

<p>1 Monday, 14 June 2021  2 (10.00 am)  3 Introductory remarks  4 THE CHAIRMAN: Good morning, ladies and gentlemen.  5 Today marks the completion of the first phase of the  6 public inquiry, that of investigation into the  7 circumstances of the tragic death of Jermaine Baker, who  8 on 11 December 2015, whilst unarmed, was fatally shot by  9 an armed officer of the Metropolitan Police Service  10 during the course of a police operation.  11 Jermaine Baker's family have waited anxiously but  12 patiently and always courteously for this day. Over the  13 course of the next eight weeks, I will, during the  14 second phase of the inquiry, hear and see the evidence  15 which has been painstakingly obtained over the last  16 16 months as it is presented to me in my search for  17 answers to their questions in accordance with the  18 inquiry's terms of reference to enable me to write my  19 report and to make, in due course, where appropriate,  20 recommendations to the Home Secretary to minimise the  21 risk of similar tragedies occurring in the future.  22 Ms Kate Blackwell, leading counsel to the inquiry,  23 will, during the course of her opening statement, give  24 some details of the volume of documentation which has  25 been sifted and disclosed and the number of statements</p> <p style="text-align: center;">Page 1</p>	<p>1 which have been obtained from numerous sources to enable  2 this second phase to start today.  3 I hesitate to use the phrase "on time", because by  4 any stretch of the imagination the family of  5 Jermaine Baker has had to wait far too long for this  6 day. But, since the establishment of the inquiry in  7 February 2020, we have lived through and continue to  8 live in very challenging times, which have not been  9 conducive to setting and sticking to timetables.  10 Yet, because of the consummate professionalism and  11 commitment shown by all the legal teams, from paralegals  12 to QCs and all stages in between, in the preparation for  13 this inquiry, evidence gathering and disclosure of  14 material has continued and gathered speed.  15 No one has allowed this date, which was fixed  16 11 months ago, to be put at risk, and that is because  17 everyone has been working with the same aims in mind: to  18 provide answers and, albeit belatedly, some closure to  19 the family of Jermaine Baker.  20 If the attribution of the phrase "gold standard" to  21 the work of this inquiry thus far is justified, it is  22 due not simply to the lawyers, for whom not many people  23 these days have a decent word to say, but also and in  24 particular to my secretary James Esses, who largely  25 single handed, but assisted of late by Lorna Yates, has</p> <p style="text-align: center;">Page 2</p>
<p>1 been the engine room which has enabled everything to  2 run, if not always smoothly then at least without risk  3 of derailment.  4 A word now about the form which the hearings will  5 take. Opening statements will be made by the core  6 participants today and Wednesday. Thereafter the  7 evidence will commence. Because of the sensitive nature  8 of some of the evidence, which necessitated the  9 establishment of this inquiry to replace the inquest  10 which had originally been set up by the senior coroner  11 for north-west London, there will be closed as well as  12 open hearings. The public will have unfettered access  13 to open hearings and, until lockdown has ended, the  14 proceedings will be livestreamed.  15 As far as closed hearings are concerned, admission  16 will be much more restricted and those whose security  17 clearance enables them to attend will have to surrender  18 their devices.  19 However, it is not my intention to prevent  20 disclosure of what is said in closed hearings any more  21 than is absolutely necessary. Evidence which is given  22 in closed hearings will be gisted -- that is to say  23 summarised -- as far as possible and it will be my duty  24 and that of counsel to the inquiry to ensure that we put  25 ourselves as far as possible into the shoes of the</p> <p style="text-align: center;">Page 3</p>	<p>1 family's counsel and ask, even if not as eloquently, the  2 questions which they would have wanted to ask on closed  3 topics.  4 Also, the nature of these proceedings is such that  5 we will inevitably be dealing with painful issues,  6 sometimes in a graphic manner. I know that Ms Blackwell  7 will do her best to ensure that advance warning of such  8 material is given, so as to enable those who do not wish  9 to see or hear distressing evidence to leave the hearing  10 in good time.  11 There may, however, be occasions on which no such  12 warning can be given. Those who wish to leave in those  13 circumstances may then of course do so without asking,  14 or worrying that they are causing any disturbance to the  15 proceedings.  16 In conclusion, although the third phase -- that of  17 writing my report and making recommendations to the Home  18 Secretary -- is some way off, I wish to emphasise now to  19 all core participants that I will not shirk my duty if  20 I am driven on the evidence to make findings of fact  21 which are unpalatable to some and unwelcome to others.  22 But, equally, the fact that an unarmed man was fatally  23 shot in tragic circumstances does not mean that it is  24 the objective of this inquiry to be in a position to  25 find fault with the actions or omissions of</p> <p style="text-align: center;">Page 4</p>

<p>1 an individual or individuals or with corporate systems 2 and practices. That will be my duty. If, but only if, 3 the evidence drives me to such conclusions. 4 With those introductory remarks, I will now hand 5 over to Ms Blackwell. 6 Ms Blackwell, I understand that your opening will 7 take in effect the rest of the day. 8 MS BLACKWELL: Yes, sir. 9 THE CHAIRMAN: Please take breaks as and when you think 10 appropriate. That applies, of course, to all other 11 counsel who address the inquiry at this or indeed any 12 stage. 13 Thank you. 14 Opening submissions by MS BLACKWELL 15 MS BLACKWELL: Sir, on Friday, 11 December 2015, officers 16 from the Metropolitan Police Service, the MPS, were 17 taking part in an ongoing investigation into a planned 18 escape from custody, which was known as Operation Ankaa. 19 At 9.00 am on 11 December 2015, Jermaine Baker was 20 sitting in the front passenger seat of a stolen Audi 21 vehicle, which was parked in Bracknell Close in the Wood 22 Green area of London. The vehicle and its occupants 23 were the subject of an armed interception by MPS 24 firearms officers. During the planned dynamic 25 interception, the officer known by the cipher W80</p> <p style="text-align: center;">Page 5</p>	<p>1 discharged a single shot from his firearm into 2 Jermaine Baker's upper chest and neck area. Mr Baker 3 suffered fatal injuries. 4 There was no live firearm recovered from the 5 vehicle, there was an imitation BB firearm recovered 6 from the rear footwell of the vehicle. 7 Mr Baker was born on 16 March 1987. He was 28 years 8 old at the time of his death. He was father to two 9 children. Mr Baker and his family resided within the 10 London Borough of Haringey. 11 On 12 February 2020, you were appointed by the Home 12 Secretary pursuant to section 1 of the Inquiries Act 13 2005 as the chairman of this inquiry to ascertain who 14 the deceased was, how, when, where and in what 15 circumstances he came by his death, the particulars if 16 any required by the Births and Deaths Registration Act 17 1953 to be registered concerning the death and to make 18 any such recommendations as may be appropriate. 19 Before I begin the substance of our opening 20 statement, I turn to introduce the parties. 21 As you know, I appear together with Nikita McNeil 22 and Aaron Moss as counsel to the inquiry, or CTI. Sir, 23 our role is a neutral one. We are not here to pursue 24 the interests of any of the core participants, nor do we 25 have a case to make. Our function is to identify and</p> <p style="text-align: center;">Page 6</p>
<p>1 gather all relevant evidence, to place that evidence 2 before you and to provide you with independent advice as 3 to the legal or procedural issues that may arise. We 4 shall present the evidence to you fairly, impartially 5 and dispassionately, whilst seeking to ensure that you 6 have all the evidence that is necessary and relevant to 7 discharge your terms of reference. 8 Mr Baker's family is represented by 9 Phillippa Kaufmann Queen's Counsel and Fiona Murphy, 10 together with Michael Oswald of Bhatt Murphy Solicitors. 11 W80 is represented by Duncan Penny Queen's Counsel, 12 together with Scott Ingram and Leona Wyn Roberts of 13 Slater &amp; Gordon Solicitors. 14 The MPS is represented by Matthew Butt Queen's 15 Counsel with Ruby Shrimpton, together with Daniel Futter 16 from the MPS directorate of legal services. 17 The National Crime Agency, NCA, is represented by 18 Neil Sheldon Queen's Counsel, together with 19 Anthea Brookes of the NCA. 20 The Independent Office for Police Conduct, the IOPC, 21 is represented by Danny Simpson, with Liz Parsons and 22 Catherine Hall of the IOPC also in attendance. 23 Each of the people and organisations that I have 24 mentioned are core participants in this inquiry and have 25 been granted such status by you.</p> <p style="text-align: center;">Page 7</p>	<p>1 As you have said, sir, two days have been set aside 2 for opening statements. I hope to conclude my oral 3 opening statement today. You will then hear from: 4 Ms Kaufmann Queen's Counsel, on behalf of the family, 5 who expects to take about 90 minutes; Mr Butt Queen's 6 Counsel on behalf of the MPS, who expects to take about 7 two hours; Mr Penny on behalf of W80, who expects to 8 take 30 minutes; and Mr Sheldon Queen's Counsel, on 9 behalf of the NCA, who expects to take about 15 minutes. 10 The written opening statements will be published on 11 the inquiry website and available for public viewing 12 following this morning's hearing. 13 We will then hear a testimonial to Jermaine Baker, 14 prepared by his family and friends, sometimes referred 15 to as a pen portrait. This will comprise a video 16 compilation and evidence given from here in the inquiry 17 room by his mother and his partner. 18 The inquiry's first witness will be Catherine Hall 19 from the IOPC, formerly the IPCC, the Independent Police 20 Complaints Commission. She will provide background 21 information about the inquiry and about the IPCC 22 investigation. 23 Thereafter, as you have intimated, sir, the inquiry 24 will hear evidence in closed session. This relates to 25 evidence of a highly sensitive nature from the NCA,</p> <p style="text-align: center;">Page 8</p>

2 (Pages 5 to 8)

1 which, by law, cannot be heard in public.  
 2 On 26 March of this year, you made an order pursuant  
 3 to section 19(2)(b) of the Inquiries Act 2005 ("the  
 4 Act") read together with section 19(3) of the Act to  
 5 remain in force indefinitely unless you varied or  
 6 revoked it at any point and that order included the  
 7 following provisions.  
 8 (a) that there shall be no disclosure of any part of  
 9 the NCA material by the inquiry to core participants,  
 10 the media or the public.  
 11 (b) the material shall be held securely by the  
 12 inquiry and the inquiry will ensure that access to the  
 13 NCA material is restricted only to those inquiry  
 14 personnel who hold appropriate security clearance.  
 15 (c) any documents created by the inquiry which  
 16 contain any reference to the contents or substance of  
 17 the NCA material or otherwise contain information  
 18 deriving from the NCA material, shall be subject to  
 19 appropriate security marking and shall be subject to the  
 20 same restrictions as the NCA material.  
 21 (d) any oral evidence given by any witness relating  
 22 to the contents or substance of the NCA material is to  
 23 be given entirely in closed session.  
 24 (e) closed sessions have a restricted attendance of  
 25 you, the chairman, counsel to the inquiry who hold

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1 remaining outside of your consideration, as would have  
 2 been the case at an inquest.  
 3 The ability of counsel to the inquiry to test such  
 4 evidence in closed hearings and the ability of you to  
 5 reach conclusions upon it is imperative in this inquiry.  
 6 In such closed hearings, we shall be dedicated and  
 7 diligent in pursuing relevant issues as identified in  
 8 the submissions of the core participants.  
 9 Once this evidence is complete, the inquiry will  
 10 begin to hear evidence principally in open session,  
 11 although there may be occasions on which it will be  
 12 necessary to receive some evidence from some witnesses  
 13 in closed session.  
 14 We have timetabled the evidence by reference to the  
 15 following five broad headings which reflect the terms of  
 16 reference.  
 17 Part 1, introductory evidence.  
 18 Part 2, information and planning, first evidence  
 19 concerning the escape plan and, second, evidence  
 20 concerning the planning and briefings of Operation  
 21 Ankaa.  
 22 Part 3, implementation: first, C3000 and CMP;  
 23 second, the surveillance operation; third, civilian  
 24 eyewitnesses; fourth, Team A, the prison van; fifth,  
 25 team C, Ozcan Eren; sixth, Team B, the Audi; seven, the

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1 appropriate security clearance, solicitors to the  
 2 inquiry who hold appropriate security clearance, inquiry  
 3 personnel and court staff who hold appropriate security  
 4 clearance and whose attendance is necessary for the  
 5 administration of the hearing, NCA legal representatives  
 6 and personnel who hold appropriate security clearance  
 7 and Metropolitan Police Service legal representatives  
 8 and personnel who hold appropriate security clearance  
 9 and have a direct interest in the evidence to be given  
 10 at the hearing.  
 11 It is presently planned to hear evidence from five  
 12 witnesses in closed session at the beginning of these  
 13 hearings and a further closed witness will be called  
 14 during the lessons learned portion of the evidence  
 15 towards the end.  
 16 When this takes place, you will consider if some of  
 17 the evidence, or a gist of it, as you have already made  
 18 reference to, can be disclosed in open session. We  
 19 realise that, as counsel to the inquiry, we carry  
 20 a heavy burden throughout to test the evidence of the  
 21 witnesses in the closed hearings. That is of course one  
 22 of the principal reasons why this inquiry was  
 23 established in place of an inquest -- that the facility  
 24 to hold such closed hearings means that this type of  
 25 evidence can be taken into account, rather than

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1 policing experts.  
 2 Part 4, after the shooting: first medical care for  
 3 Jermaine Baker; second, Izzet Eren's arrival at court;  
 4 third, W80 post shooting; fourth, expert evidence.  
 5 Finally, part 5, practice, policies and procedures.  
 6 It is presently planned to hear evidence from 62  
 7 witnesses in open session. We shall not be sitting on  
 8 the Friday of each week unless, due to slippage of time,  
 9 we need to catch up. We will not be sitting on the  
 10 following dates: Tuesday, 15 June; Thursday, 22 July;  
 11 and between 6 August and 5 September.  
 12 The hearings will create inevitable and considerable  
 13 disruption to the private and working lives of witnesses  
 14 and it is right that I should express my gratitude on  
 15 behalf of the inquiry for the willingness of the  
 16 witnesses to cooperate and facilitate the work of your  
 17 inquiry.  
 18 I shall now move on to set out some of the context  
 19 so that all may properly understand both the events  
 20 which have been gone before now, sir, and why this  
 21 inquiry begins, as it does, today, some five years and  
 22 six months after Jermaine Baker's death.  
 23 An inquest into Jermaine Baker's death was opened at  
 24 Barnet Coroner's Court on 22 December 2015, by  
 25 Her Majesty's coroner Andrew Walker. It was suspended

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<p>1 on the same day at the request of the IOPC. The IOPC 2 finalised its report almost one year later on 3 23 November 2016, and it was determined by the CPS, the 4 Crown Prosecution Service, that W80 would not be charged 5 with any offence on 14 June 2017.</p> <p>6 There followed a review of the CPS decision not to 7 bring charges. That decision was upheld in March 2018. 8 Shortly after that, in May 2018, the IOPC directed that 9 the MPS should hold misconduct proceedings in respect of 10 W80. That was the subject of a judicial review, which 11 proceeded to the Court of Appeal culminating in 12 a judgment in favour of the IOPC on 9 October 2020 and 13 reversing the earlier decision of the divisional court. 14 We will come back to this chronology shortly.</p> <p>15 You, sir, were appointed assistant coroner by the 16 Lord Chief Justice on 23 March 2019 and on 3 August 2019 17 requested that the Secretary of State for the Home 18 Department establish a public inquiry. Before that was 19 established, you held two pre-inquest review hearings in 20 October and January and on 12 February 2020, the 21 Secretary of State announced the public inquiry and you 22 have since held three preliminary hearings.</p> <p>23 I am going to now deal with the circumstances of the 24 IPCC investigation.</p> <p>25 The shooting of Jermaine Baker came to the attention</p> <p style="text-align: center;">Page 13</p>	<p>1 of the IPCC on 11 December 2015 as a death or serious 2 injury -- DSI -- referral. On 12 December, it was 3 determined by the lead investigator, Catherine Hall, 4 that there was an indication that the actions of W80 may 5 amount to misconduct or a criminal offence. The 6 investigation therefore was re-referred as a conduct 7 matter. Article 2 of the European Convention on Human 8 Rights imposes an obligation on the state to protect 9 human life. This involves both a prohibition on the 10 state taking life and, in certain circumstances, 11 a positive duty to protect life. It was determined by 12 the IPCC that the circumstances of Mr Baker's death 13 potentially engaged Article 2, because his death was 14 caused by a fatal gunshot wound discharged by a police 15 officer.</p> <p>16 The terms of reference for the IPCC's investigation 17 was approved by Commissioner Cindy Butts on 18 5 January 2016 and they were as follows: to investigate 19 the circumstances surrounding the fatal shooting of 20 Mr Baker at around 9.00 am on Friday, 11 December in 21 Bracknell Close, Wood Green, north London. Specifically 22 (a) to examine the use of force by W80 and whether it 23 may have been justified, necessary, and proportionate in 24 the circumstances and (b) to examine the planning, 25 decision making and tactics deployed in the pre-planned</p> <p style="text-align: center;">Page 14</p>
<p>1 operation leading to Mr Baker's death.</p> <p>2 To assist in fulfilling the state's investigative 3 obligation arising under the ECHR by ensuring as far as 4 possible that the investigation is independent, 5 effective, open and prompt and that the full facts are 6 brought to light and any lessons are learned.</p> <p>7 To identify whether any subject of the investigation 8 may have committed a criminal offence and, if 9 appropriate, to send a copy of the investigative report 10 to the Director of Public Prosecutions, the DPP, for 11 them to decide whether criminal proceedings are to be 12 brought.</p> <p>13 To identify whether any subject of the investigation 14 may have breached their standards of professional 15 behaviour. If such a breach may have occurred, to 16 determine whether that breach amounts to misconduct or 17 gross misconduct and whether there is a case to answer.</p> <p>18 The terms of reference continued.</p> <p>19 On a number of occasions, including at a public 20 meeting at Tottenham Town Hall on 17 December 2015, it 21 has been suggested that lethal force would not have been 22 used had Mr Baker's ethnicity been different. The 23 investigation will, in accordance with the IPCC 24 discrimination guidelines, pursue lines of investigation 25 which may assist a court or tribunal to determine if</p> <p style="text-align: center;">Page 15</p>	<p>1 that was so.</p> <p>2 Finally, to consider and report on whether there is 3 organisational learning, including (1) whether any 4 change in policy or practice would help to prevent 5 a recurrence of the event, incident or conduct 6 investigated and (2) whether the incident highlights any 7 good practice that should be shared.</p> <p>8 The following police officers were categorised as 9 subjects of the IPCC investigation: (a) W80, the firearm 10 officer who shot Jermaine Baker; and (b) Detective Chief 11 Inspector Neil Williams, the tactical firearms 12 commander, or TFC, for Operation Ankaa, who has 13 previously been referred to using the cipher FE16.</p> <p>14 On 13 December 2015 the IPCC declared the matter 15 a criminal investigation. W80 was served with a notice 16 of investigation on 16 December 2015. The severity of 17 the allegations within W80's notice were gross 18 misconduct. It alleged that the force used against 19 Mr Baker on 11 December was not necessary, proportionate 20 or reasonable in all the circumstances. A police force 21 initiates a post-incident procedure or a PIP when police 22 officers have been involved in an incidence where 23 a person has died. The police force nominates 24 a post-incident manager who facilitates, manages and 25 ensures the integrity of the PIP. In the PIP procedure,</p> <p style="text-align: center;">Page 16</p>

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1 the IOPC, as it now is, attends the PIP facilities and  
 2 obtains the first accounts of the officers involved in  
 3 the incident. In this investigation, after the initial  
 4 accounts were obtained, detailed witness statements were  
 5 prepared by the officers and provided to the IPCC in  
 6 January 2017.

7 On 17 December 2017, W80 was arrested at a police  
 8 station on suspicion of the offence of murder. He was  
 9 interviewed by the IPCC on 17 December and, again, on  
 10 4 February 2016 and 11 August 2016. He made no comment  
 11 to all questions put.

12 On 28 July 2016, DCI Neil Williams was served with  
 13 a notice of investigation. The notice was later amended  
 14 and provided to DCI Williams's representatives on  
 15 10 August 2016. DCI Williams signed the amended notice  
 16 on 28 August. The severity of the allegations within  
 17 this notice amounted to gross misconduct. It alleged  
 18 that, as the TFC of the operation, DCI Williams (a) may  
 19 not have conducted briefings appropriately, (b) may not  
 20 have given appropriate form of words relating to  
 21 intelligence for the briefings and (c) may have provided  
 22 misleading information to officers relating to Operation  
 23 Ankaa.

