital in establishing clarity of command and has resolved the tension between the role of DSO and 'Silver' SIO, in particular in relation to who has control of suspect engagement and thus who mandates tactical options such as, for example the deployment of rifle officers or the type of shots that may or will be fired. Continued joint operations and exercising, coupled with an ongoing review and development process, will increase understanding of the SOPs as well as familiarity with roles, function and tactical options and resource deployment. An exercise is scheduled for November which will specifically test handovers between SO15 and CO19.

Comments: The MPS has invested significant resources in meeting this imperative in terms of developing a firearms capability that is well equipped in terms of staff, skills and equipment. However, London is the UK capital city and it is therefore, as continually demonstrated to date, the preferred target of terrorist attack. Thus the MPS must continually assess and develop its capacity and capability, ensuring that the resources at its disposal remain sufficient to meet the demand as well as fit for purpose. Current resource management regimes within CO19 are in place to achieve this and the knowledge management function performed by the JRG as well as movement towards interoperability will also enhance organisational ability to meet this burgeoning challenge.

IPCC Recommendation 7:

Recommendation: To review existing policy and guidance to ensure absolute clarity exists in the use of operationally specific terminology. Particular attention is to be paid to ensuring the terminology used for deployments under the auspices of Operations Kratos and Clydesdale is entirely consistent with the common language of command for regular firearms deployments in response to serious crime operations.

MPS Action: The revised Operation Kratos SOPs clarify common code words for particular tactical options specific to Kratos incidents that are not relevant to other firearms deployments. The new SOPs also require explicit articulation of the relevant tactical option required. MPS Firearms training advises firearms commanders to employ code words to denote particular tactical options and in any event to be explicit as to the tactic required and to avoid using code words as verbal short cuts. Explicit articulation of tactical options and instructions is also required in DSO training. Specific code words will now form part of the pre deployment briefing and in any event be recorded, with explicit articulation of codeword and tactic also being required by the new SOP.

Evidence: The Kratos SOPs, new recording of briefing SOPs and MPS firearms training manual and practice are all explicit in relation to the use and function of code words. Tactics and code words are now bespoke to all the options under the Kratos policy and are included in each of the SOPs ²⁷⁸⁻²⁸³ for the information of DSOs. The MPS considered that the code words should be the same to avoid any proliferation in the use of codenames and prevent confusion. It was identified that that the original definition of each codeword was too restrictive and there was a danger of crossover between each code, and that DSOs should be able to record freehand any objective rationale for their decisions rather than being restricted to set parameters. Firearms officers only need to be aware of what each word means. It was agreed that set code words would be common across Andromeda, Beach and Clydesdale operations to reflect the fact that constituent tactics are also common. In order to ensure that partners from the Military are also aware of the common language, there is a specific briefing package ²⁹⁹ that is delivered to relevant personnel prior to operational deployments (Operation Theseus), DSOs interviewed are also all aware of the necessity to articulate tactical options in order to ensure absolute clarity of understanding as to the tactical option required.

Comments: The adoption of a common language encompassing bespoke code words and scripts authorising specific activity or tactical option is a significant advance by the MPS and represents good practice. The policy in relation to covert armed surveillance was in place prior to July 2005 and was used on a regular basis by firearms teams. Post July '05, the MPS Chief Firearms instructor conducted a review of the traffic light system of handover between surveillance and firearms teams and the refreshed approach was incorporated back into the training environment. The 'traffic light' system remains an integral part of training exercises and surveillance operations. HMIC note that training with other forces is limited and that familiarity with MPS practice is limited. The MPS should also consider increasing such training provision and encouraging participation by other forces, since it is evident that the requirement for such co-operation and inter force activity is increasing in line with the extent and range of terrorist activity.

IPCC Recommendation 8:

Recommendation: To review existing policy and operational capability in relation to the deployment of surveillance teams on firearms operations and to ensure that deployment fully complements and supports rapid armed intervention should such subsequently become necessary.

MPS Action: All the newly updated Kratos SOPs emphasise that communication is a vital part of interoperability and the MPS has worked to develop a rehearsed understanding of the protocols governing the use of firearms in relation to surveillance operations, facilitating the deployment of appropriate firearms support when necessary. The MPS has consequently exercised the new SOPs and introduced a training regime under the auspices of Operation Enhance that exposes surveillance teams and firearms teams to real time operations increasing experience and familiarity across the OCUs with beneficial results for staff skills and cross OCU operations.

