

1. Executive Summary

- 1.1 On 11 December 2015 Mr Erun and Mr Anoyaw-Gyamfi were escorted by Serco Wincanton from HMP Wormwood Scrubs to Wood Green Crown Court. The Metropolitan Police were aware that an attempt might be made to free Mr Erun from the escort vehicle and covertly followed both the escort vehicle and the car carrying the men suspected of being involved in the possible escape attempt. The latter was intercepted by police officers near Wood Green Crown Court and one suspect was shot and killed. The prison vehicle was not involved in this incident and arrived safely at the court.
- 1.2 Detective Inspector Rob Murray of the Metropolitan Police was involved in the organisation of the police operation to prevent the escape of Mr Erun. DI Murray met with Peter Nichols, Head of Security at HMP Wormwood Scrubs on 13 November and on 8 December to brief him about the police operation. At both meetings DI Murray emphasised the need to keep the plan secret.
- 1.3 Mr Nichols informed Emily Martin, Deputy Governor of HMP Wormwood Scrubs, about the meetings with DI [Nichols] immediately after they had taken place. Ms Martin informed Gary Monaghan, Governor of HMP Wormwood Scrubs, after the second meeting on 8 December.
- 1.4 Mr Monaghan mistakenly assumed that the police operation had been approved by a senior official in NOMS headquarters. He therefore allowed the escort of Mr Erun and Mr Anoyaw-Gyamfi to proceed on 11 December 2015 without any additional precautions.
- 1.5 Mr Monaghan informed Nick Pascoe, the Deputy Director of Custody for the London Region, of the situation after the escort vehicle had left HMP Wormwood Scrubs. This was the first time that any NOMS senior staff outside the prison had been told about the police operation.
- 1.6 The protocols for the sharing of intelligence between the Metropolitan Police and NOMS were not used on this occasion. NOMS approval for the police operation was not sought at a senior HQ level in advance of 11 December.
- 1.7 The Independent Police Complaints Commission is investigating the fatal shooting which took place on 11 December. Both the IPCC and the Metropolitan Police are unable to discuss the handling of intelligence about Mr Erun until the IPCC investigation has been completed. The conclusions and recommendations contained in this report have therefore been compiled without any input or discussion with the Metropolitan Police or the IPCC.

4. Background

- 4.1 On 13 October 2015 Mr Erun and Mr Anoyaw-Gyamfi were arrested by the Metropolitan Police in possession of a loaded firearm. On 15 October 2015 they were both remanded in custody by Thames Magistrates Court and were transferred to HMP Thameside.
- 4.2 Mr Erun and Mr Anoyaw-Gyamfi returned to court on 29 October 2015 when they pleaded guilty to the offence of being in possession of a loaded firearm. The two men were remanded in custody to appear at Wood Green Crown Court on 11 December 2015 for sentencing and were transferred to HMP Wormwood Scrubs. Mr Erun's licence from his previous 8 year sentence was also formally revoked.
- 4.3 Both men had been reasonably behaved at HMP Thameside between 15 and 29 October and no security concerns were raised at the prison.
- 4.4 The committal to Wood Green Crown Court would normally have meant that Mr Erun and Mr Anoyaw-Gyamfi would have been moved to HMP Pentonville after their court appearance on 29 October. They were instead escorted to HMP Wormwood Scrubs. This appears to have been a normal prison move caused by prisoner population pressures in the London area and was not motivated by any security concerns or police requests.
- 4.5 On 3 November 2015 Mr Erun and Mr Anoyaw-Gyamfi were submitted to NOMS Cat A Section as potential Category A prisoners because of their firearms offence. Cat A Section decided that both men did not meet the required criteria and they remained classified as Category B prisoners.
- 4.6 Mr Erun and Mr Anoyaw-Gyamfi continued to be reasonably behaved at HMP Wormwood Scrubs and they do not appear to have caused staff there any concerns.
- 4.7 On 11 December 2015 Mr Erun and Mr Anoyaw-Gyamfi appeared at Wood Green Crown Court and were both sentenced to fourteen years imprisonment. The two men were transferred from court to HMP Belmarsh.
- 4.8 Mr Erun had previously been sentenced to 8 years imprisonment at Snaresbrook Crown Court on 22 July 2011 for conspiracy to supply Class A drugs. Mr Erun's prison records indicate that he was regularly suspected of being in possession of mobile phones and of being involved in drug dealing. There is no indication that he was regarded as an unduly high escape risk and he does not appear to have been placed on the E list at any time during this sentence. Mr Erun was released from this sentence at HMP Swaleside on 2 July 2013.