24 DCI Williams was interviewed by the IPCC on 18 and  
 25 24 August 2016. He made no comment to all questions

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1 the standard of professional behaviour and gross  
 2 misconduct as a breach that is so serious that, if  
 3 proven, dismissal would be justified.

4 The IPCC expressly concluded that there was no or  
 5 insufficient evidence that either of these officers'  
 6 actions were influenced by Jermaine Baker's ethnicity.  
 7 In respect of W80, the IPCC concluded that he had a case  
 8 to answer in respect of the standard of professional  
 9 behaviour concerning use of force. Even if a tribunal  
 10 found that his mistaken belief was reasonable, it would  
 11 have to go on to determine whether the force used on the  
 12 basis of that mistake was necessary, reasonable and  
 13 proportionate. However, it concluded that a tribunal  
 14 may find that his accounts were not mistaken but in fact  
 15 untrue.

16 If the tribunal were considering the necessity,  
 17 reasonableness and proportionality of the force, the  
 18 IPCC believed that it "Cannot have been unambiguously  
 19 the case that Mr Baker was reaching into the bag", on  
 20 account of what the investigator concluded must have  
 21 been the position of Mr Baker's left hand.

22 As to DCI Williams, the IPCC concluded that he had  
 23 a case to answer, his actions were said not to have  
 24 arguably caused Jermaine Baker's death, or that  
 25 DCI Williams knew or should have foreseen that they

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1 put. DCI Williams retired from the MPS on  
 2 4 October 2016.

3 During the IPCC investigation, a large volume of  
 4 evidence was gathered. This included in excess of 330  
 5 statements, 800 documents and 320 exhibits. During the  
 6 course of that investigation, there were delays due to  
 7 MPS police officers and staff not agreeing to provide  
 8 the IPCC with witness accounts in person, instead  
 9 requesting lists of questions to answer. This process,  
 10 as you will know, sir, is long and drawn out, often  
 11 resulting in counter questions and answers and, more  
 12 importantly, does not achieve best quality evidential  
 13 statements, as there are inevitably still issues  
 14 remaining that a conversation could clarify.

15 The inquiry may wish to consider if a refusal to  
 16 provide a witness account to an investigator fails to  
 17 facilitate and promote public confidence in the  
 18 evidential process or complaints system, when officers  
 19 will not speak to the investigating body in person.

20 The IPCC report gathered evidence about and looked  
 21 into the intelligence and briefings and created  
 22 a timeline of events on the morning of 11 December 2015.  
 23 The IPCC concluded that DCI Neil Williams had a case to  
 24 answer for misconduct and W80 had a case to answer for  
 25 gross misconduct. Misconduct is defined as a breach of

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1 would do so, rather the potential failings affected the  
 2 calculation of risk carried out by DCI Williams and  
 3 others.

4 Although the IPCC considered a number of aspects of  
 5 DCI Williams's actions which might have amounted to  
 6 misconduct, the majority were dismissed as falling short  
 7 of the threshold. However, the IPCC concluded that  
 8 a reasonable tribunal may find that DCI Williams's  
 9 failure to include specific information on the firearms  
 10 form FA2, the tactical firearms commander's policy file  
 11 and decision log, amounted to misconduct.

12 The information which was not included was that  
 13 there had been failed attempts by the subjects of the  
 14 operation to acquire a firearm. This was compounded,  
 15 said the IPCC, by there not being a form of words used  
 16 at the briefings of the firearms officers which was  
 17 accurate and up to date. The IPCC stressed that there  
 18 was no evidence of DCI Williams having any improper  
 19 motive, and, as I have said, DCI Williams retired on  
 20 4 October 2016, despite the family of Mr Baker bringing  
 21 legal proceedings to prevent this from happening whilst  
 22 DCI Williams remained under investigation by the IPCC.

23 As you know, sir, the effect of his retirement was  
 24 that no misconduct proceedings could be brought as he  
 25 was no longer a serving officer.

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<p>1 There are some aspects of the IPCC report and its 2 conclusions about which the inquiry policing experts 3 urge caution, relating to the timing of the fatal shot, 4 the time available to W80 to make a decision and general 5 expectations of W80. I will turn in a few moments to 6 deal with the inquiry experts and the assistance that 7 they are expected to give to you during the course of 8 the inquiry, sir.</p> <p>9 This inquiry has at its disposal much of the 10 investigative work done by the IPCC. However, for the 11 avoidance of doubt, you will be assessing the evidence 12 afresh and forming your own conclusions, unaffected by 13 the views of the IPCC's investigation.</p> <p>14 To what standard should you be reaching for your 15 conclusions, sir? In November 2020, the Supreme Court 16 gave judgment in the case of R v Her Majesty's Coroner 17 for Oxfordshire, (ex parte Maugham), the appeal 18 concerned the standard of proof required for the 19 determination of the result of an inquest into a death 20 where the question is whether the deceased committed 21 suicide. The court held not just that the standard of 22 proof in respect of suicide is the balance of 23 probabilities, but that the standard of proof for all 24 short-form conclusions is the balance of probabilities, 25 and this includes a conclusion of unlawful killing.</p> <p style="text-align: center;">Page 21</p>	<p>1 This does not directly read across to the 2 jurisdiction of your public inquiry, neither the 3 Inquiries Act of 2005, nor the inquiry rules of 2006, 4 specify the standard of proof that the chairman of 5 a public inquiry ought to apply when determining facts. 6 But the 2005 Act and the 2006 rules do inform the legal 7 position in relation to the standard of proof to which 8 facts may be determined.</p> <p>9 A public inquiry typically adopts a flexible 10 standard of proof, but the chairman should indicate when 11 making findings the standard of proof to which they are 12 made. It must be recognised at the outset that the 13 function of a public inquiry is very different from that 14 of either civil or criminal proceedings. A public 15 inquiry is inquisitorial, whereas civil and criminal 16 proceedings are adversarial. That distinction is 17 reflected in the fact that a public inquiry is 18 specifically prohibited by section 2 of the 2005 Act 19 from determining any person's civil or criminal 20 liability, but goes on to specifically state that it is 21 not to be inhibited in the discharge of its functions by 22 any likelihood of liability being inferred from facts 23 that it determines or recommendations that it makes.</p> <p>24 In making any decision as to the procedure or 25 conduct of the inquiry, the chairman must act with</p> <p style="text-align: center;">Page 22</p>
<p>1 fairness and must deliver a report setting out the 2 facts, recommendations and anything else that he 3 considers to be relevant to the terms of reference, 4 including any recommendations that he sees fit to make, 5 despite not being required to do so by the terms of 6 reference.</p> <p>7 We invite you, sir, to take a flexible and variable 8 approach to the level of confidence or certainty with 9 which you express your factual conclusions or findings. 10 Your starting point should be the civil standard, or 11 balance of probabilities, but, depending on the issue 12 being considered, you may find that a fact has been 13 proved to the criminal standard, beyond reasonable 14 doubt. Exceptionally, you may choose to make comments 15 expressed in terms of suspicion, but these will not of 16 course be findings of fact.</p> <p>17 In our submission, it would be appropriate in this 18 case if such a conclusion is available on the evidence, 19 to conclude that Jermaine Baker was lawfully or 20 unlawfully killed to the civil standard of proof. The 21 necessity of W80 to use force is to be judged on the 22 facts as he honestly believed them to be, even if he was 23 mistaken and then only to the extent that the use of 24 force was reasonable.</p> <p>25 I said that I would return to W80's disciplinary</p> <p style="text-align: center;">Page 23</p>	<p>1 proceedings, I do so now.</p> <p>2 Upon the IPCC's conclusions the MPS sought to 3 challenge the finding in respect of W80 by way of 4 judicial review. The matter proceeded through the 5 divisional court to the Court of Appeal. The appeal 6 concerned the meaning of the following words in 7 schedule 2 of the police conduct regulations 2008: 8 "Police officers only use force to the extent that 9 it is necessary, proportionate and reasonable in the 10 circumstances. The question in short is whether the use 11 of force must be objectively reasonable, whether the 12 officer honestly believes that the force is necessary 13 and proportionate."</p> <p>14 The Court of Appeal held: 15 "The IOPC was justified in concluding that it was 16 open to a reasonable panel at a misconduct hearing to 17 make a finding of misconduct if W80's honest but 18 mistaken belief that his life was threatened was found 19 to be unreasonable."</p> <p>20 That conclusion was soundly based in law on the 21 proper and plain meaning of the 2012 regulations and the 22 code. The assessment of the disciplinary panel in 23 misconduct or gross misconduct proceedings is not to be 24 made by reference to any imported test relating to self 25 defence.</p> <p style="text-align: center;">Page 24</p>

6 (Pages 21 to 24)

<p>1 An application for permission for leave to appeal to 2 the Supreme Court has been made by W80 within the 3 statutory timeframe and is yet to be determined. 4 I would like to say something now, please, sir, 5 about the criminal proceedings that were brought against 6 the Operation Ankaa conspirators. 7 For their part in what occurred on 11 December 2015, 8 five individuals, Ozcan Eren, Izzet Eren, Eren Hayser, 9 Nathan Mason and Gokay Sogucakli were tried at Woolwich 10 Crown Court. They were each indicted on two offences of 11 conspiracy to escape contrary to section 1(1) of the 12 Criminal Law Act 1977 and conspiracy to carry 13 an imitation firearm with criminal intent, the intent 14 being to facilitate the escape of a prisoner, contrary 15 to section 18(1) of the Firearms Act 1968. 16 All five men had given no comment to police 17 interviews upon arrest. They were all charged with the 18 offences on 13 December 2015, save for Izzet Eren, who 19 was charged at HMP Belmarsh on 5 January 2016. 20 Eren Hayser was convicted following trial of 21 conspiracy to escape in June 2016. The other four men 22 had all earlier pleaded guilty to both offences, with 23 Ozcan Eren initially entering a not guilty plea but 24 changing his plea to guilty during the course of his 25 trial.</p> <p style="text-align: center;">Page 25</p>	<p>1 A word about disclosure. 2 The inquiry has so far received and reviewed 3 approximately 55,000 pages of open evidence, in addition 4 to a range of audio and video files. Of that, the 5 inquiry has redacted and disclosed almost 25,000 pages 6 of documents to date. 7 I now want to say something about the anonymity and 8 protective measures, including special measures and the 9 orders that you have made. 10 On 22 March 2021, you gave a written ruling on 11 applications for restriction orders, some of which 12 concerned the anonymity of witnesses and special 13 measures to give affect to anonymity orders and to 14 assist witnesses in giving their evidence. 15 The order was updated on 28 April 2021 and by that 16 order you granted anonymity or special measures to 22 17 officers of the MPS, some of whom are serving, others of 18 whom are retired. You gave the reasons in your ruling 19 and I shall not repeat those reasons now. 20 Those 22 officers will be known by ciphers during 21 the course of this inquiry and related reporting and you 22 recorded the following measures to take effect. 23 (a) the witness's name and other identifying details 24 be withheld from core participants, save for the names 25 of FE3 and FE6.</p> <p style="text-align: center;">Page 26</p>
<p>1 (b) the witness's name and other identifying details 2 to be withheld from members of the public, including 3 members of the press. 4 (c) the witness will be identified within these 5 proceedings, whether in documents disclosed for the 6 purposes of the proceeding or in court, by reference to 7 their cipher and that no reference shall be made within 8 the proceedings to the witness's name or any other 9 identifying feature. 10 (d) in the event that the witness is called to give 11 evidence, the witness will do so screened from members 12 of the general public, but visible to you, the court 13 staff, the legal representatives for core participants, 14 approved family members and any other person including 15 members of the media whom you expressly permit. 16 (e) in the event that the witness's evidence is 17 livestreamed or published online, the effect of this 18 screening be preserved and the witness's image not be 19 broadcast. 20 (f) the witness or any other witness will not be 21 asked questions that might lead to their identification. 22 (g) the witness will be permitted to enter and leave 23 court through a route not available to the public. 24 (h) the media will be prohibited from publishing the 25 witness's identity or image or any other identifying</p> <p style="text-align: center;">Page 27</p>	<p>1 feature, pursuant to section 11 of the Contempt of Court 2 Act 1981. 3 Finally, in respect of witness EG39, one of those 22 4 officers, you further ordered that when he gives 5 evidence, he shall only be visible to you and the 6 solicitor to the inquiry. Members of the legal teams, 7 including counsel to the inquiry, shall not see him. 8 I now turn, as I said I would, to the policing 9 experts, Ian Arundale and Colin Burrows. The inquiry 10 has instructed these two policing experts, who have 11 written a comprehensive joint report for your 12 assistance. 13 One of the experts is Ian Arundale QPM, who served 14 as the chief constable of Dyfed-Powys Police until 15 June 2012 and has more recently been appointed the 16 deputy chief constable of Cleveland Police, after the 17 force was graded inadequate by an HMICFRS inspection, 18 that's Her Majesty's Inspectorate of Constabulary and 19 Fire and Rescue Service. He was previously the chairman 20 of the national police use of firearms working group and 21 as such was responsible for overseeing the production of 22 all national police guidance in relation to the command 23 and deployment of armed officers throughout the country. 24 The second expert is Colin Burrows QPM, he retired 25 as the acting assistant chief constable operations in</p> <p style="text-align: center;">Page 28</p>

7 (Pages 25 to 28)

1 the Police Service of Northern Ireland, having  
 2 previously served ACPO as their adviser on  
 3 a Government-led committee on the management of conflict  
 4 and development and use of less-lethal weapons.  
 5 Together they drafted the report which is dated  
 6 19 February of this year. In preparing this report, the  
 7 experts have worked closely with the inquiry legal team.  
 8 Their instructions were to analyse, as far as it is  
 9 within their expertise, the appropriateness, adequacy  
 10 and effectiveness of the actions, practices and policies  
 11 of the police which were relevant to the death of  
 12 Mr Baker.  
 13 The experts were provided with an initial  
 14 significant body of material and further documents have  
 15 since been provided at the request of the experts, both  
 16 from documents already disclosed to the inquiry and  
 17 documents which the experts suggested the inquiry ought  
 18 to obtain.  
 19 The experts were provided with a list of questions  
 20 which they might consider, but it was not exhaustive.  
 21 They were only limited by their expertise and the terms  
 22 of reference. The result is a detailed report on which  
 23 the experts will be called to answer questions.  
 24 Furthermore, the report has provided a number of  
 25 lines of evidential inquiry which the inquiry team has

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1 being shot whilst in the front passenger seat of the  
 2 Audi vehicle. Mr Harrington does not believe that the  
 3 blood pattern allows him to draw any conclusions  
 4 concerning the positioning of Jermaine Baker's left arm.  
 5 As a result of the questions raised by Mr Brooks  
 6 about Mr Jermaine Baker's position at the time of the  
 7 shot, the inquiry instructed Mr Kabbani to arrange for  
 8 a ballistics reconstruction in cooperation with the  
 9 experts that I have just named.  
 10 The experts used an Audi of the same make and model  
 11 and individuals of a similar height and weight to  
 12 Jermaine Baker and W80 to try to recreate the position  
 13 of both using the forensic evidence about the injuries  
 14 to Jermaine Baker's body and damage to his clothing.  
 15 A joint report was prepared and Mr Kabbani, Mr Brooks  
 16 and Dr Randall will attend to give evidence about their  
 17 findings. Later on during the course of my opening, we  
 18 will display some of the photographs that were taken  
 19 during the course of that reconstruction.  
 20 In short, the report concluded as follows.  
 21 (a) it is not possible to prove the exact position  
 22 of Jermaine Baker's body or arms at the time that he was  
 23 hit by the bullet or a fraction of a second before the  
 24 shot was fired.  
 25 (b) there are a range of positions that Mr Baker's

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1 since pursued.  
 2 The inquiry will hear evidence from other experts,  
 3 including Dr Charlotte Randall, Adam Brooks,  
 4 Khaldoun Kabbani and Stephen Harrington.  
 5 Dr Randall is a forensic pathologist who carried out  
 6 the post mortem examination on Jermaine Baker. Giving  
 7 evidence as to the cause of death, Dr Randall will  
 8 describe that Jermaine Baker's death was caused by  
 9 a gunshot wound to his neck. She will give evidence as  
 10 to the positioning and nature of his injuries.  
 11 Adam Brooks is a consultant general surgeon and he  
 12 provided a report on instructions provided by W80. His  
 13 evidence concerns the possible positions in which  
 14 Jermaine Baker might have had his hands and body which  
 15 are consistent with the injuries recorded by Dr Randall.  
 16 Khaldoun Kabbani is a ballistics expert who examined  
 17 the weapon found in the Audi, finding it to be an airgun  
 18 which was in the style of an Uzi sub-machine gun.  
 19 Mr Kabbani will also comment on the nature of  
 20 Jermaine Baker's injuries and the extent to which they  
 21 are consistent with the discharge of a single bulletted  
 22 cartridge from a high-velocity rifle.  
 23 Stephen Harrington's evidence concerns blood pattern  
 24 analysis. Mr Harrington considers that the staining to  
 25 Jermaine Baker's clothing can all be explained by him

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1 body could have been in at the moment the shot was  
 2 fired.  
 3 (c) Mr Baker's left upper arm and wrist could have  
 4 been in any one of a number of positions at the time the  
 5 shot was fired.  
 6 (d) the man bag could have been worn over the right  
 7 or the left shoulder and positioned either at the side  
 8 or on the chest of Mr Baker.  
 9 Sir, that completes the first part of my opening.  
 10 I am now going to begin part 2, during which I will  
 11 address you about the legislative policy and policing  
 12 framework of armed policing.  
 13 When someone is killed by the actions of a police  
 14 officer, it is both appropriate and necessary to hold  
 15 the organisation to account in relation to whether or  
 16 not matters were carried out in accordance with relevant  
 17 policies and procedures. There are, as you would  
 18 expect, many pieces of legislation, policies, guidance  
 19 documents and regulations within which the police  
 20 generally and in particular the MPS must work and I will  
 21 now turn to set out some of these.  
 22 We will also take a look at the policing principles  
 23 and I will return to these from time to time, as we  
 24 proceed throughout the course of the opening.  
 25 Since December 2003 within the UK the framework in