Evidence: HMIC has reviewed Kratos SOPs and application in real time operations, as well as observing training exercises such as Tulip and Linchpin. The MPS has scheduled similar exercises to run four times within the next 12 months in addition to exercises such as Wooden Pride which involve outside agencies. Learning derived from such operations is discernable within the new SOPs and staff awareness in relation to cross OCU operating protocols is significant with surveillance and firearms teams moving towards operating as a team rather than in parallel. Staff also evince confidence when discussing training provision and its relevance to their roles and responsibilities. Levels of interoperability are highest among SCD11 and CO19 but also evident between SCD11 and SO15²⁵¹, SCD7 and CO19. Feedback from staff suggests that less confidence exists between CO19 and SO15, and between MPS operatives and other forces who are less experienced and exposed to such operations, although increased exercising should in some measure address that.

Comments: The MPS aim is to produce operatives 'capable of achieving complex operational objectives to the national standards and provide them with the specialist skills commensurate to roles and responsibilities'. The current arrangements constitute satisfactory development, but the MPS would benefit from the co-location of all surveillance assets under one command, thus facilitating co-ordination of operations, training and development and making full interoperability achievable.

IPCC Recommendation 9:

Recommendation: To review existing policy and practice to ensure joint firearms and surveillance operations are fully integrated and that channels exist to ensure salient developments, such as doubts over a target's identity, can be swiftly communicated to relevant strategic and operational commanders.

MPS Action: Achieving a 'prompt and safe' resolution relies on effective communication and accurate identification and in the former case the MPS is investing in covert Airwave capability which in spite of some technical difficulties should largely address the main issues of concern (i.e. the unsatisfactory use of 'fills' between MPS radio and covert 'Cougar' radio). Further because the new Airwave radio capability is equipped with GPS, it also enables real time updates to Silver/DSO/Gold of unit positions. In respect of identification there are two aspects which require addressing; incorrect identification or failure to identify persons as suspects. For surveillance teams issues predominantly relate to following the correct suspect and for firearms teams the issue is ensuring they are directed to intercept the correct suspect. In respect of surveillance requirements, current manuals do not prescribe identification procedures nor describe identification techniques. SCD11 have, pending the re-writing chapter 7 of the ACPO Standards of Surveillance (SoS) Manual 2004, devised a training package that formalises procedures in relation to 3 aspects of identification - positive, confirmed and description²⁵⁵. In relation to firearms officer requirements, the MPS is assessing a range of photo imaging for use on mobile phones, capable of sending and text files via encrypted transmissions. This will enable firearms officers to receive images of suspects facilitating interception and HMIC would encourage the MPS to expedite matters since this is a key aspect of concern.

Evidence: The new guidance in respect of identification has been published and is expected to be ratified once the revised chapter in ACPO SoS manual is published. In the interim the MPS has commenced training surveillance and firearms teams in its revised identification procedures. Full integration of joint surveillance and firearms operations will be facilitated via the revised command and control structures as outlined in the Kratos SOPs and are also supported by the ability to co-locate incident command teams in Room 1600 and Room 3000. The developing joint exercising and training regime will also increase team working opportunities and diminish previous compartmentalisation.

Comments: The most challenging aspect of achieving interoperability is arguably the fact that there are clear differences in ethos and approach between 'crime' and CT operations. CT surveillance operations are covert and rarely involve threat mitigation or intervention during the surveillance part of the operation, whereas crime surveillance teams are more rehearsed in fast time threat mitigation and their operations often including an arrest phase. However exposure of SO teams to such dynamic situations (see appendix re record of operational deployment) will work towards enhancing capability. However, HMIC note that surveillance teams do not habitually have a 'public protection' focus, and current doctrine encourages surveillance operatives to protect themselves rather than react to emerging threats to public safety. It is therefore clear that there is a need to develop doctrine that informs armed surveillance responding to the threat posed by suicide terrorists, be it through adequately trained armed surveillance staff or through the slower time deployment of firearms officers in support of surveillance teams.