5. Intelligence about the Escape Attempt

13 November 2015

- 5.1 On 13 November 2015 Inspector Steve Mayes (London Regional Prisons Intelligence Unit) and Detective Inspector Rob Murray (SCO7 Central Task Force East – Organised Crime Command) met Peter Nichols, Head of Security at HMP Wormwood Scrubs at the prison. Mr Murray told Mr Nichols that the Metropolitan Police had credible intelligence that an attempt would be made to free Mr Erun either from the prisoner escort vehicle or from court on 11 December. Mr Nichols has stated that Mr Murray stressed that the intelligence had been obtained from a covert source and should not be shared with anybody else.
- 5.2 Mr Murray explained to Mr Nichols that he was developing a plan for both the prisoner escort vehicle and the suspects to be under constant covert surveillance during the journey from prison to court on 11 December and for the suspects to be arrested without causing any risk to the prisoner escort vehicle. The plan would be submitted to senior Metropolitan Police staff for approval and he would brief Mr Nichols again before the escort took place.
- 5.3 Mr Nichols has stated that he asked Mr Murray if his intelligence or plans had been shared with any senior staff in NOMS HQ. Mr Murray replied that the information had not been shared because the matter was a sensitive covert operation which he wanted to carefully protect. This was unlikely to change but would be a matter for his Assistant Commissioner. He went on to state that the only reason that he had told Mr Nichols was because on 11 December the police would need to know the registration number of the prisoner escort vehicle which would take Mr Erun from the prison to court.
- 5.4 After the meeting had ended Mr Nichols informed Emily Martin, Deputy Governor of HMP Wormwood Scrubs, about what he had been told. Ms Martin and Mr Nichols decided to await the next police briefing before reporting the matter to the Governor. This decision was made because of the tenuous nature of the police plans and because they had not yet been approved by senior police staff.
- 5.5 Mr Nichols checked Mr Erun's NOMIS history and found nothing of note since he was received into custody on 15 October. Mr Nichols also checked Mr Erun's PIN account and identified that he had not made any phone calls since 15 October.
- 5.6 Mr Nichols made an entry on Mr Erun's prison file to the effect that he should be escorted by three staff in the event of any escort outside of the prison.

- 5.7 Mr Erun was submitted as a potential Category A prisoner to NOMS Cat A Section on 3 November because of the nature of his offence. The referral was rejected and Mr Erun remained categorised as 'B'. Mr Nichols did not pass on to Cat A Section the information shared with him by DI Murray on 13 November because of the police request for confidentiality.

8 December 2015

- 5.8 On 8 December 2015 DI Murray and Detective Inspector Lynn Shepherd (Regional Organised Crime Unit and Prison Intelligence Unit) met with Mr Nichols at HMP Wormwood Scrubs. Mr Murray stated that the police operation to covertly follow the prisoner escort vehicle carrying Mr Erun and the suspects' car on 11 December had been approved by senior Metropolitan Police staff. The use of firearms in the event that the suspects attempted to stop the escort vehicle to free Mr Erun had also been approved. This information was later confirmed by Mr Murray in an email to Mr Nichols which included the following statement: *"The key element of the police operation is that the known suspect vehicle will never be allowed to reach the Prison Van. Thereby removing the risk to all parties in the Prison Van and reducing the risk to the suspects themselves."* The full email is at Annex 2.
- 5.9 Mr Nichols has stated that he asked Mr Murray if senior NOMS staff had been informed of the plan. Mr Murray replied that they had not as it was the culmination of a long term police led operation which he wished to protect. Mr Nichols also asked if Serco Wincanton had been told about the plan; Mr Murray replied that no contact had been made with the company because he did not want to risk any information leaks.
- 5.10 Mr Nichols also asked what would happen to Mr Erun after his court appearance on 11 December. Mr Murray stated that if no attempt was made to free Mr Erun he should be subsequently transferred and allocated as normal in order to avoid drawing any attention to the covert intelligence source. Mr Nichols has stated that he then told Mr Murray that if an escape attempt was made Mr Erun would be immediately referred to NOMS Cat A Section. He also told Mr Murray that full disclosure of the police intelligence would then be required for the subsequent management of Mr Erun within the prison system.
- 5.11 After DI Murray and DI Shepherd had left the prison Mr Nichols informed Ms Martin of the content of the meeting. Ms Martin then telephoned Gary Monaghan, Governor of HMP Wormwood Scrubs, who was attending a meeting in London. Ms Martin told Mr Monaghan about the police intelligence and their plans for 11 December.
- 5.12 During the telephone conversation Mr Monaghan formed the impression that NOMS senior staff in Clive House were aware of and had approved the planned police operation and that the information