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<p>1 which police operations, especially those which have                  2 an armed policing component, are managed has been set                  3 within a regulatory and professional framework of good                  4 practice. I will explain the nature and status of the                  5 pertinent documents and publications that relate to                  6 events that are going to be considered by your inquiry.                  7 I will concentrate on those sections which relate to                  8 what we see as being the relevant issues.                  9 Namely: (a) the Home Office Code of Practice on                  10 police use of firearms and less-lethal weapons, the HO                  11 COP; the College of Policing authorised professional                  12 practice on armed policing, the APP AP; the National                  13 Police Firearms Training Curriculum, the NPFTC; the                  14 national decision model, the NDM; and the College of                  15 Policing code of ethics, as it was in 2014.                  16 The first of these, the Home Office Code of                  17 Practice, following implementation of the Police Reform                  18 Act 2002, the Secretary of State issued the Home Office                  19 Code of Practice on the police use of firearms and                  20 less-lethal weapons in 2003.                  21 The code was given statutory effect by section 39 of                  22 the Police Act 1996, which permits the Secretary of                  23 State to issue codes of practice relating to the                  24 discharge by what were then police authorities of any of                  25 their functions. The code was replaced in January 2020</p> <p style="text-align: center;">Page 33</p>	<p>1 by a new Code of Practice on armed policing and                  2 less-lethal weapons issued by the College of Policing,                  3 but it was this 2003 code that was in operation in 2015.                  4 Section 3.1.1 of the code is entitled "Nominated                  5 senior figure firearms officer in each force", and                  6 states:                  7 "For the purpose of maintaining standards within                  8 each force, chief officers should ensure that an officer                  9 of at least the rank of assistant chief constable or                  10 equivalent is nominated to take the lead within the                  11 force in relation to operational policy and practice in                  12 respect of weapons requiring special authorisation."                  13 In the MPS, for reasons set out in their policy                  14 documents, the function of the lead officer for issues                  15 associated with armed police is exercised by                  16 an assistant commissioner, broadly equivalent to a chief                  17 constable in a provincial police force.                  18 The Home Office code also places specific                  19 responsibility on officers who undertake the planning                  20 and command of operations where force, and in particular                  21 lethal force, may have been used. Section 3.4.4 of the                  22 code states:                  23 "Police officers responsible for planning and                  24 undertaking operations where the use of force is                  25 a possibility should plan and undertake them so as to</p> <p style="text-align: center;">Page 34</p>
<p>1 minimise to the greatest possible extent recourse to                  2 force and, in particular, lethal force."                  3 It is therefore appropriate that throughout this                  4 inquiry, we address and you consider the planning of the                  5 armed deployments that took place on both 8 and                  6 11 December 2015, as within each deployment there was                  7 the possibility for potentially lethal force to be used                  8 by police officers.                  9 As you will hear, on 8 December 2015, armed officers                  10 were covertly deployed to protect and support members of                  11 the MPS technical support unit, or TSU, who were in the                  12 process of fitting surveillance equipment into the Audi                  13 vehicle which it was believed would be used, and indeed                  14 was used, in the escape attempt.                  15 On 11 December 2015, there were several armed                  16 deployments.                  17 These involved (a) covert surveillance officers                  18 armed for their own protection.                  19 (b) firearms officers who were carrying out mobile                  20 armed support to surveillance, or MASTS, in respect of                  21 the prison escort vehicle and the Audi vehicle expected                  22 to be used by those carrying out the escape plan.                  23 (c) armed response vehicles with officers deployed                  24 as a contingency firearms officers, providing a small                  25 team intervention capability or STIC.</p> <p style="text-align: center;">Page 35</p>	<p>1 (d) armed officers who would be deployed within the                  2 Crown Court complex at Wood Green.                  3 In addition to the planning associated with the                  4 strategic objectives set for each deployment, planning                  5 was also required to address contingencies for any                  6 reasonably foreseeable event which might occur. This                  7 included, but was not limited to, an intervention, to                  8 arrest individuals involved in the escape attempt. The                  9 2003 code required chief officers to take account of                  10 detailed guidance adopted collectively by chief officers                  11 of police, in these terms:                  12 "Chief officers of police will make arrangements                  13 under this code for the authorisation, deployment and                  14 use of weapons requiring special authorisation, taking                  15 account of detailed operational guidance updated and                  16 adopted collectively by chief officers of police.                  17 Guidance in respect of weapons requiring special                  18 authorisation is set out in the manual of guidance on                  19 police use of firearms.                  20 The consequence of this is that police forces and                  21 chief officers were under an obligation to ensure that                  22 policies and procedures within their force took account                  23 of guidance issued nationally. While the code goes on                  24 to specifically mention the previously extant manual of                  25 guidance on police use of firearms, the above section is</p> <p style="text-align: center;">Page 36</p>

<p>1 deliberate in referring to operational guidance issued                  2 collectively by chief officers of police. The College                  3 of Policing had been moving all of what were previously                  4 known as Association of Chief Police Officers, or ACPO,                  5 manuals of guidance on a whole range of policing                  6 disciplines into what are now called authorised                  7 professional practice, or APP. These are now presented                  8 in an electronic or modular format and since                  9 October 2013 the College of Policing APP on armed                  10 policing has been consolidated, and updated,                  11 consequently the former manuals of guidance are now                  12 deemed by the College of Policing to be decommissioned                  13 obsolete documents.</p> <p>14 In 2015, the police guidance on the deployment of                  15 armed officers that the MPS should have been following                  16 and referencing was the APP on armed policing and not                  17 any of the earlier manuals of guidance. The legal                  18 framework that underpins armed policing is outlined                  19 within the APP. It provides the national guidance for                  20 various areas of armed policing and this guidance is                  21 adopted by police forces across England and Wales,                  22 including the MPS. It is incorporated into MPS local                  23 policy, guidance and standard operating procedures, or                  24 SOPs. The main SOP applied to armed policing in the MPS                  25 is the MPS police use of firearms and less-lethal</p> <p style="text-align: center;">Page 37</p>	<p>1 weapons standard operating procedure, referred to as the                  2 MPS firearms SOP, version 11.</p> <p>3 The College of Policing armed policing APP, for the                  4 most part contains text of earlier guidance contained in                  5 the manual of guidance. This was incorporated into the                  6 APP armed policing document and subsequently promulgated                  7 and published on the College of Policing's APP website.                  8 The most significant change that has occurred between                  9 the issue of the 2013 APP and later iterations of the                  10 guide are those relating to post-incident procedures, or                  11 PIPs and contain guidance to officers about conferring                  12 or not conferring following a police-involved fatal                  13 shooting.</p> <p>14 Throughout the APP, there are references to ACPO,                  15 the forerunner of the National Police Chiefs' Council,                  16 the NPCC, however they should be read synonymously, it                  17 should be noted that as with the former manual of                  18 guidance, the APP is a living document and is                  19 periodically updated and modified. It is expected, sir,                  20 that all officers involved in the command, management                  21 and deployment of armed officers are thoroughly familiar                  22 with the APP. The accreditation process for firearms                  23 commanders, tactical advisers and AFOs involves testing                  24 their knowledge and application of the APP's content and                  25 principles. In the opinion of the inquiry's police</p> <p style="text-align: center;">Page 38</p>
<p>1 experts, it is apparent from the notes and witness                  2 statements made by officers in this case that both the                  3 firearms commanders and the armed officers were aware of                  4 and generally utilised to an acceptable level the                  5 concepts, considerations, processes and tactical options                  6 included in the APP.</p> <p>7 In the introductory section of the document, there                  8 is a statement indicating that the publication provides                  9 the following.</p> <p>10 (1) guidance on the appropriate use and use of                  11 firearms and less-lethal options within the police                  12 service.</p> <p>13 (2) a basis for the training of all relevant police                  14 staff in matters relating to the operational use of                  15 firearms, this includes command issues at strategic,                  16 tactical and operational levels.</p> <p>17 (3) guidance on command structures, tactical options                  18 and operational issues associated with the deployment of                  19 authorised firearm officers, or AFOs.</p> <p>20 An authorised firearm officer is defined in the APP                  21 as a police officer who has been selected, trained and                  22 accredited and authorised by a chief officer to carry                  23 a firearm operationally. Many AFOs have additional                  24 training to equip them to undertake specific armed                  25 policing roles. Consequently, the AFO role profile is</p> <p style="text-align: center;">Page 39</p>	<p>1 intended to provide a generic baseline for various armed                  2 policing functions.</p> <p>3 Many AFOs, dependent on their qualifications, are                  4 deemed occupationally and operationally competent across                  5 a range of relevant disciplines. In the operation which                  6 you will be considering, sir, named Operation Ankaa, the                  7 AFOs deployed included officers designated as (a) armed                  8 response vehicle or ARV officers, (b) specialist                  9 firearms officers or SFOs and (c) counter-terrorism                  10 specialist firearm officers or CTSFOS.</p> <p>11 While many of the core skills overlap, the SFOs                  12 typically have enhanced tactical skills in areas such as                  13 (a) mobile armed support to surveillance, or MASTS, (b)                  14 tactical building entry and (c) covert mobile armed                  15 support to surveillance.</p> <p>16 The CTSFOS are part of the highest tier of trained                  17 police firearms officers, who are also trained to                  18 operate in a counter-terrorist environment. The MPS                  19 website dealing with CTSFOS provides the following                  20 overview:</p> <p>21 "The CTSFOS teams deal with MPS and national firearms                  22 operations. They provide firearms support to borough                  23 and specialist units. They are multi skilled and can                  24 deliver all elements of armed policing, including                  25 operations to combat major crime, hostage taking and</p> <p style="text-align: center;">Page 40</p>

10 (Pages 37 to 40)

1 terrorism. All CTSFOs have previously served as ARV  
 2 officers. Their level of training, exposure and  
 3 experience in dealing with such a wide range of armed  
 4 operations lead many to consider the CTSFOs to be one of  
 5 the world's leading specialist armed police support  
 6 units."  
 7 ARV officers, SFOs and CTSFOs are all trained in  
 8 advanced first aid skills, including specific skills  
 9 relevant to the management of gunshot wounds.  
 10 The APP outlines the criteria for the deployment of  
 11 AFOs. It is also duplicated on the MPS firearms  
 12 authority documents. The deployment of AFOs should only  
 13 be authorised in the following circumstances. Where the  
 14 officer authorising the deployment has reason to suppose  
 15 that officers may have to protect themselves or others  
 16 from a person who is in possession of or has immediate  
 17 access to a firearm or other potentially legal weapon or  
 18 is otherwise so dangerous that the deployment of armed  
 19 officers is considered to be appropriate, or as  
 20 an operational contingency in a specific operation based  
 21 on the threat assessment, or for the destruction of  
 22 animals which are dangerous or are suffering  
 23 unnecessarily.  
 24 The term "reason to suppose" is also defined in the  
 25 APP:

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1 managers and a basis for the development of national,  
 2 regional and local role profiles in line with the armed  
 3 policing strategic threat and risk assessment guide of  
 4 2012."  
 5 Sir, as the NPFTC is a restricted document, any  
 6 reference within this inquiry will be to a relevant  
 7 module only. It is now an integral part of a programme  
 8 of nationally accredited firearms training. The  
 9 curriculum has been developed within a framework of  
 10 integrated modules and units that, together, represent  
 11 a whole programme. The national accreditation of  
 12 officers is intended to ensure an in-depth knowledge and  
 13 appreciation of both the APP and the NPFTC. A key  
 14 component of the training and accreditation is a working  
 15 understanding of what is now referred to as the national  
 16 decision making model, or the NDM, and all policing  
 17 decisions are expected to be made in a reasonable and  
 18 proportionate way and in conjunction with the NDM, to  
 19 which I now turn.  
 20 The NDM is now widely used across the UK police  
 21 service and, in a slightly modified form, by other  
 22 emergency services and partner agencies. It has its  
 23 genesis in an earlier decision making model, known as  
 24 the conflict management model, or the CMM, which was  
 25 used primarily in situations requiring a coordinated

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1 "Use of the words 'reason to suppose' sets the level  
 2 of knowledge required about the existence of a threat  
 3 justifying the deployment of AFOs at a far lower level  
 4 than that which would actually justify the use of  
 5 firearms."  
 6 I now turn to the NPFTC, the national police  
 7 firearms training curriculum, which was first issued by  
 8 ACPO in February 2004. The introductory paragraph  
 9 states as follows:  
 10 "Training is critical to the achievement of  
 11 successful operational outcomes and the Government, ACPO  
 12 and Her Majesty's Inspectorate of Constabulary have  
 13 identified it as such."  
 14 Unlike the APP, the NPFTC is not an open source  
 15 document and access to it is restricted to authorised  
 16 members of the police service. However, the APP  
 17 references and sets out the purpose of the NPFTC as  
 18 providing the following:  
 19 "A framework for continuous professional  
 20 development, consistency and standardisation across the  
 21 range of training activities, standardised national  
 22 procedures and terminology for police use of firearms  
 23 and related activities, a vehicle for the promulgation  
 24 of good practice in response to lessons learned, a basis  
 25 for a professional register of practitioners and

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1 response by specialist tactical officers in armed and  
 2 public order situations.  
 3 The APP states as follows:  
 4 "The national decision model is a decision making  
 5 model used throughout the police service. It is  
 6 designed to assist operational officers, planners,  
 7 advisers and commanders to manage their response to  
 8 a situation in a reasonable and proportionate way. The  
 9 NDM is a scalable model that can be applied before,  
 10 during and after an incident requiring the deployment of  
 11 AFOs. It provides a framework for recording command  
 12 decisions and the rationale behind them and can also be  
 13 used to brief officers involved in the response. The  
 14 NDM is driven by information and intelligence. It is  
 15 a continuous cycle constantly reviewed in light of new  
 16 information and assessment that will ultimately affect  
 17 the response to an incident. The model prompts the  
 18 decision maker to take action on the basis of the most  
 19 up-to-date information and intelligence available at  
 20 that time. Each element of the model may be worked  
 21 through and reviewed consciously or subconsciously,  
 22 decisions and the rationale behind them can be recorded  
 23 against each element. Managers and others can use it to  
 24 review decisions and actions and promote learning."  
 25 Sir, it is therefore an appropriate tool to use in

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1 respect of the reviewing, albeit with the benefit of  
 2 hindsight, how an incident was managed, including key  
 3 aspects of the command and deployment of resources both  
 4 armed and unarmed.  
 5 I am going to ask, please, Mr Coates, if we can  
 6 display a copy of the NDM, which is at COP23, at  
 7 page 23. Thank you.  
 8 As we can see, the NDM has six key elements. The  
 9 element that binds the model together is the code of  
 10 ethics at the centre. The purpose of having the code of  
 11 ethics at the centre is to highlight that the core  
 12 values and standards of UK policing are to be considered  
 13 and reflected in the making of all critical decisions.  
 14 The key five areas of the NDM are gather information  
 15 and intelligence -- I'm going clockwise around the  
 16 plan -- assess threat and risk and develop a working  
 17 strategy, consider powers and policy, identify options  
 18 and contingencies and take action and review what  
 19 happened.  
 20 It should be noted that the NDM is presented as  
 21 a continuous circular model. Consequently, whilst  
 22 driven by information and intelligence, subsequent  
 23 decision making and the other areas listed need to be  
 24 continuously updated and considered in light of emerging  
 25 information or intelligence. The inquiry will want to

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1 "Covert tactics must be appropriately authorised and  
 2 any deployments must be shown to be proportionate,  
 3 lawful, accountable, necessary and ethical."  
 4 1.7:  
 5 "Officers who authorise or perform covert policing  
 6 roles must keep in mind at all times the principles and  
 7 standards set out in the code of ethics."  
 8 Section 4 of the code is entitled "Use of force" and  
 9 begins as follows:  
 10 "I will only use force as part of my role and  
 11 responsibilities and only to the extent that it is  
 12 necessary, proportionate and reasonable in all the  
 13 circumstances."  
 14 The code also contains a section entitled  
 15 "Supplementary notes", which sets out the national  
 16 decision model and under the subtitle of "Making ethical  
 17 decisions", section 4.1 of the code of ethics states:  
 18 "The national decision model is the primary decision  
 19 making model for police in England and Wales.  
 20 Individuals, supervisors and others use it to assess  
 21 potential decisions or decisions that have already been  
 22 made."  
 23 Thank you, can we take that down, please, Mr Coates.  
 24 There are two more short sections which I am going  
 25 to deal with, sir, before we take a short break.

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1 consider the extent to which officers in command,  
 2 advisory and operational roles made appropriate use of  
 3 the NDM when making decisions.  
 4 The code of ethics which sits at the centre, was  
 5 launched by the College of Policing on 15 July 2014, the  
 6 same month as the MPS's updated SOP entitled "Police use  
 7 of firearms and less-lethal weapons" was issued. The  
 8 MPS SOP does not refer to the code of ethics and the  
 9 diagram of the NDM included in the July 2014 SOP does  
 10 not show the code of ethics at its centre. The wording  
 11 of the code of ethics is quoted in the IPCC report. As  
 12 stated, the NDM has it as its centre and the code has  
 13 a statutory basis and sets out the principles and  
 14 standards of behaviour that will promote, reinforce and  
 15 support the highest standards from anyone who works in  
 16 policing in England and Wales. While the code applies  
 17 to all aspects of policing, it specifically addresses  
 18 covert policing in use of force.  
 19 As Operation Ankaa involved both of these elements,  
 20 the following sections of the code of ethics are perhaps  
 21 relevant. 1.5:  
 22 "To achieve legitimate policing aims, it is  
 23 sometimes necessary to use covert tactics. This is  
 24 recognised in law."  
 25 1.6:

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1 THE CHAIRMAN: As you wish.  
 2 MS BLACKWELL: The first is a word or two about the armed  
 3 policing command structure in the UK.  
 4 This is set out in the command section of the APP,  
 5 as follows:  
 6 "The generic command structure used in the UK police  
 7 service operates at three levels: strategic, or gold;  
 8 tactical, or silver; and operational, or bronze.  
 9 The APP sets out the command structure to be used  
 10 when armed officers are deployed and the structure that  
 11 has three levels to which I have just referred is the  
 12 one used. A national scheme managed by the College of  
 13 Policing ensures that each force has accredited officers  
 14 to undertake commands at each of these levels.  
 15 The APP sets out the distinct function of each level  
 16 of command as follows.  
 17 Strategic firearms commander, or the SFC, determines  
 18 the strategic objectives and sets any tactical  
 19 parameters. He retains strategic oversight and overall  
 20 command and responsibility.  
 21 The tactical firearms commander, or TFC, develops,  
 22 commands and coordinates the overall tactical response  
 23 in accordance with strategic objectives.  
 24 The operational firearms commander, or the OFC,  
 25 commands a group of officers carrying out functional or

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<p>1 territorial responsibilities related to a tactical plan.                  2 It is normal practice that a firearms tactical                  3 adviser, or a TA, supports the strategic and tactical                  4 firearms commanders. The APP clarifies that the role of                  5 a tactical adviser is to advise and not to make command                  6 decisions. The responsibility for the validity and                  7 reliability of the advice lies with the adviser.                  8 However, the responsibility for the use of that advice                  9 rests with the commander. The MPS, in common with all                  10 other police forces in the UK, operates this three-tier                  11 armed policing command system and this is reflected in                  12 the various witness statements made by officers in this                  13 case.                  14 The relationship between the firearms commanders and                  15 the senior investigating officer, or the SIO, is                  16 specified in the APP, which states:                  17 "The function of the SFC or the TFC must not be                  18 undertaken by the SIO responsible for the investigation                  19 of the offences for which the firearms operation is                  20 being conducted."                  21 The SFC in Operation Ankaa, Detective Superintendent                  22 Craig Turner, also known by the cipher FE14, stated in                  23 a document referred to as the FA3:                  24 "I have considered the suitability of DCI Williams                  25 as the tactical firearms commander in this operation and</p> <p style="text-align: center;">Page 49</p>	<p>1 I am satisfied that he is not the SIO. It is however to                  2 be noted that DCI Williams, the TFC, was on a day-to-day                  3 basis the line manager of DI Rob Murray, who was the SIO                  4 for both Operation Utara and Operation Ankaa. One issue                  5 which the inquiry may wish to consider is the extent to                  6 which there was sufficient separation of the TFC and SIO                  7 roles to the degree intended by the APP.                  8 Finally before the break, the training and                  9 operational experience of the officers involved in                  10 Operation Ankaa. The extent to which the training,                  11 experience and accreditation of the officers in                  12 Operation Ankaa complied with the standard set out in                  13 the APP and procedures which form part of the national                  14 accreditation process is a matter which the inquiry will                  15 wish to consider.                  16 In respect of command roles, the APP distinguishes                  17 between occupational and operational competence for                  18 firearms commanders and tactical advisers. The relevant                  19 section reads:                  20 "Occupational and operational competence within                  21 command roles: when an officer has attended and                  22 satisfactorily completed a course of instruction based                  23 on a command or tactical advice module in the National                  24 Police Firearms Training Curriculum they will be                  25 assessed to be occupationally competent to perform that</p> <p style="text-align: center;">Page 50</p>
<p>1 role. Chief officers are responsible for ensuring that                  2 individuals who have been assessed as occupationally                  3 competent are professionally developed to ensure that                  4 they can be classed as operationally competent.                  5 A commander or tactical adviser must remain                  6 operationally competent by regularly performing the                  7 roles for which they have been trained."                  8 Re-accreditation and refresher process for                  9 commanders and/or tactical advisers. Commanders at all                  10 levels and tactical advisers must undergo annual                  11 commander tactical adviser refresher training. This                  12 process must consist of the relevant approved annual                  13 command or tactical adviser refresher package,                  14 supplemented by additional local training which supports                  15 force and regional issues identified in the force's                  16 armed policing strategic threat and risk assessment or                  17 STRA.                  18 On the annual completion of these packages                  19 a commander or tactical adviser's occupational                  20 competence shall be formally approved by the lead chief                  21 officer, or a person nominated by them, with                  22 responsibility for the management, command and                  23 deployment of armed officers. Forces should maintain                  24 records of officers' refresher training in order to show                  25 their continued competence. Officers in command and</p> <p style="text-align: center;">Page 51</p>	<p>1 tactical adviser roles must be formally re-accredited at                  2 least every five years, but consideration should be                  3 given to re-accreditation between three to five years,                  4 depending on operational exposure.                  5 In the opinion of the inquiry's policing experts, it                  6 is evident from the statements provided by each of the                  7 firearms commanders and armed officers deployed on 8 and                  8 11 December 2015 that they were occupationally and                  9 operationally competent, and accredited for the roles                  10 they undertook. There were officers undertaking                  11 a shadowing role of both the SFC and the TFC. Shadowing                  12 is a developmental activity that is well established and                  13 recognised good practice. The officers undertaking the                  14 shadowing roles do not appear to have taken any                  15 proactive command roles.                  16 Due to the complexity of the operation on                  17 11 December 2015, it was decided to deploy two ground                  18 TFCs, which was slightly outside the norm from                  19 a national perspective but it is referenced in the SOP                  20 from the MPS to which I will turn after the break and                  21 the inquiry may wish to consider this to have been                  22 appropriate in the circumstances.                  23 THE CHAIRMAN: That is a convenient point?                  24 MS BLACKWELL: It is sir, yes.                  25 THE CHAIRMAN: We will break off then, ladies and gentlemen,</p> <p style="text-align: center;">Page 52</p>