IPCC Recommendation 10:

Recommendation: To review existing policy and practice to ensure that at a corporate level robust facilities and processes exist to demonstrate the integrity of evidence gathered during the course of surveillance operations. Particular attention should be paid to the continued utility of surveillance logs.

MPS Action: The MPS guidance for the completion of Surveillance Management Records is contained in Bk 183³⁰⁰, which details the procedure to be followed in relation to management of surveillance operations and surveillance logs. The guidance has been revisited following a JRG inspection conducted in November 2006²⁵⁷, which identified a number of issues that required redress in relation to evidential integrity and observance of pocket book rules. Using a newly designed spreadsheet it is now possible to effectively manage the issue and movement of all logs as well as to quality assure content. All logs received for statement requests at the unit are now dip sampled, and each surveillance team leader provides three log books for supervision to the Surveillance Record System Supervisor on a monthly basis. The Surveillance Record System Supervisor also visits three customer units a month to dip sample original SCD11 logs. The issue, tracking and overall management of Surveillance Logs and collection of Completed Log Receipt Forms (CLRF) is now be the overall responsibility of the SCD11(1) (2) Joint Performance Office. The MPS have had a major input into the review and rewriting of Chapter 9 ACPO Surveillance Standards Manual (Surveillance Logs and Records), and the new manual is due for ratification and publishing in early 2008. SCD11 have ensured that systems are in place which comply with the new standards.

Evidence: The MPS has revised the current guidance in relation to the management and completion of surveillance logs and training provision as well as introduced a performance management regime, supported by a performance support capability. It is clear the MPS is alive to the absolute requirement to secure best evidence in accordance with strict standards of integrity at every level. It is fair to say however that compliance remains variable and the increased supervision framework is appropriate and must continue to be robustly applied.

Comments: Notwithstanding the above steps in relation to the overall issue of the management and quality assurance of surveillance logs, HMIC could find no evidence that specified the procedure to be followed post operation in respect of preserving the integrity of surveillance logs. This is particularly important for Kratos operations, where evidence will be subjected to intense and unforgiving scrutiny in relation to both the integrity of collection and preservation processes, as much as for content.

IPCC Recommendation 11:

Recommendation: That all mandatory referrals to the IPCC should occur, particularly in the case of death or serious injury, as soon as possible but in any event not later than the end of the **day** following the incident, complaint or misconduct and that the Police (Complaints and Misconduct) Regulations 2004 should be amended accordingly.

MPS Action: The MPS has acknowledged and supports the role of the IPCC. The guidance provided by the Police (Complaints and Misconduct) Regulations 2004 stipulate under section 2(3) that where a complaint is required to be referred to the Commission under sub paragraph (1) (a) or (b) of paragraph 4 of Schedule 3 to the 2002 Act notification of the complaint shall be given to the commission not later than the end of the day following the day on which it first becomes clear to the appropriate authority that the complaint is one to that sub paragraph) applies and (b) in such manner as the commission requires. The MPS has made a concerted effort to establish a dialogue and a constructive working relationship under the auspices of AC John Yates.

Evidence: MPS compliance with the Police Reform Act requirement as above is routine and this case in point was the exception to that rule, due to the nature of the event outlined below. However the MPS has acknowledged that making the exception was an error and has made good progress in commencing renewed dialogue with the IPCC under the auspices of AC Yates.

Comments: The circumstances in this case were without precedent and confronted the MPS with numerous competing and serious decision-making responsibilities across a range of issues. These included the need to assess simultaneously the national security concerns at the time, the demands of progressing an unresolved terrorist investigation and the need to address all relevant legislation requirements including the mandatory referral issue. It is acknowledged that the combined effect of these demands led to the delay in the mandatory referral to the IPCC as per required procedure. However, it is emphasised that this occurred in the most exceptional circumstances. The only comparable event since has been the shooting at Forest Gate (where there was early referral to the IPCC). HMIC is of the view that the MPS is fully supportive of the legislative requirement and will facilitate future referral of appropriate cases expeditiously, irrespective of the nature of the surrounding circumstances.

IPCC Recommendation 12:

Recommendation: To review existing guidance and practice to ensure that appropriate and robust mechanisms exist to secure an accurate and auditable record of ‘hot’ and team/group debriefs.