should not be shared any further. This appears to have been caused by a possible mention being made of Mr Erun being transferred to HMP Belmarsh from court if an attempt to free him was made. Mr Monaghan interpreted this as meaning that a prison place had already been arranged at HMP Belmarsh by an official at Clive House and therefore assumed that the police operation had been sanctioned at a senior level within NOMS. Mr Monaghan has explained that during the past six years at Governor of HMP Pentonville and HMP Wormwood Scrubs covert police operations at both prisons had been approved by senior NOMS HQ staff without his initial knowledge and he therefore assumed that the same approach had been taken in this case.

10 December 2015

- 5.13 Mr Monaghan returned to HMP Wormwood Scrubs on Thursday 10 December when he discussed the planned police operation with Mr Nichols. (Ms Martin was not at the prison on 10 and 11 December and did not play any further part in this matter) Mr Nichols reiterated what he had been told by DI Murray which did not change Mr Monaghan's belief that the police operation had been approved by senior NOMS HQ staff.

11 December 2015

- 5.14 On the morning of Friday 11 December Detective Sergeant Calloway met with Mr Nichols at HMP Wormwood Scrubs. The vehicle registration number of the prisoner escort vehicle taking Mr Erun, Mr Anoyaw-Gyamfi and a third prisoner to Wood Green Crown Court was given to DS Calloway who passed it on to police colleagues outside the prison.
- 5.15 Once the prisoner escort vehicle carrying Mr Erun had left the prison at 08.34 hours Mr Monaghan telephoned Nick Pascoe, Deputy Director of Custody for the London Region, to inform him of the planned police operation. Mr Monaghan had decided to inform Mr Pascoe at this point because he believed that the sharing of information at this time would not endanger the police operation. This was the first time that any senior NOMS staff outside HMP Wormwood Scrubs had been made aware of the operation.
- 5.16 At approximately 09:10 hours DI Murray telephoned the Serco Wincanton Operations Centre with the information that an incident was taking place at Wood Green. He also informed the Operations Centre that the Serco Wincanton escort vehicle was being shadowed by a police vehicle due to intelligence received. The escort vehicle subsequently arrived safely at Wood Green Crown Court.

6. Sharing of Intelligence between the Metropolitan Police and NOMS

- 6.1 Protocols are in place for the sharing of intelligence between the Metropolitan Police and staff at HMP Wormwood Scrubs. Mr Monaghan, Ms Martin and Mr Nichols have all reported that these arrangements are good and are normally well used. The working relationship between police and prison staff is also good with high levels of trust on both sides. However these protocols and working relationships were completely bypassed in this case and were not invoked at any time.
- 6.2 Protocols are also in place for the sharing of intelligence between the Metropolitan Police and NOMS at regional and national levels. In addition the Police National Prison Intelligence Coordination Centre (NPICC) was established in November 2015 with the specific purpose of sharing intelligence between the two organisations. The protocols and the NPICC were also completely bypassed in this case.
- 6.3 With the exception of counter terrorism intelligence the protocols for intelligence sharing are not underpinned by a formal Memorandum of Understanding but operate in accordance with general expected conduct. General crime intelligence is usually shared in the best interests of both parties where it is evident that there is a need-to-know by the recipient. This includes intelligence which may impact upon the effective risk management duty of either agency or where the failure to share such intelligence may have a negative impact upon public safety or the effective identification, investigation or prosecution of criminal activity.
- 6.4 The only formal document relating to general principles of intelligence sharing is the Strategic Partnership Agreement (SPA) between NOMS and Law Enforcement Agencies (LEAs) which was signed in 2012 (Annex 3). This is further underpinned by an associated document titled Statement of Common Principles for Sharing Prison Intelligence (Annex 4). Whilst neither document offers specific instructions on the process for sharing intelligence they do underpin the expectation that intelligence is shared in the best interests of all parties and they provide clear routes for escalation within NOMS and LEAs for allowing sensitive information to be shared safely.
- 6.5 Importantly in this case the 2012 SPA makes clear that opportunities for maximising the dissemination into prisons of relevant intelligence should be taken wherever possible and that this should be driven by the Prison Intelligence Officer (Police staff). It would have been a reasonable expectation that the PIO was involved in the sharing of information at HMP Wormwood Scrubs. This would have ensured that the SPA principles of intelligence sharing were fulfilled and the