1 and we will resume, shall we say at 11.40?  
 2 MS BLACKWELL: Yes, please. Thank you.  
 3 THE CHAIRMAN: Thank you very much.  
 4 (11.25 am)  
 5 (A short adjournment)  
 6 (11.40 am)  
 7 THE CHAIRMAN: Yes.  
 8 MS BLACKWELL: Thank you, sir, having dealt with the  
 9 national policies, I am now going to turn to part three  
 10 of my opening, which deals with armed policing in the  
 11 MPS and their standard operating procedures, or SOPs.  
 12 THE CHAIRMAN: Yes.  
 13 MS BLACKWELL: Within your inquiry, emphasis will be placed  
 14 on two main pieces of guidance, the APP, which we have  
 15 looked at, and the MPS SOP. The MPS, together with the  
 16 City of London Police, are responsible for policing the  
 17 nation's capital with more than 44,000 officers and  
 18 staff, the MPS is the UK's largest police service and  
 19 has 25 per cent of the total police budget for England.  
 20 It is therefore not surprising that in terms of  
 21 organised crime and firearms-related crime, the MPS face  
 22 a challenge unparalleled in other parts of the UK. In  
 23 2015, there were approximately 2,460 armed officers  
 24 within the MPS, who underwent continual training and  
 25 assessment, in addition to their standard operational

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1 The organised crime command section deals with the  
 2 proactive investigation of organised crime groups on the  
 3 basis of threat, harm, risk and opportunity. SCO7  
 4 includes the central task force and the Flying Squad.  
 5 In Operation Ankaa, SCO7 officers were utilised as  
 6 follows. The strategic firearms commander was from the  
 7 Flying Squad and the tactical firearms commander and the  
 8 senior investigating officer were both from the central  
 9 task force.  
 10 The division known as SCO35 are armed surveillance  
 11 operatives who covertly monitor those who are actively  
 12 involved in terrorism or serious and organised crime.  
 13 They deploy on a daily basis on those who are involved  
 14 in the highest level of violent crime within the MPS  
 15 and, when the need arises, anywhere in the UK.  
 16 In addition, the MPS have a dedicated firearms  
 17 command known as SCO19. The command is responsible for  
 18 providing a firearms response capability, assisting the  
 19 rest of the MPS, which is not routinely armed. SCO19  
 20 includes strategic, tactical and operational firearms  
 21 commanders, as well as firearms instructors, support  
 22 staff and policy units. In Operation Ankaa, SCO19  
 23 supplied the firearms tactical adviser, the  
 24 counter-terrorist specialist firearms officers, CTSFOs,  
 25 an armed response vehicle and officers, ARV officers,

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1 commitments. For many years, the MPS has maintained  
 2 a document which sets out their standard operating  
 3 procedures and the one in force in 2015 was an extensive  
 4 document containing 266 pages. What follows is intended  
 5 to highlight just a few of the pertinent parts of the  
 6 SOP, and there will be reference to these and other  
 7 paragraphs of the SOP throughout the opening address.  
 8 The Metropolitan Police crime and operations  
 9 directorate and its subdivisions, as relevant to your  
 10 inquiry, are as follows: SCO7, organised crime command;  
 11 SCO19, specialist firearms command; and SCO35, armed  
 12 surveillance.  
 13 The SOP makes clear that it has firearms capability  
 14 in a number of its business groups, one such business  
 15 group is SCO7 and within various sub-branches of SCO7  
 16 there are officers drawn from the superintendent and  
 17 chief inspector ranks, who are accredited strategic and  
 18 tactical firearms commanders.  
 19 This enables SCO7 branches to provide integral and  
 20 strategic and tactical firearms command in relation to  
 21 operations for which they are responsible. SCO7 is the  
 22 MPS lead command for investigating all serious organised  
 23 crime, such as kidnap, robbery, firearm and drugs  
 24 supply, economic crime, including cybercrime,  
 25 corruption, human trafficking and prostitution.

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1 and armed officers for security and protection within  
 2 the bounds of the Crown Court.  
 3 Paragraph 6.10 of the SOP states:  
 4 "It is the responsibility of the strategic firearms  
 5 commander to satisfy themselves that the tactical plan  
 6 is capable of meeting the strategic aims of the  
 7 operation and that the provisions of Article 2 of the  
 8 ECHR, positive obligations to protect life, takes  
 9 precedence."  
 10 The inquiry will wish to establish if Detective  
 11 Superintendent Turner was able to so satisfy himself  
 12 throughout the planning stage of Operation Ankaa.  
 13 A word or two about mobile armed support to  
 14 surveillance, or MASTS, training. The MPS has local  
 15 training for firearms officers when deployed in a MASTS  
 16 configuration, as was the case in Operation Ankaa. This  
 17 training is also underpinned by principles within the  
 18 NPFTC, which fall under D8.2 and D8.3 of the NPFTC. It  
 19 is designed to provide a flexible and mobile platform to  
 20 intervene, once a tipping point or threshold for arrest  
 21 has been reached. As in the circumstances of Operation  
 22 Ankaa, the detail of the environment when the threshold  
 23 is reached is unknown in advance. It could be one  
 24 person in a vehicle, five people in a vehicle, multiple  
 25 vehicles, a vehicle in a wide range of situations,

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1 a person on foot, a person on a motorbike and so forth.  
 2 The MASTS platform allows intelligence and evidence to  
 3 be gleaned from the covert operation, with the  
 4 capability for specialist firearms officers to then  
 5 intervene when command directs that a tipping point or  
 6 a threshold has been met.  
 7 What it isn't is a firearms tactic. The  
 8 Anthony Grainger Inquiry found in 2019 that  
 9 a fundamental problem with that operation in 2012 was  
 10 a shared misconception that MASTS was itself a firearms  
 11 tactic. Instead, it is an operational method used to  
 12 support mobile surveillance with an armed officer  
 13 capability. The reason for making this point is that  
 14 MASTS commanders and AFOs are trained or at least they  
 15 should be trained to a higher standard and have the  
 16 capability to deliver the specialist tactical options  
 17 called interception, which is dealing with a subject  
 18 prior to the actual commission of an offence and any  
 19 threat being realised, for example en route to or from  
 20 an armed escape, and intervention, which is dealing with  
 21 a subject whilst they are in the act of committing  
 22 an offence where potential victims are present at the  
 23 location and the subject is physically in a position to  
 24 carry out the threat. Each of which is a subset of the  
 25 generic descriptor, "decisive action". But these

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1 or assisting in the lawful arrest of offenders or  
 2 suspected offenders or of persons unlawfully at large."  
 3 It then goes on:  
 4 "The ultimate responsibility for firing a weapon  
 5 rests with the individual officer, who is answerable  
 6 ultimately to the law in the courts. Individual  
 7 officers are accountable and responsible for all rounds  
 8 they fire and must be in a position to justify them in  
 9 light of their legal responsibilities and powers.  
 10 Firearms are to be fired by AFOs in the course of their  
 11 duty only when absolutely necessary, after conventional  
 12 methods have been tried and failed or must, from the  
 13 nature of the circumstances, be unlikely to succeed if  
 14 tried. It is strongly advised that warning shots are  
 15 a dangerous option, as they may lead a subject or other  
 16 officers to believe they are under fire or cause  
 17 collateral injury.  
 18 "AFOs shall identify themselves as such and give  
 19 a clear warning of their intent to use firearms, with  
 20 sufficient time for the warnings to be observed, unless  
 21 to do so would unduly place any person at a risk of  
 22 death or serious harm or it would be clearly  
 23 inappropriate or pointless in the circumstances of the  
 24 incident.  
 25 "AFOs are first and foremost police officers and in

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1 tactics should only be used when they are appropriate to  
 2 the situation and absolutely necessary.  
 3 As the inquiry policing experts observe, the fact  
 4 that MASTS is authorised should never be taken to  
 5 indicate that decisive action in either of the forms  
 6 that I have described is approved or necessarily  
 7 appropriate to the situation.  
 8 Guidance on the discharge of a weapon -- this is the  
 9 penultimate policy that I will deal with this morning.  
 10 Each MPS firearms officer holds a form 6590. This is  
 11 commonly known as an officer's firearms authorisation  
 12 blue card. It is a wallet-sized booklet which records  
 13 key information for each individual officer's training  
 14 dates. It also includes a number of short paragraphs  
 15 printed on the card relevant to the role of firearms  
 16 officers, including section 3 of the Criminal Law Act  
 17 1967 on the use of force. It may be worth considering  
 18 this advice, sir, and keeping it in mind when we come to  
 19 look at what happened on the morning of  
 20 11 December 2015.  
 21 Section 3, which is printed on the form reads as  
 22 follows:  
 23 "Use of force in making arrests, et cetera.  
 24 A person may use such force as is reasonable in the  
 25 circumstances in the prevention of crime or in effecting

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1 exercising the duties of the office of constable, have  
 2 a personal accountability and responsibility for the  
 3 protection of life and carrying out duties associated  
 4 with that office. In all situations, it is the  
 5 individual AFO who must assess the immediacy and  
 6 proximity of the threat and make an operational decision  
 7 as to whether it is absolutely necessary to discharge  
 8 a firearm or take other decisive action.  
 9 "Police officers need to shoot to stop an imminent  
 10 threat to life, officers must be able to demonstrate  
 11 that the degree of force used was absolutely necessary  
 12 and relative to the threat posed.  
 13 "The use of excessive force is strictly prohibited."  
 14 The APP mirrors what I have just set out, and  
 15 extends in this way:  
 16 "Accuracy of shot. Research indicates that the  
 17 accuracy of shots fired under training conditions is  
 18 generally greater than in operational circumstances.  
 19 Police officers are normally trained to discharge  
 20 conventional firearms at the largest part of the subject  
 21 they can see, which in most cases will be the central  
 22 body mass.  
 23 "Threat to life. When it is considered necessary to  
 24 discharge a firearm at a subject, police officers need  
 25 to shoot to stop an imminent threat to life. The

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<p>1 imminence of a threat should be judged in respect of the 2 potential for loss of life and due regard paid to 3 legislation and consideration of absolute necessity, 4 reasonableness and proportionality. 5 "When an AFO decides to discharge a firearm, the 6 number and sequencing of rounds fired will depend on the 7 circumstances that exist at the time. Officers must 8 constantly assess the threat posed by the subject and 9 the continuance of that threat. Officers must be able 10 to demonstrate that the degree of force was absolutely 11 necessary and relative to the threat posed. The use of 12 excessive force is strictly prohibited. The discharge 13 of firearms by police may not necessarily result in the 14 death of a subject, every effort must therefore be taken 15 by police to provide medical assistance. 16 "Accountability for all rounds fired, AFOs are 17 accountable for all rounds that they discharge, and they 18 should be aimed so as to minimise risk, either directly 19 or by ricochet to any person other than the subject." 20 Sir, before I leave policies and procedures, I want 21 to say something about the operations room which was 22 used on 11 December 2015. 23 C3000 is the name of a police operations room which 24 was utilised in this operation, it is sometimes referred 25 to as a covert command suite or post. The acronym CLIO</p> <p style="text-align: center;">Page 61</p>	<p>1 stands for computer logging of intelligence operations 2 and is the system within C3000 used for capturing the 3 history of an operation. The MPS policy relating to 4 monitoring facilities in C3000 is dated 18 July 2008. 5 C3000 does have the capability to record video, audio 6 and radio communications. However, the current policy 7 has mandatory recording activated for specific 8 counter-terrorism related operations only. The policy 9 indicates that it is the discretion of the SIO to decide 10 for other operations if monitoring equipment will be 11 activated. The policy also explains the CLIO system 12 being a: 13 "Computerised log of actions, decisions and strategy 14 in relation to incidents and operations, with inputs 15 from operational commanders and intelligence sources." 16 During the course of the IPCC investigation, the MPS 17 was asked to supply any further guidance or policy in 18 relation to the use of the CLIO system. The MPS 19 informed the IPCC that they did not have any policy or 20 guidance. After the IPCC request, a note was provided 21 by the MPS CLIO administrator, Mr Peter King, and within 22 the document that he provided he was of the opinion: 23 "It should be noted that during covert operations, 24 some information will not be on the CLIO log. Some 25 officers may also keep a separate written policy book,</p> <p style="text-align: center;">Page 62</p>
<p>1 depending on their preferred working practice, and only 2 put high-level entries on the system." 3 The inquiry will hear evidence about the use of and 4 the running of C3000 during the course of the police 5 operation, the staffing of the command room and the use 6 of the CLIO system in order to determine whether these 7 matters were dealt with in an acceptable and appropriate 8 manner. 9 Sir, that completes part 3 of my opening. 10 I am now going to turn to begin part 4, which deals 11 with the facts and relevant issues prior to 12 11 December 2015. 13 I am going to begin by explaining a little about 14 Operation Utara. 15 This was a police operation into organised criminal 16 gangs living and operating in north London. By the time 17 of the shooting of Jermaine Baker, it had been running 18 for approximately seven years and primarily focused on 19 violent and organised crime involving individuals of 20 Turkish descent. Most of the violence related to a feud 21 between two groups known on the one hand as the 22 Tottenham Turks or Tottenham Boys and, on the other 23 hand, the Hackney Turks or Hackney Bombers. 24 There were a significant number of murders 25 associated with this feud and over the course of the</p> <p style="text-align: center;">Page 63</p>	<p>1 seven years, both groups had access to and had used 2 firearms to carry out criminal activity and murders. In 3 the commission of some of these offences, firearms of 4 various types were discharged by gang members. 5 Responsibility for Operation Utara lay with SCO7, 6 the senior investigating officer was DI Rob Murray and 7 his day-to-day responsibilities included leading 8 a syndicate of the MPS central task force. 9 On 13 October 2015, the operational activities of 10 Operation Utara led to armed uniformed officers stopping 11 a stolen high-powered motorcycle, carrying two males. 12 They were Izzet Eren and Erwin Amoyaw-Gyamfi. 13 DCI Williams was the tactical firearms commander for the 14 armed deployment which resulted in the arrest of these 15 two individuals. At the time of their arrest, the men 16 had been travelling across London on a stolen 17 high-powered motorcycle, wearing balaclavas and two sets 18 of clothing and were in possession of a loaded Skorpion 19 sub-machine gun and a loaded Tokarev pistol. 20 The Tokarev 9mm pistol contained six rounds of 21 ammunition and the Skorpion machine pistol had a full 22 magazine. Both weapons had their safety catches in the 23 off position, ready to discharge. 24 The Skorpion sub-machine gun was originally 25 manufactured for the Czechoslovakian military, worldwide</p> <p style="text-align: center;">Page 64</p>

16 (Pages 61 to 64)



1 there are many variants of this military grade  
 2 sub-machine gun in circulation. A sub-machine gun is  
 3 a short-barreled weapon that is designed to be capable  
 4 of automatic fire. This means that when a loaded  
 5 magazine is fitted to the weapon, the weapon is made  
 6 ready to fire and when the safety catch, or fire  
 7 selector, is set to "automatic" fire setting, the weapon  
 8 will fire continuously, until either the finger is taken  
 9 off the trigger or the magazine is empty. The weapon  
 10 has what is referred to as a cyclical rate of fire of  
 11 between 850 and 1,000 rounds per minute. Consequently,  
 12 depending on the magazine capacity, if the fire selector  
 13 was placed to automatic, and the trigger was depressed  
 14 continually for just one second, the weapon would  
 15 discharge approximately 15 rounds, as a continuous and  
 16 very difficult to control burst.

17 The weapon is very small in size, measuring just  
 18 10.6-inches when the wire stock is folded. It is  
 19 therefore often referred to as a sub-machine pistol.

20 Fully automatic weapons of the size of the Skorpcion  
 21 are difficult to hold on target when being fired, with  
 22 or without the stock being folded out, hence the term  
 23 "spray and pray" has often been attributed to such  
 24 weapons when used by untrained individuals.  
 25 A close-quarter encounter with someone armed with such

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1 a family member committed in that country. Having  
 2 previously been deported from the UK to Turkey, he had  
 3 returned illegally and was therefore, irrespective of  
 4 any prosecution, liable to be returned to Turkey.

5 As mentioned, DCI Williams was the TFC for the  
 6 arrest of Izzet Eren and Erwin Amoyaw-Gyamfi and given  
 7 the scale of armed violence that members of the two  
 8 games were involved in, SCO7 and SCO19 officers would  
 9 have been insight and an appreciation of the type of  
 10 weapons and the ballistic protection that the subjects  
 11 may have had access to in attempting to free Izzet Eren  
 12 from custody.

13 Intelligence relevant to the setting up of Operation  
 14 Ankaa. Within the police service, the terms  
 15 "information" and "intelligence" have very specific  
 16 meanings. Since 2013, the College of Policing have had  
 17 separate APPs for information management and  
 18 intelligence management.

19 The intelligence management APP clarifies the  
 20 relationship between information and intelligence.  
 21 Intelligence is collected information that has been  
 22 developed for action. It may also be classified as  
 23 confidential or sensitive.

24 Intelligence collection is a continuous process and  
 25 there may be specific requirements for its recording and

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1 a weapon would be a terrifying experience, even for the  
 2 most experienced armed officer. When fired with the  
 3 wire stock extended using single shots, as opposed to  
 4 automatic fire, and retained in the shoulder, accurate  
 5 fire is achievable to a distance well in excess of  
 6 50 yards and the danger area behind a target can,  
 7 depending on the angle of the weapon, extend for  
 8 a considerable diffidence.

9 The Tokarev self-loading pistol was the standard  
 10 military pistol of the Soviet Union from the mid-1930s  
 11 to about 1951. The most common version of the weapon is  
 12 known as the Tokarev T-33, it was originally chambered  
 13 to fire a 7.62 by 25mm handgun cartridge. There are  
 14 also later models that fire the 9mm Luger cartridge, and  
 15 it is a 9mm Tokarev self-loading pistol that Izzet Eren  
 16 was in possession of at the time of his arrest. This is  
 17 the same calibre round that UK police officers carry in  
 18 their duty handguns.

19 The handgun was in a man bag, which was being  
 20 carried by Izzet Eren. The Skorpcion machine pistol was  
 21 found in a bag on the ground where Erwin Amoyaw-Gyamfi  
 22 had dropped it next to the motorcycle on which the two  
 23 men had been travelling.

24 At the time of his arrest, Izzet Eren was wanted by  
 25 the Turkish authorities in respect of the murder of

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1 use. As part of the running of Operation Ankaa, the  
 2 deputy SIO, known by the cipher FE19, DC, now DS Kinch,  
 3 who was the OIC for Operation Utara and Operation Ankaa,  
 4 and DC Sparks, dealt with all the incoming intelligence  
 5 updates on the case. Having been arrested on  
 6 13 October 2015, Izzet Eren and Erwin Amoyaw-Gyamfi were  
 7 remanded to custody to appear in court on 29 October.  
 8 The MPS retrospectively obtained information that there  
 9 had been a plan for an organised crime team to effect  
 10 the escape of Izzet Eren from the prison van conveying  
 11 him to court on 29 October, but this plan had failed.

12 When Izzet Eren and his associate appeared at court  
 13 on 29 October, they both pleaded guilty to firearms  
 14 offences and they were remanded in custody to HMP  
 15 Wormwood Scrubs until 11 December 2015, when they were  
 16 due to be sentenced at Wood Green Crown Court.

17 During this second period of remand, Izzet Eren  
 18 communicated with those outside of the prison using  
 19 a hidden mobile telephone to plan another escape.

20 On 30 October 2015, the MPS created an intelligence  
 21 report saying, "Intelligence indicates that Izzet Eren  
 22 will escape from custody whilst in transit".