MPS Action: The MPS has reviewed existing policy contained within the ACPO Police Use of Firearms (PuF) Manual and its own PuF policy and has consulted widely, seeking legal opinion from the CPS, Director of Public Prosecutions, ACPO and Police Federation and other police practice nationally, in order to establish both clarity and utility of current guidance. The MPS guidance lays out an approach to debriefing, the circumstances within which it will occur and the purpose, as well as recording requirements. The guidance makes it clear that **individual** officers have a responsibility to ensure that any information relevant to a criminal investigation that is not recorded elsewhere is duly recorded and retained and that initial witness accounts shall be recorded before a de-briefing of any kind, to avoid later suggestions of manipulated or rehearsed evidence. ‘Recorded’ in this context refers to written records. This applies to any conversation or discussion and it is therefore clear that it applies to debriefings whether the function is operational or therapeutic. Within the MPS, whether a debriefing is audio recorded is a matter of discretion for the post incident manager, who applies professional judgement as to whether such a step is necessary or not. There are no explicit criteria that require audio recording of de-briefings either within MPS or ACPO guidance and in the MPS where a such debriefing is carried out, it is in relation to issues such as the utility of kit or equipment, which has been identified as good practice or which has caused a problem (e.g. post Forest Gate, in relation to the use of CBRN suits which impacted on firearms officer effectiveness). Such debriefing is conducted separately to any evidential or welfare debriefs, neither of which are required to be audio recorded as yet.

Evidence: ACPO and the MPS PuF guidance does not require audio recording of de-briefings. As stated, recourse to such use is a matter for the professional judgement of the post incident manager. The MPS PIPs have in fact been endorsed by the IPCC Commissioner with Firearms portfolio, who has indicated satisfaction as to their clarity and effectiveness. Further, Firearms instruction and training in relation to securing best evidence and ensuring the integrity of statement and note making is unequivocal on this point. Interviews with MPS staff reveal a polarity of views, with investigators citing the need to secure best evidence and robustly demonstrate integrity of process and staff deployed onto firearms duties citing the need to protect the interests of officers who are required to undertake duties that may put them in jeopardy in the event of injury or fatality, who also state they are fully aware of their responsibilities in relation to producing accurate and auditable records where appropriate.

Comments: There is clearly a need to produce accounts in relation to controversial incidents which will stand intensive scrutiny both in terms of content and procedure, in order to secure best evidence and public confidence. However, firearms officers perform a difficult and increasingly controversial role and such officers must be reassured that their interests will be protected in the event of a discharge of a police firearm. The MPS is right to participate in the debate and await national developments; in fact it has a unique perspective to offer due to an increasing level of organisational experience. HMIC supports its decision to await national resolution.

IPCC Recommendation 13:

Recommendation: To review efficacy of existing post incident management policy, guidance and practice to ensure an appropriate balance exists between being rightly held to account for one's actions whilst discharging the office of Constable and the rights of the principal officers. Particular attention should be paid to the need to ensure that individual accounts are obtained in a proximate and transparent manner that is consistent with the rules of evidence, the duty of care to staff and the need to secure public confidence. Post-incident procedures should be revised to ensure that officers do not write up their notes together.

MPS Action: Again the MPS has conducted extensive research and consultation in relation to this matter both to ascertain the national perspective and identify practice elsewhere. It is fully cognisant at command level of the issues surrounding this aspect of post incident management but considers that the case for requiring officers to write notes separately is not fully made out or that that consequences of implementing policy revised to reflect this requirement have been fully considered in terms of both treating firearms officers differently from other officers (and implementing a practice albeit for the best of reasons that could potentially compromise legal rights) and impact in general on police practice in relation to the preparation of notes of evidence. Further, the MPS also recognises that there is an issue in relation to the psychological impact on officers of a traumatic event (such as a fatal shooting) and the ability to produce a coherent set of notes right after the event. Current post incident management requires a period of rest before a full witness statement is given by relevant officers. A brief account or duty statement is provided initially and it is this which is made in the presence of other officers. Officers are also supported during this process by the presence of a senior post incident manager and police federation representative and solicitor if circumstances warrant.