Governor was sighted on the risks and issues associated with the planned police operation. This did not take place on this occasion.

- 6.6 The existing protocol for the management of covert operations in prisons does not allow for any such activity which takes place outside prisons eg. on a prisoner escort vehicle or an escort of a prisoner to hospital. The protocol needs to be extended to enable covert operations to be applied to prisoners regardless of their location.

8. Conclusions

- 8.1 The planned police operation to foil the attempted escape of Mr Erun on 11 December was not shared by the Metropolitan Police with any NOMS staff other than Mr Nichols. DI Murray emphasised the need for confidentiality in both his meetings with Mr Nichols in order to protect the covert intelligence source in this case. As a consequence Mr Nichols only passed this information onto Mr Monaghan and Ms Martin.
- 8.2 Ms Martin and Mr Nichols both relied upon Mr Monaghan to decide what action to take about the information which had been given to them by DI Murray.
- 8.3 Mr Monaghan mistakenly assumed that senior NOMS HQ staff knew of and had approved the planned police operation.
- 8.4 The Metropolitan Police did not use the established information sharing protocols at HMP Wormwood Scrubs or across the London Region in this case. The verbal briefings given to Mr Nichols by Mr Murray took place completely outside the protocols.
- 8.5 Metropolitan Police Deputy Assistant Commissioner de Brunner has confirmed that DI Murray did brief Mr Nichols. Ms de Brunner is unable to provide any further information until the IPCC investigation into the fatal shooting on 11 December has been concluded. In the absence of any further information from the Metropolitan Police it is reasonable to assume that no NOMS staff other than Mr Nichols were contacted by the police in advance of the operation.
- 8.6 The request by the police on 13 November for the information provided to Mr Nichols to remain secret was unreasonable and did not take account of NOMS' responsibility to manage risk appropriately. The London RIU in particular should have understood that any such requirement to prevent the use of specific intelligence for risk management purposes was unhelpful. The intelligence should have been disclosed in a sanitised format and the prison should have been allowed to take adequate steps to deal with the heightened risk.
- 8.7 Discussions should have taken place between senior police and NOMS staff about whether disruption to the escape threat was possible, either by using a secure vehicle to escort Mr Erun to court on 11 December or by arranging for Mr Erun to be sentenced via video link. Both options would have reduced the risk of firearms being deployed in the community.
- 8.8 The information provided to HMP Wormwood Scrubs by DI Murray should have been more formally discussed between the Head of Security, Deputy Governor and Governing Governor to ensure the prison risk and liabilities were adequately considered. The discussions



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**Maxine de Brunner QPM
Deputy Assistant Commissioner**

Room **DPA**
New Scotland Yard
10 Broadway
London
SW1H 0BG

Telephone: **DPA**

17th December 2015

Dear Mr Pollett,

Thank you for your letter dated 16 December in relation to the police operation on Friday 11 December which resulted in the fatal shooting in Wood Green. I can confirm that Peter Nichols was given confidential briefings about the forthcoming police operation.

As you are aware, the Independent Police Complaints Commission are conducting an investigation into the shooting, and there is also an ongoing coronial process. I am sure that you will understand that, due to the ongoing investigation, I am unable to provide any more information in relation to the briefings to Mr Nichols. I will however ensure that the senior officer coordinating the police cooperation with the IPCC is made aware of your interest.

Please rest assured that the Metropolitan Police Service remains committed to the excellent relationship we have with NOMS. I note the objective set by Mr Mulholland to establish facts in order to enable NOMS to prevent or better manage such incidents and make recommendations. We will willingly assist you in achieving this objective, but must first service the IPCC and coroner's investigations that take primacy over other matters.

Yours sincerely,

DAC Maxine de Brunner QPM