23 DI Murray was briefed by his team on the  
 24 intelligence that indicated Ozcan Eren, the cousin of  
 25 Izzet Eren but sometimes erroneously referred to as his

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<p>1 brother, was planning the break out of Izzet Eren, which 2 was likely to be firearms enabled and would happen on 3 the way to or at the court appearance on 11 December. 4 Ozcan Eren was a significant individual in the plan and 5 the MPS had several intelligence files on him. 6 One issue which arises from this early stage in the 7 life of Operation Ankaa is the use of the term "firearms 8 enabled", to describe the belief that those involved in 9 the escape would make use of firearms. It is not a term 10 which comes from any policy or guidance. It is a term 11 capable of interpretation in one of many ways. Although 12 the term is not part of the lexicon of AFOs and does not 13 appear in the APP, the inquiry's policing experts have 14 indicated that it is well used within criminal justice 15 papers issued by the Home Office, the MPS and the wider 16 police services and in academic papers. References to 17 "firearms enabled" and "gun enabled" refer to the use of 18 types of weapons to threaten, injure and coerce and no 19 distinction is made as to whether they are viable 20 bullet-firing weapons, replicas or Airsoft weapons. 21 Kevin Nicholson from the College of Policing, from whom 22 you will hear evidence, has told the inquiry that it is 23 not to his knowledge a term in common use and has stated 24 that in his interpretation "firearms enabled", without 25 knowing exactly what context it was used in, would be</p> <p style="text-align: center;">Page 69</p>	<p>1 that it is a succinct way of telling people that the 2 subjects had a "firearms capacity" and were likely to 3 use it in order to carry out their criminal activity. 4 There are several issues here that require 5 consideration by the inquiry. 6 (a) trained and accredited firearms commanders 7 should have a detailed knowledge of the terminology used 8 within the APP discipline and the NPFTC. 9 (b) to the greatest extent possible, the 10 discipline-appropriate terminology used in policy, 11 procedural and tactical documents and manuals should be 12 replicated in training, operational planning, briefings 13 and live-time communication. 14 (c) where for any reason it is necessary to use 15 words or phrases that lie outside the immediate policing 16 discipline, then they should be accompanied with 17 an explanation, a particularly important point when 18 working with other agencies. 19 These factors are particularly important in 20 situations where fast-time communication and rapid 21 decision making, particularly in life-threatening 22 situations, is required. The inquiry will wish to 23 consider whether the use of the term "firearms enabled" 24 contributed to the circumstances which culminated in the 25 shooting of Jermaine Baker. The inquiry's policing</p> <p style="text-align: center;">Page 70</p>
<p>1 experts are of the view that the use of the term was not 2 helpful. It would have reinforced the view of all 3 involved that those planning the escape attempt had 4 access to some sort of firearm or firearms which indeed 5 they did have, but, in addition, that the firearms were 6 live firearms with the enabling ability to kill or cause 7 serious injury. 8 This takes on a greater importance when viewed in 9 conjunction with the fact that the intelligence 10 throughout this early period, and up to the morning of 11 11 December, was that the OCG, organised crime group, 12 were having difficulty sourcing a real gun and had not 13 been successful in their efforts. We will return to 14 this issue later in considering what of this 15 intelligence was passed on to the ground TFC, the OFCs 16 and the deployed AFOs and the effect that their level of 17 knowledge had on the decisions that they made. 18 This of course will be mostly probed in closed 19 session, the intelligence that is, when you will hear 20 evidence as to the precise nature of the intelligence 21 received, how it was gisted, to whom it was disseminated 22 and whether or not that was appropriate in all of the 23 circumstances. 24 But I stress that at the time that that intelligence 25 was subsequently passed to the MPS officers, any</p> <p style="text-align: center;">Page 71</p>	<p>1 consideration and an analysis of the intelligence at 2 that stage will be heard in open session. 3 Operation Ankaa was the proactive operation into the 4 escape plan conducted by a team of officers from SCO7, 5 supported by armed officers from the MPS specialist 6 firearm command, the surveillance officers from SCO35 7 and personnel from the technical support unit. 8 It will be necessary for the inquiry to review the 9 following. 10 (a) the relationship between those responsible for 11 the investigation and those commanding the armed 12 intervention. 13 (b) the structure within which the armed deployment 14 was conducted and the extent to which this reflected 15 national guidance on the deployment of armed officers. 16 (c) the care and planning applied in preparing the 17 operation from the receipt of the first intelligence in 18 respect of a plan to free Izzet Eren, until the 19 intervention which resulted in the shooting of 20 Jermaine Baker. 21 (d) actions of the police officers involved in the 22 planning, command and management of the operation, 23 including those responsible for briefing officers. 24 (e) roles, decisions and actions of police officers 25 and MPS staff involved in the command, deployment and</p> <p style="text-align: center;">Page 72</p>

18 (Pages 69 to 72)

<p>1 monitoring of the operation on 11 December.</p> <p>2 (f) actions of officers and staff in the immediate</p> <p>3 aftermath of the shooting and subsequent post-incident</p> <p>4 procedures.</p> <p>5 The operation was established on 30 October 2015,</p> <p>6 the day after Izzet Eren's court appearance. Although</p> <p>7 it was created as a separate entity from Operation</p> <p>8 Utara, as has already been noted, DI Murray remained the</p> <p>9 SIO for both operations, FE19 was the deputy SIO for</p> <p>10 both operations and DC Kinch was the OIC for both</p> <p>11 operations.</p> <p>12 At this early stage, there was insufficient</p> <p>13 information available to the MPS officers to identify</p> <p>14 who, where or any details of how this offence would be</p> <p>15 carried out. DI Murray tasked officers with gathering</p> <p>16 further intelligence in order to assess this</p> <p>17 opportunity, and manage the risk posed to all those</p> <p>18 involved. He directed the intelligence be passed via</p> <p>19 the MPS Prison Intelligence Unit, the PIU, to the</p> <p>20 security governor at Wormwood Scrubs prison. The SIO's</p> <p>21 plan from the outset appeared to have three aims: to</p> <p>22 thwart the escape attempt, to arrest conspirators and to</p> <p>23 take firearms off the streets of London.</p> <p>24 Given the potential risks faced by officers who</p> <p>25 could be deployed on this operation, DI Murray</p> <p style="text-align: center;">Page 73</p>	<p>1 considered it necessary for armed support, and so he</p> <p>2 approached DCI Williams, an experienced TFC, and the</p> <p>3 officer who was acting as TFC for the arrest of</p> <p>4 Izzet Eren on 13 October. They discussed the</p> <p>5 intelligence and potential opportunities in an attempt</p> <p>6 to seek to formulate the most appropriate tactical</p> <p>7 option.</p> <p>8 During the week of 2 November, DCI Williams was made</p> <p>9 aware that the operational team had located what they</p> <p>10 believed was the relevant stolen vehicle, a black Audi</p> <p>11 A6 vehicle, bearing false registration plates, KM13 YPT.</p> <p>12 DCI Williams took the view that there were potential</p> <p>13 tactical options available to them, but effective</p> <p>14 control of the Audi was paramount, as this provided the</p> <p>15 optimum opportunity to close intelligence gaps and</p> <p>16 conduct any operation safely.</p> <p>17 It would appear that at this stage no firm decision</p> <p>18 had been made to conduct a firearms operation, however,</p> <p>19 given the intelligence available, DCI Williams had begun</p> <p>20 to formulate a plan which, if approved, would require</p> <p>21 the deployment of covert surveillance teams supported by</p> <p>22 armed officers. He took the outline plan to the line</p> <p>23 manager, Detective Superintendent Gilmour, who was</p> <p>24 a shadow SFC, meaning that he was not at that time</p> <p>25 a fully operationally accredited SFC. DI Murray</p> <p style="text-align: center;">Page 74</p>
<p>1 arranged a planning meeting with: Detective</p> <p>2 Superintendent Turner, the SFC; DCI Williams, the TFC;</p> <p>3 S48, the tactical adviser, or the TA, for the operation;</p> <p>4 and Detective Superintendent Gilmour, the shadow SFC,</p> <p>5 which took place on Tuesday 10 November 2015.</p> <p>6 The planning of an operation such as Operation Ankaa</p> <p>7 required considerable care. The inquiry will wish to</p> <p>8 consider if the care here was adequate and appropriate.</p> <p>9 Planning meetings occurred on the following four</p> <p>10 dates: 10 November, as I have already made reference to,</p> <p>11 which was a preliminary meeting to discuss the potential</p> <p>12 operation; 13 November, which was a meeting with prison</p> <p>13 staff at HMP Wormwood Scrubs; 3 December, which was</p> <p>14 a further planning meeting; and 6 December, during which</p> <p>15 there were preliminary discussions with SCO19.</p> <p>16 By 10 November, although an operation involving</p> <p>17 firearms officers had not yet been formally agreed or</p> <p>18 ratified, there are several points to be noted regarding</p> <p>19 the invited attendees to this first meeting.</p> <p>20 (a) DI Murray, DCI Williams and Detective</p> <p>21 Superintendent Gilmour are all part of the same line</p> <p>22 management structure.</p> <p>23 (b) Detective Superintendent Gilmour was not yet</p> <p>24 a fully qualified SFC.</p> <p>25 (c) the meeting was held with Detective</p> <p style="text-align: center;">Page 75</p>	<p>1 Superintendent Turner, who was not part of the central</p> <p>2 task force but was an SFC with the Flying Squad.</p> <p>3 (d) S48 is an inspector from SCO19 firearms command.</p> <p>4 With the exception of Detective Superintendent</p> <p>5 Gilmour, each of these officers undertook the envisaged</p> <p>6 firearms command and advisory roles in respect of the</p> <p>7 armed deployments that took place on both 8 and</p> <p>8 11 December. It is important for the inquiry to</p> <p>9 consider the extent to which the investigative issues</p> <p>10 were being considered by the strategic and tactical</p> <p>11 firearms commanders during the planning of the</p> <p>12 operation. In particular, there is a need to consider</p> <p>13 whether the SFC ensured that the tactical plan being</p> <p>14 proposed by the SIO and the TFC met not only the</p> <p>15 strategic aims of the operation but that the provision</p> <p>16 of Article 2 of the ECHR, the positive obligation to</p> <p>17 protect life, took precedence in accordance with the SOP</p> <p>18 which we have just looked at and was properly balanced</p> <p>19 against any desired investigative or criminal justice</p> <p>20 outcomes.</p> <p>21 It will be necessary to consider this: was the</p> <p>22 purpose of this first meeting really to discuss whether</p> <p>23 an operation of the type implemented should be mounted</p> <p>24 or was it to plan the operation with a pathway heading</p> <p>25 in only one direction.</p> <p style="text-align: center;">Page 76</p>

19 (Pages 73 to 76)

1 The meeting was chaired by Detective Superintendent  
 2 Turner. As well as those already mentioned, the meeting  
 3 was attended by three central task force detectives and  
 4 an inspector from SCO19, the MPS specialist firearms  
 5 command. Detective Superintendent Turner has referred  
 6 to the intelligence that was provided to him during this  
 7 meeting. It would appear that he was also provided with  
 8 the basis of a plan already formed. In recounting this  
 9 meeting, DI Murray recalled the following:  
 10 "At this meeting, I outlined the background of the  
 11 operation, the intelligence concerning the breakout. It  
 12 was provisionally agreed that provided the control of  
 13 the stolen Audi A6 vehicle was maintained and this  
 14 vehicle and its occupants were never able to approach  
 15 the prison van, then this provided a unique opportunity  
 16 to identify and arrest unknown offenders who are willing  
 17 and capable of committing serious firearm enabled crime  
 18 and to recover those firearms and ammunition in criminal  
 19 circulation. This proposed covert operation would  
 20 involve the deployment of a number of MPS assets,  
 21 including armed surveillance, SFOs, and support teams,  
 22 although further planning and preparation was  
 23 necessary."  
 24 The operation had three aims, the prevention of the  
 25 escape of Izzet Eren, sustained public protection by

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1 that the records kept are sufficient to meet these  
 2 needs. Records and logs maintained by or on behalf of  
 3 commanders and tactical advisers will be reviewed during  
 4 operations as well as during post-deployment audits.  
 5 A comprehensive record of key actions and decisions made  
 6 by commanders and the advice given by tactical advisers  
 7 in situations where AFOs may be or have been deployed  
 8 should be maintained in accordance with national minimum  
 9 standards."  
 10 However, when the IPCC requested DCI Williams as TFC  
 11 to provide records or an audit trail of this meeting on  
 12 10 November, he said that there was no formal record of  
 13 this meeting. He did not make a note and said that  
 14 there was no requirement for the officers to do so.  
 15 In the opinion of the inquiry's policing experts,  
 16 there is an unacceptable absence of a comprehensive  
 17 record of planning meetings through Operation Ankaa by  
 18 both the strategic and tactical firearms commanders. It  
 19 is normal practice that the chair of the meeting  
 20 determines who makes the minutes or provides a record of  
 21 the meeting. It is normal practice across the UK police  
 22 service for senior officers to maintain what are now  
 23 referred to as daybooks. These are generally officially  
 24 issued and numbered bound books that contain  
 25 individually numbered pages. They are in effect larger

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1 preventing future armed criminality and, as I have said,  
 2 the recovery of firearms thereby removing illegal  
 3 firearms from circulation.  
 4 DI Murray went on:  
 5 "At this stage, a discussion was conducted in  
 6 relation to operational activity needed to mitigate this  
 7 risk to members of the public, police and the suspects  
 8 in this investigation. As well as tactical options that  
 9 were available. During this meeting, and commensurate  
 10 with my role, I discussed the necessity and potential  
 11 use of a control room if this operation was to go ahead  
 12 and the various resources needed at this early stage of  
 13 the planning.  
 14 "Using the national decision making model and  
 15 through the SIO and TFC I actioned how some of the  
 16 intelligence gaps could be addressed."  
 17 A word or two if I may about record keeping. The  
 18 APP, under the subheading of "Record keeping", states as  
 19 follows:  
 20 "Individual commanders must be prepared to account  
 21 for their decisions and to explain their rationale at  
 22 the time that those decisions were taken. All plans  
 23 should be documented, including options rejected or  
 24 progressed, together with the reasons why such  
 25 conclusions were drawn and by whom. Forces must ensure

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1 versions of the traditional police pocketbook carried by  
 2 patrol officers and it is normal practice for officers  
 3 to include details of meetings held, including persons  
 4 present and a summary of the reason for the meeting and  
 5 decisions made or actions assigned. Where official  
 6 minutes are taken, the officer might simply make  
 7 reference to the fact that the minutes were taken.  
 8 However, given the seriousness of the issues being  
 9 discussed at this meeting, the inquiry may find it  
 10 surprising in the event of the meeting not being minuted  
 11 that none of the command officers had at least some  
 12 record of the meeting, including matters agreed and  
 13 assigned actions.  
 14 Although S48 made a note on a piece of spare paper,  
 15 there was no formal record at all of this meeting, when  
 16 it would appear that the basis for the operation had  
 17 been discussed, if not agreed and provisionally scoped  
 18 out by the time that the meeting ended.  
 19 On 13 November 2015, DI Murray and DI Mayes of the  
 20 MPS intelligence unit met with staff at HMP Wormwood  
 21 Scrubs to brief them on the intelligence and the MPS  
 22 proposed plan.  
 23 It will be evident to the inquiry that the concept  
 24 of the policing operation due to take place on  
 25 11 December had by now been agreed in principle.

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<p>1 DI Murray requested that the head of security at the 2 prison kept the plans for the police operation in 3 complete confidence. 4 Following the events on 11 December, 5 an investigation was launched by the national offender 6 management service, or NOMS, into the escort 7 arrangements on the morning of 11 December. The report 8 of 10 January 2016 concluded that protocols for the 9 sharing of intelligence between the MPS and HMP Wormwood 10 Scrubs and the MPS and NOMS had not been used. Only 11 a month before, the police National Prison Intelligence 12 Coordination Centre, or the NPICC, had been established 13 with the specific purpose of sharing intelligence 14 between the MPS and NOMS and the establishment of this 15 coordination centre predated the meeting on 13 November. 16 That was ignored. In fact the first time that any 17 NOMS senior staff outside the prison had been told about 18 the police operation was after the escort vehicle had 19 left HMP Wormwood Scrubs. The deputy coroner of the 20 prison had mistakenly assumed that the police operation 21 had been approved by a senior officer -- 22 THE CHAIRMAN: Deputy governor, Ms Blackwell. 23 MS BLACKWELL: I am so sorry, the deputy governor. 24 I will start again, the deputy governor of the 25 prison had mistakenly assumed that the police operation</p> <p style="text-align: center;">Page 81</p>	<p>1 had been approved by a senior official in NOMS, allowing 2 the escort to proceed without any additional 3 precautions. 4 NOMS' approval for the application operation should 5 have been sought at a senior HQ level in advance of 6 11 December. This could not have been the case as 7 DI Murray deliberately kept the plan from those who were 8 tasked with taking the prisoners to Wood Green Crown 9 Court, for fear of Izzet Eren discovering the police 10 operation. The inquiry will wish to consider whether or 11 not keeping NOMS and the Serco staff out of the loop and 12 in the path of potential danger was a reasonable 13 decision. 14 A knock-on effect of the lack of information sharing 15 was that, whilst he remained at HMP Wormwood Scrubs, 16 Izzet Eren was only assessed as a class B prisoner. 17 An application for his status to be raised to class A 18 for other reasons was refused. But had mention been 19 made of this escape plan, this application would 20 undoubtedly have succeeded. 21 Over the remainder of the month of November 2015, it 22 appears that investigative work and intelligence 23 gathering was continuing in relation to subjects who may 24 be involved in supplying firearms. Intelligence 25 received on 29 and 30 November indicated that</p> <p style="text-align: center;">Page 82</p>
<p>1 Sinan Ozger had been engaged in the movement and 2 safekeeping of firearms, and it was he who was believed 3 to have performed this same function prior to 4 Izzet Eren's arrest in possession of the loaded Skorpion 5 sub-machine gun on 30 October. In addition, there was 6 intelligence of four previous arrests of Sinan Ozger 7 relating to firearms offences between 2008 and 2013. 8 According to DI Murray's statement to the IPCC, 9 present at a meeting on 3 December 2015 were the 10 following, Detective Superintendent Turner, 11 DCI Williams, DI Murray and S48, the tactical adviser. 12 Also present were two staff from the TSU to advise on 13 covert audio equipment and other technical options. 14 Their attendance is not specifically referred to in the 15 statements of Detective Superintendent Turner, 16 DCI Williams or S48. However, the statements provided 17 by these officers include references to other attendees. 18 The only officer who mentions Detective Superintendent 19 Gilmour being at the meeting is DI Murray. However, 20 Detective Superintendent Gilmour said that the only 21 planning meeting he attended was on 10 November. 22 According to DCI Williams's statement, the two 23 additional attendees were representatives from covert 24 policing, which possibly suggests armed surveillance 25 officers from SCO35. S48 referred to the meeting being</p> <p style="text-align: center;">Page 83</p>	<p>1 attended by two officers from SCO19, who would be 2 CTSFOs. He later wrote on form FA5 that DI Gosling had 3 attended this meeting. If the additional two attendees 4 were CTSFOs, then this appears to be the only meeting 5 that CTSFO officers, apart from S48, had with the SFC, 6 the TFC and the SIO prior to the briefing that occurred 7 at New Scotland Yard on 10 December. 8 The statements of the attendees each provide 9 differing accounts, not only about who was present but 10 also about what was discussed in this second and final 11 planning meeting held by the SFC to discuss Operation 12 Ankaa. 13 When the IPCC requested that DCI Williams provide 14 records or an audit trail of this meeting, he said that 15 there was no formal record of the meeting. He did not 16 make a note and said that there was no requirement for 17 the officers to do so. He then gave his account 18 prefaced with the words "from memory". 19 In contrast, S48 in his statement was able to 20 provide the IPCC with notes of the meeting made in his 21 notebook. S48 is the only officer whose statement 22 provides any detail of the issues discussed on 23 3 December. It is therefore of note that S48's 24 statement provided considerably more detail of the 25 issues discussed than those of the other command</p> <p style="text-align: center;">Page 84</p>

21 (Pages 81 to 84)