Evidence: MPS post incident procedures (PIPs) in relation to police use of firearms have been designed and implemented following extensive consultation with the Director of Public Prosecutions, CPS, ACPO and Police Federations. The procedures have also been commended for thoroughness and effectiveness by the IPCC as previously stated. It is also true to say that MPS PIPS have also been scrutinised intensively during several recent high profile legal proceedings and have withstood that test. The procedures provide reassurance to officers carrying out firearms duties that even though they are held to account for their actions while discharging their duties within the office of constable, the MPS also discharges its duty of care to its officers employed in such a testing role.

Comments: There is clearly a balance to be struck between producing accounts which are incredibly consistent and those which are credibly inconsistent. All police officers are permitted under the auspices of R V Bass (1953) (reinforced by R V Owen (1986)) to confer on matters of factual accuracy when preparing notes of evidence in order to ensure full, accurate accounts. The suggested alteration of practice implementing the requirement for firearms officers to prepare notes in isolation, sets firearms officers apart by virtue of their role and could imply error or even criminality, leading potentially to reduced co-operation with implications for effective investigation and future resilience within this field of operations. Further, changing general practice in relation to note taking as outlined is also controversial since it will involve a significant change to hitherto accepted police procedure. HMIC supports the MPS decision to await the product of national deliberations regarding this issue.

IPCC Recommendation 14:

Has not been considered by HMIC as part of its review.

IPCC Recommendation 15:

Recommendation: The MPS, HMIC, ACPO, Home Office and other relevant agencies should revise planning exercises and training provided for those involved in anti-terrorist policing to ensure such processes fully incorporate all the learning from the events of 22 July. As soon as legal procedures permit, the experience of those officers directly involved, including staff from the IPCC should be reviewed.

MPS Action: The MPS considered a number of different areas: 1) Incorporating lessons learnt into the planning of future anti-terrorist operations; 2) Incorporating lessons learnt into training and exercises for those involved in anti-terrorist policing; 3) Identifying learning through the debriefing of officers directly involved in the events of 22 July 05. In all cases, the MPS has sought to embed learning within doctrine, applicable procedures and training as well as pass it onto other relevant organisations such as HMIC, NPIA and the Home Office. In relation to 1), a considerable amount of work has been undertaken by the KRG to address concerns raised by the IPCC. The revised Kratos policies (Andromeda, Beach & Clydesdale) now provide clarity in relation to Command structures, roles and responsibilities, tactical options and recognisable code words. The ACPO Kratos Steering Group serves to ensure that learning is embedded at a wider level, such as the draft ACPO PuF Manual (2007) which provides guidance in relation to Kratos incident management. The MPS is also working with ACPO towards introducing national training consistency for Firearms Commanders. In relation to 2), lessons learnt have already been incorporated into training and exercises within the MPS. A 4-phase DSO training framework has been incorporated in to Hydra Operations Training and delivered to existing DSOs and other eligible ACPO officers. Gold Firearms Training has been revised to incorporate lessons learnt and existing Gold Firearms trained officers have received update training. Met call Chief Inspectors and CT SIOs have also received training in the revised Kratos policies. A CT exercise conducted in Dec 06 tested revised policies and practices and identified those areas of continued vulnerability (Op Linchpin). In relation to 3), initially, the MPS intended to organise a debrief by 01/12/2005. However, the decision was revised in light of ongoing judicial processes and the need to maintain evidential credibility. The establishment of the Knowledge Management Centre²⁹⁶ also addresses this recommendation. The KMC aims to reduce demands on Gold for information and ensure that both Gold, DSO and senior commanders are jointly informed of the overall picture of events, effectively managing the flow of information into and out of the MPS. The KMC has been deployed three times, in connection with the poisoning of Alexander Litvinenko, the attempted terrorist attacks of July '07 and during protests in opposition to the expansion of Heathrow Airport in August '07.