<p>1 officers who, like DCI Williams, appeared to be relying 2 on their memory of the meeting for clarity. 3 To reiterate, it is the responsibility of the chair 4 of the meeting, Detective Superintendent Turner, to have 5 ensured this meeting was minuted or recorded. Officers' 6 daybooks should have at least referenced their 7 attendance at the meeting, the purpose of the meeting, 8 and the key matters discussed and decided. Reviewers of 9 this operation should not have had to rely on the memory 10 of participants to determine who was in attendance, the 11 main issues discussed, the outcomes and any actions 12 agreed. DCI Murray's statement does not provide any 13 clarity as to the purpose of the meeting, other than his 14 previously noted reference to two officers from the TSU 15 being there to advise on covert audio. 16 The only other reference that he makes to the 17 meeting is this: 18 "The provisional strategy was to conduct 19 simultaneous armed surveillance with SFO support on both 20 the Audi and the prison van carrying Izzet Eren to the 21 court. Unarmed surveillance would be conducted on 22 Ozcan Eren throughout this period, in order to gather 23 evidence of the conspiracy." 24 Although no formal application for an armed 25 surveillance operation on 11 December had yet been made,</p> <p style="text-align: center;">Page 85</p>	<p>1 it is evident from DI Murray's statement that there was 2 at least a provisional strategy in place involving (a) 3 simultaneous armed surveillance, (b) SFO support, (c) 4 unarmed surveillance on Ozcan Eren and (d) an intention 5 to gather evidence of this conspiracy. 6 The inquiry has received two statements made by 7 DCI Williams which refer to the meeting of 3 December, 8 this meeting. The issues that he refers to in his 9 account of this planning meeting relate to (a) inclusion 10 of the senior personnel at Wood Green Crown Court and 11 HMP Wormwood Scrubs, (b) intelligence both known and 12 unknown as to the identities of the conspirators and (c) 13 closing intelligence gaps and minimising risks through 14 use of covert audio. 15 With the exception of minimising risks through the 16 use of covert audio, the issues referred to are all 17 investigatory as opposed to developing and coordinating 18 the tactical plan, a key role of a TFC as set out in 19 both the APP and the SOP. 20 S48's statement sets out key issues discussed at 21 this meeting, although the use of the NDM is not 22 mentioned in S48's statement, there are references to 23 intelligence, threats, risks, contingencies, powers and 24 policies and actions. According to the statement, 25 evidential threshold and tipping points were discussed</p> <p style="text-align: center;">Page 86</p>
<p>1 and methods of deployment were proposed. His statement 2 clearly articulates that the issues discussed 3 encompassed both the operational plan for 8 December, 4 the fitting of the technical equipment into the Audi 5 with protective cover from SCO19, and significant issues 6 relating to the operation being planned for 11 December. 7 His recollections are a very different narrative 8 from the statements of the other attendees and include 9 significant detail of what was discussed at the meeting. 10 It is to be noted perhaps, sir, once again that, S48 was 11 a notetaker and the other commanders were not. 12 By contrast, Detective Superintendent Turner stated 13 that the meeting included discussion on gaining control 14 of the Audi through the installation of a covert audio 15 listening device on the vehicle and a static camera to 16 identify any unknown subjects. This is the only 17 reference in any note or statement to the use of 18 a static camera. DS Gary Kinch has confirmed that 19 a static camera was fitted in an observation post in the 20 Palace Gates car park. It was not continuously 21 monitored and was only viewed if intelligence was 22 received to indicate that the Audi, which was stationed 23 in the car park, may have moved. Officers in C3000 had 24 access to the camera's feed on 11 December 2015. 25 To recap, sir, it is apparent that two operations</p> <p style="text-align: center;">Page 87</p>	<p>1 involving armed officers were being discussed during the 2 meeting of 3 December. These were the covert armed 3 operation to support TSU officers on 8 December and 4 covert armed protection of the prison van on 11 December 5 and an intervention or interception tactic to arrest the 6 conspirators. 7 Authorisation for the armed deployment that was to 8 take place on 8 December, did not take place until 9 7 December, but it is to be noted that, by the end of 10 this meeting on 3 December, the decision to conduct 11 an armed intervention or interception to arrest the 12 conspirators had already been discussed and was at 13 an intermediate planning stage. Details decided upon by 14 this stage include the following. 15 (a) continued intelligence gathering. 16 (b) liaison with senior prison and court staff. 17 (c) the decision to use the covert command suite 18 C3000. 19 (d) discussions involving the SFC, TFC, SIO and 20 tactical adviser and several CTSFOs, TSU staff and 21 representatives from covert policing. 22 (e) the decision that Izzet Eren would as scheduled 23 be transported to court on 11 December by Serco staff in 24 the assigned prison transport vehicle. 25 (f) the intention to run an operation involving</p> <p style="text-align: center;">Page 88</p>

<p>1 armed surveillance teams supported by CTSFO officers,  2 monitoring the prison van and the conspirators and  3 unarmed surveillance on Ozcan Eren and armed  4 surveillance at Wood Green Crown Court and armed  5 officers to escort the prisoners back from court after  6 sentencing.  7 I turn now to deal with the criteria and  8 authorisation process for the deployment of armed  9 officers.  10 The APP contains a subsection entitled "Specific  11 authority for the issue of firearms", which reads:  12 "To address situations where there is a requirement  13 for officers to be issued with and carry firearms  14 operationally and there is no standing authority in  15 place, forces should as part of their standard  16 operational practice identify at what level and by whom  17 such authority can be given."  18 Where officers are being deployed operationally in  19 an armed capacity, the APP states:  20 "The deployment of AFOs should only be authorised in  21 the following circumstances: where the officer  22 authorising the deployment has reason to suppose the  23 officers may have to protect themselves or others from  24 a person who is in possession of or has immediate access  25 to a firearm or other potentially lethal weapon or is</p> <p style="text-align: center;">Page 89</p>	<p>1 otherwise so dangerous that the deployment of armed  2 officers is considered to be appropriate or as  3 an operational contingency, in a specific operation  4 based on the threat assessment or for the destruction of  5 animals which are dangerous or are suffering  6 unnecessarily."  7 As we have already acknowledged, the use of the  8 words "reason to suppose" sets the level of knowledge  9 required about the existence of a threat justifying the  10 deployment of AFOs at a far lower level than that which  11 would actually justify the use of firearms. The SOP  12 contains a verbatim reproduction of the APP criteria for  13 the deployment of armed officers and given the  14 circumstances of the arrest of Izzet Eren and  15 Erwin Amoyaw-Gyamfi, and the long-running feud between  16 the Tottenham Turks and the Hackney Bombers, there was,  17 you may think, sir, reason to suppose that those  18 planning the escape may be armed, if confronted officers  19 may have to protect themselves.  20 Each of the armed deployments being considered  21 required to be authorised in advance of the dates on  22 which they would occur.  23 In the opinion of the inquiry's policing experts,  24 the criteria for each of these deployments was clearly  25 met. In addition, in respect of the deployment on</p> <p style="text-align: center;">Page 90</p>
<p>1 8 December, there was a good reason to deploy armed  2 officers as an operational condition contingency, as it  3 was reasonably foreseeable that those who had acquired  4 the Audi might approach the vehicle during the fitting  5 of the technical equipment. If this were to occur,  6 there was reason to suppose officers may have to protect  7 themselves or others from a person or persons who were  8 in possession of or had immediate access to a firearm or  9 other potentially lethal weapon.  10 The forms used by the MPS to document deployments  11 are not national forms. The SOP has a section entitled  12 "Authorising armed operations", which commences at  13 paragraph 6.39. The section runs to over five pages and  14 from this document the understanding of counsel to the  15 inquiry is that the following forms are used in the MPS:  16 the FA1, which is the initial request for authorisation;  17 FA2, which was authorisation in respect of the same  18 operation or incident; FA3, the strategic firearms  19 command log, which can be used to record authorisations  20 of the FA2; the FA4, which relates to cross-border force  21 protocols, and is not relevant to this inquiry; and the  22 FA5, which documents the tactical advice.  23 The wording on the firearms authority forms is  24 instructive. In an operation which has been planned  25 with the luxury of time, the inquiry will want to look</p> <p style="text-align: center;">Page 91</p>	<p>1 at the words chosen as evidence of the thought processes  2 undertaken by those in command and control of the  3 operation. A number of issues arise for the inquiry's  4 consideration, which will assist in the determination of  5 whether or not proper and effective risk assessment took  6 place.  7 Separate versions of forms FA2, 3 and 5 were  8 completed by DCI Williams, the TFC, Detective  9 Superintendent Turner, the SFC, and S48, the tactical  10 adviser, in respect of the deployments that took place  11 on 8 and 11 December. These forms appear to be  12 standardised, comprising a series of copy and paste  13 options. The inquiry will note the danger in this, that  14 whilst they may look comprehensive, only a small part  15 may be operation specific, reflecting, perhaps, a lack  16 of sufficient bespoke discussion.  17 In respect of both deployments, no FA1 form was ever  18 completed or submitted. This is something about which  19 the inquiry will wish to give some consideration. These  20 were pre-planned operations so would not be subject to  21 the exception within the SOP regarding spontaneous  22 operations. The reason given by DCI Williams for not  23 having needed an FA1 is he had been the TFC on  24 13 October during the arrest of Izzet Eren and he had  25 been appraised of the intelligence between then and</p> <p style="text-align: center;">Page 92</p>

<p>1 7 December and had been present at planning meetings 2 between those dates. He said that completing an FA1 on 3 this occasion would have been an unnecessary duplication 4 of effort when he was already aware of the full 5 intelligence case.</p> <p>6 DCI Williams's explanation for deliberately failing 7 to complete and submit an FA1 and his involvement in 8 making the application to the Crown Court for the 9 presence of firearms officers indicating that he was 10 operationally involved in Operation Ankaa, and although 11 he was not officially designated as the SIO, he was in 12 fact the most senior officer playing an operational 13 role. Whilst technically compliant with the SOP, the 14 purpose of separating the roles of the TFC and the SIO 15 appears to have been largely defeated.</p> <p>16 The audit trail of forms are for these two 17 operations were left incomplete after a conscious 18 decision made by the TFC.</p> <p>19 The armed deployment intended to provide protection 20 for TSU staff whilst they fitted the probes in the Audi 21 was initially due to take place on 7 December, but was 22 postponed until 8 December. It appears that for this 23 operation the following FA forms were completed.</p> <p>24 The FA5, by S48 on 3 December. 25 The FA2, by DCI Williams on 4 December.</p> <p style="text-align: center;">Page 93</p>	<p>1 And the FA3, the approval for the deployment, 2 completed on the same day, 4 December, by Detective 3 Superintendent Turner.</p> <p>4 The tactical advice submitted by S48 on the form FA5 5 is for the most part written specifically around the 6 proposed operation. The FA5 is dated 3 December, 7 indicating that it was completed the same day as the 8 second planning meeting that we have already looked at.</p> <p>9 In the FA5, S48 writes: 10 "I have received an FA2 from the TFC and I am aware 11 of the current intelligence picture." 12 However, as I have just said, the FA2 prepared by 13 DCI Williams is dated 4 December, the following day. 14 DCI Williams doesn't state at what time on 4 December he 15 forwarded the FA2 to Detective Superintendent Turner, 16 but the SFC subsequently signed the FA3 at 1400 hours on 17 4 December 2015.</p> <p>18 The FA2, FA5 and FA3 forms utilised the NDM 19 template, intelligence, threats and contingencies in 20 terms of the operation being considered are well 21 documented and appear to be adequately addressed. The 22 diagrams on page 4 of the FA5 set out the core elements, 23 with some additional notation of the NDM and the code of 24 ethics is situated, as we have seen, at the centre of 25 the diagram. This is of note, as the SOP have not been</p> <p style="text-align: center;">Page 94</p>
<p>1 updated and did not have the code of ethics central in 2 the diagrammatical representation of the NDM.</p> <p>3 The following entries on the FA forms prepared for 4 the 8 December are also relevant to the operation which 5 occurred on 11 December. The FA2, section 2.1 at 6 page 8, states: 7 "The threat is unknown as the identity and location 8 of other conspirators is not known. However, this OCG 9 have access to firearms and a propensity to discharge 10 against rival groups." 11 The known factor that the OCG have access to 12 firearms was a key risk that, irrespective of any 13 verified intelligence regarding actual firearms 14 possession in future deployments, required to be 15 factored into the proposed operation. The only subject 16 or subjects other than Izzet Eren mentioned on this FA2 17 are Ozcan Eren and Sinan Ozger, the following two 18 references are noteworthy: 19 "Ozcan Eren will be kept under surveillance, he is 20 the organiser of the escape plot." 21 Sinan Ozger: 22 "Intelligence this week has indicated that 23 Sinan Ozger has been engaged in the movement and 24 safekeeping of firearms and he performed this same 25 function prior to Izzet Eren's arrest in possession of</p> <p style="text-align: center;">Page 95</p>	<p>1 a loaded Skorpion sub-machine gun on 13 October." 2 The section that addresses threats to the general 3 public, which is section 2.3 on page 9, reads: 4 "There is no specific intelligence that any armed 5 offence will be committed. There is no intelligence to 6 suggest that the subjects are routinely armed." 7 This entry appears to distinguish between "routinely 8 armed" and the earlier entry that the OCG have "access 9 to firearms". It is to be noted that else elsewhere in 10 the material provided to the inquiry, there was 11 intelligence that Ozcan Eren carried a pistol for his 12 own protection and that on occasions he wore body 13 armour. The IPCC report at paragraph 149 states: 14 "Intelligence dated July 2015 suggested 15 Mr Ozcan Eren was in possession of a German Luger 16 firearm." 17 This piece of intelligence was not included on the 18 FA2. Two matters arise here for consideration. First, 19 Ozcan Eren throughout Operation Ankaa was being cited as 20 the organiser and a likely participant in the bid to 21 free Izzet Eren. Intelligence suggesting that he was in 22 possession of a firearm, albeit five months before the 23 planned escape, was, you may think, sir, highly relevant 24 and should have been included on the forms requesting 25 authority.</p> <p style="text-align: center;">Page 96</p>

24 (Pages 93 to 96)



1 Further, given this intelligence, it is of note that  
 2 a decision was made that throughout the operation and in  
 3 particular on 11 December, Ozcan Eren was the subject of  
 4 unarmed surveillance.  
 5 By 6 December 2015, two SCO19 sergeants, S105 and  
 6 V64, responsible for the CTSFO teams, had been appointed  
 7 to Operation Ankaa and had scoped out the operational  
 8 aspects of the deployments that were scheduled for 8 and  
 9 11 December. They were also tasking team members,  
 10 including W80, with reconnaissance and planning work for  
 11 the deployments. Although S48's role was that of the  
 12 firearms tactical adviser, he also appears to have been  
 13 the liaison officer between SCO7 and SCO19 staff. The  
 14 APP clarifies that the role of the tactical adviser is  
 15 to advise and not to make command decisions. The  
 16 responsibility for the validity and the reliability of  
 17 the advice lies with the adviser, but the responsibility  
 18 for the use of that advice rests with the commander.  
 19 The Azelle Rodney Inquiry raised concerns regarding  
 20 what they referred to as the double hatting of the  
 21 tactical adviser and the silver commander. In Operation  
 22 Ankaa, S48 was not undertaking a command role. However,  
 23 if he was responsible for the initial briefing and  
 24 tasking of the SCO19 officers, and responsible for  
 25 planning the operation and tactical responses, then this

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1 preparing maps and diagrams, DCI Williams submitted  
 2 an FA2 for the second of these operations scheduled for  
 3 11 December. There is a discrepancy as to the timing  
 4 that this form was sent to Detective Superintendent  
 5 Turner for his approval.  
 6 As with the earlier TSU protective operation, the  
 7 forms FA2 and FA3 were completed in respect of the  
 8 operation being planned for 11 December. The criteria  
 9 for the deployment was clearly met, as there remained  
 10 reason to suppose officers may have to protect  
 11 themselves or others from a person or persons who is in  
 12 the possession of or has immediate access to a firearm  
 13 or other potentially lethal weapon.  
 14 Although the operation on 11 December was to be the  
 15 second day on which armed deployments were being  
 16 planned, it was a discrete operation independent of the  
 17 one which by now had taken place on 8 December. It was  
 18 therefore entirely appropriate that the TFC request for  
 19 an armed deployment was made, that the SFC objectively  
 20 considered the request and that full reconnaissance was  
 21 taken of tactical advice.  
 22 This would indicate that by 7 December, not only was  
 23 the operation scoped out, but that the personnel who  
 24 would undertake ground command roles had been  
 25 identified.

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1 would be a departure from the spirit, if not the letter,  
 2 of the APP guidance.  
 3 On Sunday, 6 December 2015, operational CTSFOs  
 4 commenced planning for the forthcoming armed deployments  
 5 linked to Operation Ankaa. It is clear from S105's  
 6 statement that the decisions were not restricted to the  
 7 operation due to occur on 8 December, but included the  
 8 whole operation. After the initial briefing on  
 9 6 December, W80 and K78 undertook a reconnaissance,  
 10 referred to by officers as a recce, of the area around  
 11 Wood Green Crown Court and Eastern Road, which is where  
 12 the stolen Audi was parked up. It is of note that W80  
 13 and K78, also part of the team who on 11 December was  
 14 involved with the interception of the Audi, were the  
 15 first reported SCO19 officers to conduct reconnaissance  
 16 of the area in which the operation of 11 December would  
 17 take place.  
 18 This was important preparatory work for the  
 19 forthcoming TSU protective operation, together with  
 20 W80's involvement in the covert protective operation on  
 21 8 December. It meant that W80 was to take an active  
 22 part in the crucial briefings of officers that occurred  
 23 the following week.  
 24 On Monday, 7 December 2015, whilst W80 continued  
 25 with the planning work for the two armed deployments

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1 The FA2 was 31 pages in length and it was made up of  
 2 four main sections. Information intelligence, threat  
 3 and risk, powers and policy and options and  
 4 contingencies. As can be seen, sir, these headings form  
 5 the constituent elements of the NDM.  
 6 I am just going to ask, please, that we look at the  
 7 FA2 form, which related to the application for armed  
 8 deployment on 11 December.  
 9 Mr Coates, please could we display IPC1123 at  
 10 page 3. Could you highlight the bottom half of the  
 11 page, please.  
 12 In the information and intelligence section, the  
 13 history of the arrest of Izzet Eren on 13 October is set  
 14 out together with the involvement of Ozcan Eren in  
 15 formulating an escape plan. There are several matters  
 16 to note about this form. The date of the aborted escape  
 17 plan is repeatedly stated as having been 1 November,  
 18 rather than 29 October, which was the correct date.  
 19 In relation to the Audi vehicle, and could we go  
 20 over to page 4, please, now, and highlight the middle of  
 21 the page, please, in relation to the Audi vehicle, the  
 22 form contended that -- we can see in the second  
 23 paragraph there, at the end of the paragraph:  
 24 "Technical control has now been obtained on this  
 25 vehicle."