Evidence: As of 19th January 2007, 19 ACPO officers completed nationally accredited Firearms Training (Gold), the training incorporating the lessons learnt from July 2005 and details of the new Kratos SOPs. Subsequently a 4-phase DSO Hydra/Minerva training package was designed and delivered to ACPO officers in April and May 2006 (see recommendation 13) Senior members of HMIC also participated in this exercise. 19 ACPO officers were trained on that occasion, along with Chief Inspectors from Metcall (Andromeda) and SO13 SIOs (Beach). There are now currently 26 trained DSOs in the MPS. All SO15 teams are now trained with CO19 for familiarisation with handover procedures. SO15 teams were also exercised on Operation Linchpin and Wooden Pride (observed by HMIC) and the teams have also had limited exposure to operational deployments tasked by SCD11. CO19 now provides tactical training to reinforce the capability of SCD/SO surveillance team AFOs to react to a range of lethal threats through a Tactical Refresher process. There is a proposal for Operation Beach Surveillance Training Module to provide a common minimum standard of competence with regard to tactical firearms capability which awaits ratification of the business case. The training would be introduced as an additional module on the Silver (2) Firearms Commanders Course and be aimed at SCD7 and SO15, addressing the red, amber, green handover process. HMIC have conducted a review of the KMC which is included in the evidence appendices.

Comments: Once the judicial processes are complete, this recommendation will be reviewed by the MPS and KRG and a decision will be made regarding what debriefs are appropriate, considering the outcome and the passage of time and how additional learning can be embedded within the MPS and wider environment.

IPCC Recommendation 16:

Recommendation: The good practice in place in Lambeth which ensured effective community reassurance should be noted by the MPS and HMIC. Steps should be taken to ensure that where appropriate, this good practice is replicated in other BOCUs.

MPS Action: Post the events of July 2005 the range of police and community reassurance activities significantly increased. Lambeth BOCUs strategy has been communicated Pan London and beyond national boundaries and furthermore there is tangible evidence that the good practice has been effectively replicated during subsequent counter-terrorist policing activity in terms of overt community support (e.g. Operation Seagram, post the Haymarket bombings). Significant work has been conducted with more to follow which is being jointly monitored by the MPA and MPS through via the Citizen Focus Policing Programme Board. The MPS' role in the pilot stage of the Home Office project 'Partnership to Counter Radicalisation' will also be instrumental in further sharing of good practice and direct learning during the development of a practical national model for police, communities and other partners in the future.

Evidence: There are several aspects of MPS activity specific to counter terrorism worthy of direct comment and all falling under the remit of the MPS overarching Community Engagement strategy. There is now an SO15 strategy document which sets out a framework for the management of consultation and community reassurance by the Counter Terrorism Command in Central London as well as an identified senior lead for such matters at ACPO level within the command. An SOP has been designed with consultation from the Kratos Reference Group and MPA and mandates a set procedure of information sharing and consultation focused on reassurance and maintaining community confidence. The SOP is new and will be subject to review to assess utility in November 2007. SO15 has also worked with TP to update Operation Delphinus which mandates and co-ordinates BOCU activity in relation to CT activity. BOCU Commanders are robustly held to account for compliance with Delphinus via the TP performance management framework which reviews progress on a monthly basis. Further in relation to the use of Section 44 Counter Terrorism Act stop and search powers, the MPS has also conducted a review of usage and results generated in terms of arrests. The work and results which were publicised has led to a complete revision of the use of section 44 powers, through using a Threat Matrix indicating locations where efforts should be most productively focused. The work was conducted in consultation with groups such as Muslim Safety Forum, MPS IAG and the Community Stop Search Monitoring Group. Use of section 44 has increased over 2006 from 3,500 searches in random locations to 29,000 searches in targeted locations, generating 1 complaint and some notable arrests. CO19 has also been recently short listed for a diversity award (the GG2 awards) for its successful work in community engagement, involving presentations by staff and opportunities for community members to talk to firearms officers about their work.

Comments: The MPS has rightly attracted commendation for efforts in relation to community engagement and sustained focus on this aspect of learning as a key strand of the fight against terrorism, working with groups such as Communities Together Strategic Engagement, the CT IAG and the MPA. The MPS continues to be at the forefront of developing innovative methods of engagement as well as consistently reviewing current operating practice via the KRG. The work in relation to section 44 powers has been presented to ACPO Tam as good practice. Notwithstanding the fact the ACPO management staff from SO regularly brief senior MPA members, there is some frustration within the MPA membership that the investigative arm of SO15 is not more forthcoming and prominent at community engagement events. It is however for the MPA to brief other members on sensitive matters, although HMIC would encourage greater dialogue and information sharing in the interests of openness.