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<p>1 This was not correct. Such technical control was 2 not obtained until 8 December and so cannot have 3 happened prior to this form being signed by DCI Williams 4 on 7 December. 5 Also on page 4 -- could we have a look at the bottom 6 paragraph, please: 7 "Intelligence received today [that must be 8 7 December] has confirmed that this offence is still 9 planned, and that Ozcan Eren has recruited a team which 10 includes unknown IC3 males." 11 IC3, as you know, sir, is the police coding for 12 a black person. Paragraph 1108 of the IPCC report 13 expressed concern regarding the potential for racial 14 stereotyping and unconscious bias. Reference was also 15 made to later briefings in which one officer referred to 16 those being recruited to carry out the escape attempt as 17 being, "Four big black males." 18 However, it is to be noted that the FA2 completed on 19 7 December by DCI Williams refers to IC3 males and that 20 the word "black" has been placed in parenthesis by the 21 IPCC writers to explain the meaning of "IC3". 22 If we can zoom out, please, and I think go on to the 23 next page. 24 Thank you. 25 The form continues:</p> <p style="text-align: center;">Page 101</p>	<p>1 "The Audi has moved today for a period of about 20 2 minutes, which suggests that the vehicle is still the 3 intended vehicle to be used." 4 We are at the top of this page now, please: 5 "Intelligence indicates this was overseen by 6 Ozcan Eren. The intelligence suggests that the 7 intention is to attack the van in the Bounds Green area 8 before it arrives at Wood Green Crown Court. Whilst 9 there has been no further intelligence updates to 10 indicate that firearms will be used on Friday, I take 11 the view that there is every likelihood that this will 12 be the case, given the antecedents of this OCG and the 13 fact that any successful attempt would involve 14 considerable threat and duress to any custodians." 15 DCI Williams accepted in his voluntary statement 16 under caution that he was aware that the persons 17 planning the escape had been trying to source firearms. 18 The sentence, "Whilst there has been no further 19 intelligence updates to indicate that firearms will be 20 used ..." could be a reference to this intelligence. 21 Thank you, could we zoom out, please. 22 One question which arises is whether or not this 23 statement in the FA2 adequately reflects the positive 24 intelligence that the persons planning the escape had 25 tried but failed to obtain a real firearm at the dates</p> <p style="text-align: center;">Page 102</p>
<p>1 of submitting this document. 2 This is an important statement and one that should 3 have been kept under continuous review and updated as 4 any new intelligence was received. The inquiry will 5 wish to establish if this was the case. 6 In the absence of any update confirming a change to 7 this intelligence, it is also a statement which should, 8 you may think, sir, have featured in all future 9 briefings, but the inquiry will hear evidence that it 10 didn't so feature. 11 Could we highlight the third paragraph down, please. 12 The FA2 continues in the following way: 13 "I have reviewed the intelligence, threat assessment 14 and strategy in line with the NDM. I take the view that 15 the rationale for the deployment of a firearms has been 16 met, in that I have grounds to suspect that the subjects 17 and associates will have possession of firearms or 18 immediate access to firearms and also as an operational 19 contingency to ensure the safety of all parties." 20 Thank you. 21 The form continues to describe the other operational 22 opportunities to remove the threat prior to the 23 deployment which had been reviewed but rejected by 24 DCI Williams. This included the prospect of arranging 25 for Izzet Eren to appear on video-link from prison,</p> <p style="text-align: center;">Page 103</p>	<p>1 thereby removing any possibility of a successful escape 2 plan: 3 "To purely disrupt Friday's plan [said DCI Williams] 4 will leave vulnerabilities should an attempt be planned 5 at a hospital visit for example, when we do not have the 6 same quality of intelligence or operational assets. If 7 we are to remove one side of this long-running feud, we 8 will make a substantial difference to gun crime and 9 provide sustainable public protection in Haringey and 10 Hackney." 11 Thank you, Mr Coates. 12 It will be necessary for the inquiry to consider 13 whether or not sufficient consideration was given to 14 this option before it was roundly rejected. At the 15 bottom paragraph, please, if we could highlight that, 16 Mr Coates, thank you, the FA2 continued: 17 "Consultation and briefings have taken place with 18 Governor Nichols at Wormwood Scrubs, the resident judge 19 at Wood Green, Judge Pawlak, and the Wood Green Court 20 manager Zeb Johnson, all of whom are content with the 21 MPS response and have provided authority for MPS 22 officers to operate within their respective premises." 23 Can we take that down, please. 24 The inquiry will wish to establish if the 25 consultation and briefings referred to here were</p> <p style="text-align: center;">Page 104</p>

26 (Pages 101 to 104)

<p>1 designed to engage the authority figures at the prison 2 and the court in the decision-making process of how the 3 escape plan should be thwarted or, in the alternative, 4 presented the dynamic interception as the only option 5 and the one that was settled by the time that those 6 named above were approached as cogs in the wheel of the 7 plan to thwart the criminal activity mid conspiracy. 8 One question which arises is, if this is the case, 9 did the prison governor or those dealing with the 10 matters at the Crown Court, have the opportunity, 11 information and the power to question the wisdom of what 12 was going on? Should more have been done to ensure that 13 this was a plan which had integrity and had struck the 14 right balance? Were Article 2 considerations properly 15 at the forefront of the minds of those requesting and 16 providing the requisite authority. If the approval 17 sought had not been forthcoming, the tactic of allowing 18 the conspiracy to run as far as it did would not have 19 been viable. 20 Finally, the inquiry will wish to note that although 21 Judge Pawlak and the court manager may well have been 22 spoken to about the prospect of having armed police 23 officers in and around the court on the morning of 24 11 December, that authority had not been given by 25 7 December when this was written in the FA2 by</p> <p style="text-align: center;">Page 105</p>	<p>1 DCI Williams. There were further steps which had to be 2 taken in obtaining such authority. 3 First, the requisite application form had to be 4 submitted to Mr Justice Sweeney, then the lead presider 5 of the south-eastern circuit. That was done on 6 8 December 2015. 7 Second, that afternoon DI Williams together with 8 DCS Manson, who was in charge of the MPS organised crime 9 command, met with Mr Justice Sweeney. 10 Third, a revised written application was then 11 submitted to Mr Justice Sweeney on 9 December 2015. 12 (d) the application was discussed between 13 Mr Justice Sweeney and the senior presiding judge for 14 England and Wales, Lord Justice Gross, and, finally, it 15 was signed and returned on 10 December 2015. 16 As I have already made reference to, sir, 17 Governor Nichols had mistakenly assumed that NOMS and 18 Serco had been informed about the police operation and 19 it was on that basis that he provided his approval from 20 the side of the prison service. 21 That was not the case. 22 Is that a convenient moment to pause for lunch? 23 THE CHAIRMAN: Yes, shall we break for an hour and resume at 24 or immediately after 2.00? 25 MS BLACKWELL: Thank you.</p> <p style="text-align: center;">Page 106</p>
<p>1 THE CHAIRMAN: Thank you very much. 2 (1.03 pm) 3 (The Luncheon Adjournment) 4 (2.00 pm) 5 THE CHAIRMAN: Whenever you are ready, Ms Blackwell, and 6 Ms Blackwell, you will let us know when you want to 7 break off during this afternoon? 8 MS BLACKWELL: I will, thank you very much. 9 THE CHAIRMAN: Thank you. 10 MS BLACKWELL: I am moving now to deal with the deployment 11 on 8 December. On 8 December, W80 and colleagues 12 provided covert armed support to TSU staff who fitted 13 technical surveillance equipment to the Audi, a GPS 14 tracker and two microphone probes. One of the probes 15 provided live-time transmission and the other recorded 16 and stored for later retrieval. A static camera was 17 also deployed to cover the position where the vehicle 18 was being stored in the car park, as we have heard. 19 The deployment provided an opportunity for 20 vehicle-specific intelligence gathering, an excellent 21 opportunity for the MPS to consider a detailed 22 close-quarter reconnaissance of the vehicle, including 23 (a) the number of doors on the vehicle. 24 (b) the type of locking mechanisms. 25 (c) whether there was a means of automatically</p> <p style="text-align: center;">Page 107</p>	<p>1 locking the doors from the inside. 2 (d) the type of windows. 3 (e) the nature and extent of any tinted or security 4 glass fitted to the vehicle. 5 Photographs of the target vehicle, together with 6 a detailed description of the vehicle, including any 7 distinguishing features should have formed part of the 8 intelligence briefing pack for the operation planned for 9 11 December. This does not seem to have happened. 10 The issue of tinted windows has been one featuring 11 in other police-involved shooting incidents, both in UK 12 and internationally. The following quote from the 13 inquiry report into the fatal shooting of 14 Anthony Grainger by armed officers from the Greater 15 Manchester Police demonstrates the importance of proper 16 intelligence in briefing in respect of what is referred 17 to as "privacy glass". Paragraph 6.127 of the report 18 reads: 19 "... the commanders responsible for planning the 20 deployment ... failed to brief AFOs about the presence 21 of tinted privacy glass in some, but crucially not all 22 of the stolen Audi's windows. Astonishingly, they said 23 nothing whatsoever about it even though following many 24 weeks' close surveillance of the vehicle, they must have 25 been fully aware of the true position."</p> <p style="text-align: center;">Page 108</p>

27 (Pages 105 to 108)

<p>1 Whilst the subsequent witness statements of W80, 2 W112 and K78 thought that the Audi had at least some 3 windows with tinted glass, in fact the car had no such 4 feature. There are no references to the state of the 5 windows in any of the FA forms or any of the transcripts 6 of any of the briefings following 8 December. 7 Further preparations for deployment on 11 December, 8 the FA5 form was completed on 9 December by S48 setting 9 out his written advice to the SFC and the TFC regarding 10 the tactical deployment of firearms officers. 11 Mr Coates, please could we display this, it is at 12 IPC1133 and please may we go to page 6, thank you. 13 At page 6 of the document, S48 confirmed that the 14 advice was being provided following a meeting with the 15 SFC, the TFC, the SIO, and others on 3 December. 16 Please, could we highlight the first paragraph. 17 In the second line there, we can see S48 as saying 18 the following: 19 "I have previously prepared further tactical advice 20 relating to other Operation Ankaa deployments and this 21 advice relates to an armed deployment on Friday 22 11 December 2015. 23 "I have had several detailed telephone conversations 24 with the TFC in relation to the developing intelligence 25 picture.</p> <p style="text-align: center;">Page 109</p>	<p>1 "Detailed telephone discussions with the TFC and the 2 SIO. 3 "I have also had the opportunity to read the FA1 and 4 FA2 and attached documents." 5 This last sentence will cause the inquiry to pause 6 for a moment and reflect on the opportunity that was 7 afforded to S48 to read the FA1 document. This was 8 never submitted, for reasons explained by DCI Williams. 9 If it was never submitted, the inquiry may ask how could 10 S48 have been given an opportunity to read it. 11 The following matters fall for consideration: how 12 has S48 got this so wrong? Is this due to a lack of 13 care in completing the form? Is it explained by 14 a thoughtless repetition of what would normally have 15 been the case, but for DCI Williams's own decision not 16 to comply with the SOP? Many aspects of these forms as 17 you will see, sir, are generic, was this simply 18 a mistake in cutting and pasting from a previous case or 19 does this glaring error provide an insight into the 20 superficial manner in which the authorisation forms were 21 being handled by the MPS commanders, that from the very 22 outset the deployment of a large number of AFOs had been 23 tacitly and quietly agreed by the SFC, the TFC and the 24 tactical adviser and the SIO and they were all only 25 paying lip service to the requirement that these forms</p> <p style="text-align: center;">Page 110</p>
<p>1 were completed, submitted and approved. 2 Another odd feature of this form appears at page 9. 3 Could we have page 9 up, please, Mr Coates. Could you 4 highlight the first paragraph below the bullet points. 5 Thank you. 6 When the TFC is in possession of intelligence or 7 information which suggests the subject or subjects is in 8 possession of the firearm, a covert armed interception 9 using the MASTS team should be undertaken." 10 If this was right, then the calling of state red, 11 which will be explained later in the opening statement, 12 would have been done much sooner than 9 am, the tipping 13 point as the inquiry will discover was somewhat more 14 involved than simply the possession of a firearm. The 15 same considerations that we have just aired pertain to 16 this odd detail, and the reasons why it appears here. 17 Mr Coates, please could we go to page 13 of the same 18 document. 19 Thank you. Could we highlight the top of the page. 20 The FA5 sets out five tactical options in respect of 21 the arrest of the subjects of this operation. "Tactical 22 options": 23 "The following tactical arrest options are available 24 to the TFC to support the covert operation. 25 "Arrest subject(s) at identified premises prior to</p> <p style="text-align: center;">Page 111</p>	<p>1 the commission of an offence. 2 "Conduct mobile armed surveillance to establish 3 sufficiency of evidence and on the direction of the TFC 4 intercept/arrest subjects prior to substantive offence 5 taking place. 6 "Intervene/arrest subjects prior to offence taking 7 place at a known location. 8 "Intervene/arrest subjects during the commission of 9 the offence. 10 "Arrest subjects after the commission of the 11 offence." 12 Although S48 sets out each of these options and on 13 pages 13 to 17 documents the implications and 14 considerations in respect of each of these, the inquiry 15 may wish to consider if the decision in favour of 16 option 2 had already been made a number of days before 17 the meeting on 3 December. 18 On page 16 of the FA5, please, and if you can 19 highlight, please, the top of the blue text down to 20 "Rationale". 21 Thank you: 22 "The options which are most likely to achieve the 23 strategy are: B conduct a covert armed surveillance 24 operation to identify, locate and arrest subjects once 25 sufficiency of evidence is obtained."</p> <p style="text-align: center;">Page 112</p>

<p>1 Option 2, we can see:                  2 "In those circumstances the following outcome is                  3 expected:                  4 "The full offence may be prevented by armed                  5 interception and arrest of the subjects prior to any                  6 armed criminality offence taking place once sufficiency                  7 of evidence is established. This may be implemented by                  8 the MASTS team prior to the arrival at the intended                  9 scene with the protection element maintained. Subjects                  10 meeting up, en route or arriving at a location to commit                  11 an offence are likely to be in possession of                  12 incriminating evidence, possibly LOS vehicles and                  13 firearms, thereby exposing their intention and providing                  14 best evidence. Any threat to life may be prevented by                  15 implementing an armed interception at an appropriate                  16 time and location prior to any offence against the                  17 person being committed. Other subjects or associates                  18 may be identified and may also be in possession of                  19 incriminating evidence, thereby exposing intention and                  20 providing best evidence."                  21 On the same page of the FA5, S48 continued by                  22 explaining his rationale for recommending this option.                  23 Rationale:                  24 "To solely thwart offences being committed is not                  25 appropriate in these circumstances. Police have</p> <p style="text-align: center;">Page 113</p>	<p>1 identified possible suspects. Making contact with the                  2 transported subjects or conducting overt surveillance                  3 may simply shift the timing of the offence to a time                  4 when the subjects are not under police control, thus                  5 endangering victims/public at a later date. It does not                  6 satisfy the strategic intention of the operation which                  7 is to protect life. However this option should not be                  8 dismissed as a contingency may have to be implemented.                  9 Insufficient intelligence is currently available to                  10 identify the specific storage location of any firearms.                  11 Any decision must always be balanced against the risk to                  12 the public if further offences are committed which are                  13 within police control to prevent."                  14 The inquiry will note a distinct lack of any                  15 strategic risk assessment which would balance the                  16 operational gains of running the operation as planned                  17 against the risks inherent in a MASTS intervention                  18 against unknown suspects in a vehicle. This risk                  19 assessment and analysis would be expected to be set out                  20 in the earlier FA2 prepared by the TFC and the SFC. It                  21 is not there either. The nearest reference to the                  22 strategic reason for running the arrest operation                  23 appears at page 6 of the FA3.                  24 Please could we take this document down, Mr Coates,                  25 and put up IPC255, page 6. If you could highlight the</p> <p style="text-align: center;">Page 114</p>
<p>1 penultimate paragraph which is numbered 4, please.                  2 Thank you:                  3 "Video-link the court appearance or change courts.                  4 This has been considered but I take that the view that                  5 an operational response ultimately provides the best                  6 opportunity to remove the threat posed by the Erens in                  7 the long term to the communities of north London. To                  8 purely disrupt Friday's plan will leave vulnerabilities                  9 should an attempt be planned at a hospital visit for                  10 example, when we do not have the same quality of                  11 intelligence or operational assets. If we are to remove                  12 one side of this long-running feud, we will make                  13 a substantial difference to gun crime and provide                  14 sustainable public protection in Haringey and Hackney."                  15 Just before we leave this document, may we take                  16 a quick look at the next paragraph, numbered point 5,                  17 please.                  18 The SFC, Detective Superintendent Turner, appears to                  19 have made the same error as the TFC, DCI Williams. He                  20 has listed the court appearance of Izzet Eren during                  21 which the aborted escape attempt occurred as having been                  22 on 1 November, rather than two days previously.                  23 Detective Superintendent Turner makes this mistake not                  24 once but three times, as did DCI Williams. In fact,                  25 this section of information intelligence summary is</p> <p style="text-align: center;">Page 115</p>	<p>1 lifted word for word from the FA2. Whilst it may be                  2 both understandable and acceptable to the inquiry in the                  3 spirit of brevity for such a chunk of information to be                  4 copied and pasted from one document to another, for the                  5 SFC to have blindly done so without checking the                  6 accuracy of the document to which he is putting his own                  7 name, the inquiry may consider is neither understandable                  8 nor acceptable.                  9 Mr Coates, please could we display the FA5 again,                  10 IPC1133, page 18. Could you please highlight the top                  11 half of the page.                  12 The FA5 states:                  13 "Specific advice in relation to the intelligence                  14 provided:                  15 "It is not possible to predict the tactical option                  16 which would be most likely to achieve success within the                  17 working strategy at this time, all of the likely                  18 scenarios along with their implications and                  19 considerations have been recorded within this document.                  20 It is recommended that the TFC explore the evidential                  21 and intelligence thresholds in detail to ensure the OFC                  22 is in the best position to understand when                  23 an interception or arrest is likely to be required ..."                  24 It is important to note that in relation to the                  25 specifics of what action would be taken to arrest</p> <p style="text-align: center;">Page 116</p>

<p>1 suspects when directed to do so by the TFC, S48 refers 2 to the "SCO19 toolbox". 3 Can we look, please, Mr Coates, at page 23 of this 4 document. 5 It is the final paragraph on that page, please: 6 "SCO19 toolbox risk assessments adequately cover the 7 recommended tactical options and contingencies for this 8 operation. The tactical firearms commander will be 9 responsible for any further dynamic or specific assessed 10 risk for the deployment of armed officers which is 11 presented at the time of the activation of a tactical 12 option, or is identified throughout the course of the 13 operation." 14 That is the extent of the reference to risk 15 assessments. 16 The risk assessment was, it seems, being left to the 17 MASTS officers to deliver. Despite the fact that the 18 IPCC report describes the S48's "MASTS tactic", as 19 I have already set out, MASTS deployments are not 20 a tactic, they are a mobile vehicle platform designed to 21 provide armed support to surveillance officers. They 22 are also a platform from which tactical interventions 23 may or may not take place. 24 Indeed this is not unlike the overt use of armed 25 response vehicles that patrol 24/7; they are not</p> <p style="text-align: center;">Page 117</p>	<p>1 a tactic but rather an overt armed patrol which can be 2 called upon to use a range of tactics. This distinction 3 is not always clearly understood by some involved in 4 armed policing deployments, who mistakenly consider 5 MASTS deployments as purely a tactic designed for the 6 delivery of intervention or interception. 7 This issue was the subject of discussion and comment 8 in the Anthony Grainger Inquiry. 9 The recommendations section of that report addressed 10 the importance of understanding that MASTS was not 11 a tactic per se, by making the following 12 recommendations: 13 "Recommendation 6: all documents and training 14 material relating to mobile armed support to 15 surveillance, MASTS, should clearly differentiate 16 between MASTS as an operational method of supporting 17 surveillance and delivering a standard range of tactical 18 options and the additional tactical options of 19 intervention and interception that MASTS trained 20 authorised firearms officers can deliver; make clear 21 that a MASTS deployment authorisation should not be 22 taken to imply that intervention or interception are 23 pre-authorised or preferred tactical outcomes, note that 24 decisive action by MASTS officers is a high risk option 25 and explain what factors lead to higher risks, for</p> <p style="text-align: center;">Page 118</p>
<p>1 example the presence of a subject inside a stationary 2 vehicle and make clear that the reasons for any 3 strategic or tactical command decision in a firearms 4 operation, including any decision to authorise such 5 an operation, must be recorded at the time the decision 6 is made unless it is impracticable to do so, in which 7 case such reasons, together with a full explanation of 8 not recording them at the time, must be recorded as soon 9 as possible." 10 Thank you, can we take that down, please. 11 It would appear that, by the end of Wednesday, 12 9 December 2015 the operation had been approved and 13 planned. The inquiry will wish to assess as the 14 evidence unfolds the extent to which the MPS ensured 15 that this operation was planned and controlled by the 16 authorities so as to minimise to the greatest extent 17 possible, recourse to lethal force. 18 The crux of the McCann judgment was whether the 19 operation as a whole, not just the potential armed 20 encounter, was controlled and organised in a manner 21 which respected the requirements of Article 2. I quote 22 from two paragraphs of the judgment, 200 and 201: 23 "The court which respected the requirements of 24 Article 2 accepts that the soldiers honestly believed in 25 the light of the information that they had been given</p> <p style="text-align: center;">Page 119</p>	<p>1 that it was necessary to shoot the suspects in order to 2 prevent them from detonating a bomb and causing serious 3 loss of life. The question arises, however, whether the 4 anti-terrorist operation as a whole was controlled and 5 organised in a manner, Article 2, and whether the 6 information and instructions given to the soldiers, 7 which in effect rendered inevitable the use of lethal 8 force, took adequately into consideration the right to 9 life of the three suspects." 10 It may be important to reflect upon the role 11 undertaken by SCO7 in disrupting organised crime, 12 removing weapons and drugs from the streets of London, 13 investigating organised criminal activity, arresting 14 suspects and reducing threats of violence. When 15 DCI Williams and Detective Superintendent Turner were 16 presented with the intelligence regarding the planned 17 escape from custody, the possibility of firearms being 18 used and the information that the police were aware of 19 one of the vehicles that might be used, there was 20 an obligation on them to determine the most appropriate 21 course of action. It was the responsibility of the 22 designated SFC to determine whether any proposed plan 23 was appropriate. Given that the embryonic plan would 24 require armed officers to be deployed, the operation as 25 a whole needed to be risk assessed.</p> <p style="text-align: center;">Page 120</p>

<p>1 The APP includes a section which references generic 2 tactical options and reads: 3 "Strategic and tactical firearms commanders should 4 consider each option, having regard to the feasibility 5 of success measured against the strategy, acceptability 6 of consequences and risks involved in taking forward 7 a specific option or taking alternative action." 8 The tactical option being considered from the start 9 of this operation was one of direct action, involving 10 vehicle interception by CTSFOs, covertly deploying from 11 a MASTS platform. Counsel to the inquiry have been 12 unable to find any detailed consideration by the SFC or 13 the TFC of the feasibility of success or the 14 consideration of any other consequences. 15 The similarity of what was being planned in terms of 16 intervention from a MASTS platform should have had, the 17 inquiry may think, echoes of the Azelle Rodney and 18 Mark Duggan cases. Therefore the inquiry policing 19 experts would have expected legacy considerations and 20 recommendations from these and other cases to have been 21 worked through by the SFC and the TFC, as well as other 22 senior officers being briefed regarding the proposed 23 operation. 24 There are references in the FA2 and FA3 forms to 25 a concept called "sustained public protection", which</p> <p style="text-align: center;">Page 121</p>	<p>1 has already been mentioned. However, there is no 2 documented detailed consideration of the risks involved 3 in taking forward a specific option or taking 4 alternative action in the manner suggested in the 5 relevant section of the APP. 6 In determining what was the most appropriate action 7 to take, the SFC was required to balance sustained 8 public protection, whilst minimising the risk to members 9 of the public, police officers and suspects. 10 The long-running feud between the Tottenham Turks 11 and the Hackney Bombers and associated violent argument 12 criminality presented such a challenge. The term was 13 not included in the October 2013 APP, but was referenced 14 in the NPFTC. The police service's lead for armed 15 policing, Detective Chief Constable, now Chief 16 Constable, Simon Chesterman undertook a peer review of 17 the national issues that had been identified and 18 a summary of his findings were published on 5 July 2013, 19 and included the following. 20 "National recommendation 4: firearms commanders 21 often have to weigh up longer-term sustained public 22 protection against delivering a short-term deterrent. 23 This is a subjective decision that is based on sound 24 judgment but is not afforded enough clarity and 25 protection by the recognition of this challenge within</p> <p style="text-align: center;">Page 122</p>
<p>1 the APP. I recommend that I work with the College of 2 Policing to create an approved reference to this subject 3 within an updated version of the APP." 4 Subsequently, the APP was updated on 5 16 October 2014, and included the following paragraphs, 6 which we will look at on screen. 7 Mr Coates, please can we put up COP24 at page 10. 8 In fact, can we go back to the bottom of page 9, 9 please. Yes. We are looking from the final paragraph, 10 "Effective strategy". Then we will go over the page: 11 "Effective strategy: an effective strategy should 12 provide clarity of purpose, recognise public safety as 13 a priority, reflect the multidimensional threat 14 assessment in priority order, be achievable, be dynamic 15 to reflect changes in circumstances and be specific to 16 the operation. 17 "When formulating a working strategy, firearms 18 commanders are required to consider the role of the 19 police in protecting the public alongside the wider duty 20 to investigate crime and bring offenders to justice. 21 Sustained public protection may be characterised as 22 an acknowledgment that an extended duty of care to the 23 public exists in some more complex operations." 24 Sustained public protection: 25 "The objective of any police investigation must be</p> <p style="text-align: center;">Page 123</p>	<p>1 to protect the public through the detection and 2 prevention of crime. This includes obtaining sufficient 3 evidence to bring arrested persons to justice. While 4 this objective legitimately includes an attempt to 5 secure sufficient evidence to demonstrate the full 6 extent of the planned and criminal intention, this must 7 be balanced against any associated risk to the public. 8 Action taken to mitigate risk in the short term may only 9 serve to displace or delay that risk and may not address 10 the longer-term public safety considerations. It may 11 only be possible to effectively eliminate risk to the 12 public through the detection, successful prosecution and 13 subsequent lengthy imprisonment of the subjects, 14 particularly where they are committed or recidivist 15 offenders. It may not however always be possible to 16 develop a plan capable of securing sufficient evidence 17 to do so without risk. 18 "In a covert armed policing operation, the decision 19 to activity a tactical arrest plan and move to an overt 20 phase may have to take account of competing 21 considerations in terms of evidential sufficiency and 22 the safety of those potentially exposed to risk. Where 23 the policing operation relates to more than one subject, 24 evidential sufficiency may have to be considered in the 25 wider context.</p> <p style="text-align: center;">Page 124</p>

<p>1 "It is appropriate to assess the level of risk to 2 the public in both the short and longer term. This may 3 include consideration of whether the means by which more 4 imminent risk is mitigated may increase risk in the 5 longer term, as a result of reduced police control and 6 intelligence opportunities. 7 "In deciding when to authorise the activation of the 8 tactical arrest plan, a commander is therefore entitled 9 to take into account the strength of the evidence 10 against the subjects and to consider whether there is 11 sufficient evidence to warrant the detention and 12 prosecution of the subjects, overt police action at 13 an early stage will reduce the likelihood of 14 a successful prosecution." 15 Can we go to page 11, thank you: 16 "Early overt police action will notify the subjects 17 of the covert police operation and result in reduced 18 control and intelligence opportunities. The longer-term 19 public interest will be served by the activation of the 20 tactical arrest plan at this stage. 21 "Any armed policing operation must be planned and 22 controlled so as to minimise to the greatest extent 23 possible recourse to lethal force and risk to the 24 public. Any command decisions which may potentially 25 increase the short-term risks associated with the</p> <p style="text-align: center;">Page 125</p>	<p>1 tactical arrest plan, in order to reduce the long-term 2 risk to the public must be fully rationalised and 3 justified. In such cases, commanders should seek to 4 implement appropriate safeguards to minimise identified 5 short-term risks where possible." 6 Thank you, can we take that down, please. 7 Operation Ankaa was born during the week of 8 2 November 2015, when DI Murray first approached 9 DCI Williams. This was over a month before any escape 10 attempt was to be made. This was not an operation 11 formed at short notice and with the pressure of time. 12 The APP sets out the strategic and tactical roles and 13 responsibilities of the SFC as being these. 14 (a) he has overall strategic command with 15 responsibility and accountability for directions given. 16 (b) he should consider any tactical parameters to be 17 placed on the police response. 18 (c) must ensure that the firearms strategy complies 19 with the wider strategic aims of the overall operation. 20 (d) should test the tactical plan against the 21 established strategy, where practicable and/or time 22 allows. 23 (e) is responsible for overall resourcing in respect 24 of the deployment of AFOs. 25 It is therefore clear that responsibility and</p> <p style="text-align: center;">Page 126</p>
<p>1 accountability of whether the operation should have been 2 undertaken in the manner authorised lies with the SFC, 3 Detective Superintendent Turner. 4 In his statement of 11 December, Detective 5 Superintendent Turner stated: 6 "I further reviewed the TFC working strategy based 7 on all of the information available, which was to 8 minimise risk to the public, to Serco custodians and 9 prisoners on the prison van, including Izzet Eren, 10 unarmed police officers, armed police officers and 11 unknown subjects. I considered this initial working 12 strategy, including my own, which was the sustained 13 long-term protection of the public, using the most 14 appropriate methods whilst balancing the risk and harm 15 to all. I therefore adopted the initial working 16 strategy and formalised it as my own firearms strategy 17 for this operation. 18 "I also adopted the hierarchical status of each 19 group based upon the threat assessment." 20 The APP clarifies that an effective strategy should 21 be specific to an operation. The FA2 documented that 22 the level of risk to each of the five groups that I have 23 just listed was low. Options available on the FA2 form 24 were "high", "medium", "low" and "unknown". 25 This grading of low risk to all is continued on the</p> <p style="text-align: center;">Page 127</p>	<p>1 notes and on DC Williams's log that he used on 2 11 December, during the course of the operation. 3 Included on a version of the FA2 that was used by 4 DI Keely Smith, who was the ground TFC on the morning of 5 11 December 2015, is a handwritten matrix which shows 6 the continued timing of the low threat assessment to 7 each of the parties as the operational deployment 8 progressed. 9 Let's take a look at this, please, Mr Coates, it is 10 IPC6, at page 51, please. Could you highlight the 11 matrix at the bottom. 12 This low level of threat assessment was only 13 increased to medium by DCI Williams as the state amber 14 was called, and even then only to medium, and as the 15 inquiry will hear, it did not reflect the assessment and 16 feelings of the AFOs as they were approaching the Audi. 17 The FA5 submitted by the TA does not speak of risks 18 being low but of managed risks. In particular under the 19 implications and considerations of option 2, which is 20 the vehicle interception prior to the commission of the 21 offence, S48 acknowledged that this option takes 22 an armed operation into the public domain, thereby 23 increasing risk to the public. Although not stated by 24 S48, any confrontation with suspects believed to be in 25 possession of firearms also creates a significant risk</p> <p style="text-align: center;">Page 128</p>



<p>1 to the officers who, unless they are in possession of 2 hard ballistic cover, will themselves be in vulnerable 3 positions. 4 The inquiry has received pertinent statements about 5 the threat and risk from the following officers. V68: 6 "When I approached the Audi, I expected the next 7 thing to happen would be the window breaking as the 8 driver fired out at me in a bid to escape. That is how 9 convinced I was that there were guns in that car." 10 P2: 11 "I remember feeling very uncomfortable stood in 12 front of the dark window, so I stepped left and kept my 13 right hand on my weapons grip and used my left to open 14 the door. I swung it open and then swept from right to 15 left with my weapon, trying to use the boot side as some 16 cover." 17 W80: 18 "I moved around the rear of our vehicle and 19 I started to move down the nearside of the Audi. 20 I thought we were going to get shot." 21 There appears to be a disparity between the SFC's 22 and the TFC's assessments of threat and risk and the 23 level of threat and risk that the armed officers who 24 were required to carry out the intervention actually 25 perceived. It is also clear that an armed intervention</p> <p style="text-align: center;">Page 129</p>	<p>1 would present a considerable risk to subjects, armed 2 officers may perceive any movement on the part of 3 subject as a threat to themselves or others. The SFC 4 should ensure that the firearms strategy complies with 5 the wider strategic aims of the overall operation. 6 Thank you, can we take that down, please. 7 In Operation Ankaa, there appears to have been 8 an absence of detailed consideration in the FA forms to 9 sustained public protection, as is recommended in the 10 APP. 11 That any command decisions which may potentially 12 increase the short-term risks associated with the 13 tactical arrest plan, in order to reduce the long-term 14 risk to the public, must be fully rationalised and 15 justified. 16 The assistant commissioner, Pat Gallan, and 17 commander for specialist crime and operations, 18 Duncan Ball, had been briefed during the preparation and 19 planning stage of this operation. Assistant 20 Commissioner Pat Gallan was approached with property 21 interference applications for authority to install the 22 tracker and audio probe in the Audi. She received 23 a personal presentation on the operation on 24 13 November 2015. Both applications were granted. 25 Commander Duncan Ball received information on</p> <p style="text-align: center;">Page 130</p>
<p>1 12 November and a face-to-face briefing from 2 DCI Williams on 19 November. Both recall being informed 3 that disrupting the attempted escape, for example 4 through the use of video-link, would not prevent the 5 long-term problem of a future attempted break from 6 custody. Commander Ball's application for armed 7 security within the Wood Green Crown Court precinct 8 includes the following wording: 9 "Careful consideration has been given as to the 10 necessity of an operational policing response to this 11 threat". 12 He makes a direct reference to "sustained public 13 protection". 14 The wording included in the application is, for the 15 most part, copied from the TFC's FA2. However, the FA2 16 application does not include the words "careful 17 consideration". In comparing the working strategy 18 overall principles in the TFC's FA2 and the SFC's FA5, 19 the order in which the objectives are listed has 20 changed. 21 Mr Coates, please could we display the following 22 documents side by side. 23 First of all, could we put up IPC1096, at page 17. 24 Thank you. 25 Then, beside it, IPC255, at page 12.</p> <p style="text-align: center;">Page 131</p>	<p>1 It is not specifically stated whether this is 2 a hierarchical prioritised list of objectives, but it 3 very much reads as such and an SFC and TFC will often 4 create a hierarchy of objectives, placing protection of 5 life at the top of the list with evidential issues 6 having a distinctly lower priority. 7 The SFC has placed "minimise risk to any potential 8 Serco custodians" at point 1. You can see this in the 9 document on the right-hand side, whereas this is point 2 10 on the TFC's list. 11 Although the prison governor was briefed regarding 12 the proposed operation, there was concern regarding the 13 potential integrity of the Serco staff who were not 14 briefed about the operation. It is also clear, sir, 15 that those planning the operation did not want to take 16 any action that would alert Izzet Eren to the fact that 17 a police operation was in progress. That much you may 18 think is understandable. However, we are not aware of 19 a documented rationale as to why, once the three 20 prisoners were secured in the vehicle, armed police were 21 not substituted for the Serco staff. The inquiry's 22 policing experts believe that this could have three 23 benefits. 24 (a) it could have ensured that the prison van always 25 travelled on the known route.</p> <p style="text-align: center;">Page 132</p>

<p>1 (b) it could have meant that there was no risk to 2 the Serco staff. 3 (c) in the event of an attack taking place at 4 an unanticipated location, the vehicle's occupants were 5 in a position to defend themselves. 6 Looking back at the forms, the SFC's second 7 overarching principle is to minimise risk to the general 8 public in or outside court. Given that an intervention 9 or interception on the Audi was being considered by the 10 SFC, the inquiry may find it surprising that there was 11 no risk identified to the general public during any 12 contact with subjects attempting to free prisoners from 13 the prison van. 14 The fourth objective set out by the TFC on the 15 left-hand side was to minimise the risk to the subjects. 16 However, the SFC has modified this to "minimise risk to 17 unidentified suspects", this appears to be 18 an intentional change of wording by the SFC, which may 19 demand an explanation. 20 The SFC makes no change to the fifth objective, 21 which reads: 22 "Identify, locate, contain and neutralise the threat 23 posed by the unknown subjects." 24 The APP addresses general tactical options and these 25 are set out under the section entitled "identify options</p> <p style="text-align: center;">Page 133</p>	<p>1 and contingencies", and the introductory section reads 2 as follows: 3 "Generic tactical options set out the different ways 4 in which a particular objective can be undertaken in 5 a manner which minimises risk and harm. They are broad 6 descriptions of the options the police may have 7 available to them when dealing with an incident which 8 requires the deployment of armed officers. Along with 9 the primary aim of securing public safety, consideration 10 should be given to whether it is possible to identify, 11 locate and contain the subject and take appropriate 12 action to neutralise the threat posed." 13 The concept of identify, locate and contain are the 14 building blocks of nearly all armed police tactics. 15 However, it should be noted that the reference is to 16 "neutralise the threat posed", not the person posing the 17 threat. 18 There are many ways in which a threat may be 19 neutralised and this includes activity not related to 20 the discharge of firearms. This can include denying the 21 subject access to their intended target, a tactic often 22 referred to as "target denial". This does not 23 necessarily result in the potential for arrest. The 24 inquiry police experts are of the view that in this 25 operation an option that could have been considered was</p> <p style="text-align: center;">Page 134</p>
<p>1 to direct the prison van to divert from its intended 2 route as soon as the evidential threshold was met. At 3 that point, the necessity for an immediate intervention 4 on the Audi would have ceased to exist and the following 5 actions could have been considered (a) slowing down the 6 intervention phase, (b) continued monitoring of the 7 covert radio transmissions, (c) continued surveillance 8 of the vehicle once they realised the prison van was no 9 longer on route, (d) the arrest of the occupants when 10 they were preparing to abandon the vehicle and preparing 11 to destroy it and (e) continued surveillance of the 12 individuals after they abandoned the Audi and arrests at 13 an appropriate point. 14 Given that the MPS had over six weeks to consider 15 the appropriate course of action, there was, you may 16 think, ample opportunity to systematically work through 17 all potential tactical options and document the process, 18 including the rationale for options selected and 19 discounted. 20 The inquiry may wish to consider whether from the 21 first meeting, the only option considered in terms of 22 arresting the suspects, was an armed interception and 23 extraction using a MASTS platform. 24 It is also noted that the two additional objectives 25 set out by the TFC are these: to recover any firearms</p> <p style="text-align: center;">Page 135</p>	<p>1 and secure and preserve evidence leading to the arrest 2 and prosecution of offenders. These are absent from the 3 SFC's list. 4 Neither the SFC nor the TFC lists locate and arrest 5 conspirators as an objective of the operation. This may 6 be surprising given that in discussions and planning 7 meetings, repeated reference was made to the 8 unparalleled opportunity to identify and arrest 9 offenders involved in serious armed criminality and take 10 them off the streets of London. Given that this appears 11 to have been the core rationale behind the whole 12 operation, it is unclear why this issue was not clearly 13 set out by the SFC on the FA3 and then incorporated into 14 the briefing documents used during the tiered briefings 15 that took place on 10 and 11 December and to which we 16 shall now turn. 17 Thank you, Mr Coates. 18 By way of recap, in the lead up to 11 December, 19 there had been substantive investigative and 20 intelligence work undertaken. A number of SCO7, 35 and 21 19 officers had been notified of an intended operation 22 and their intended roles. CTsFOs from SCO19, including 23 W80, had undertaken reconnaissance and planning 24 activity. The SCO19 firearms tactical adviser, S48, had 25 been involved from the first meeting held a month</p> <p style="text-align: center;">Page 136</p>

<p>1 earlier on 10 November and was, by 10 December, in                  2 receipt of the FA2 and FA3 documents signed by the SFC                  3 and the TFC.                  4 The proposed operation was, the inquiry may find,                  5 sophisticated, complex, and well resourced. It was also                  6 an operation that had been briefed upwards to the most                  7 senior levels within the specialist crime and operations                  8 directorate of the MPS. There was a requirement for the                  9 operation to be explained to all those who would be                  10 involved and this was undertaken in a series of                  11 briefings. The inquiry will wish to establish whether                  12 or not these briefings were undertaken in accordance                  13 with established protocols and policies, the APP and the                  14 SOP being the two main ones.                  15 Issues which arise include the attendee lists of the                  16 briefings, the recording of the briefings, and, as to                  17 their content, what was included and what was not, but                  18 perhaps should have been included.                  19 The briefing at New Scotland Yard on Thursday,                  20 10 December was to be the first of a series of tiered                  21 briefings. The APP states:                  22 "AFOs must be continually updated with information                  23 relevant to their role during their deployment."                  24 This briefing did not include all staff, W80 was the                  25 only SCO19 officer present. Any briefing should contain</p> <p style="text-align: center;">Page 137</p>	<p>1 not only the objectives that are to be used but also the                  2 tactics authorised that should be clearly explained and                  3 clarified to those being briefed. The main part of the                  4 briefing was audio recorded. There is nothing within                  5 the transcript of this briefing or of the PowerPoint                  6 providing any clear explanation of the tactics which                  7 CTSFO officers would use if they were required to                  8 intervene.                  9 Chapter 7 of the SOP has a section on briefings and                  10 section 7.35 says that in situations where AFOs are                  11 deployed, they should be given as full a briefing as                  12 possible. Mr Coates, can we look at this document,                  13 please, and put up IPC82 at page 14. Let's look                  14 together at paragraph 7.38, please. Thank you:                  15 "The TFC should ensure that information,                  16 intelligence and details of reliability are included in                  17 a briefing where it is relevant to the working strategy.                  18 The TFC should also ensure that the level of threat                  19 assessed, the reasons for it and the reliability of the                  20 information are included in the briefing."                  21 Can we go to the next page, please, and                  22 paragraph 7.44 -- I think actually it is at the bottom                  23 of that page ... thank you.                  24 "Officers conducting briefings should be mindful                  25 that the context of the briefing may directly affect the</p> <p style="text-align: center;">Page 138</p>
<p>1 response of armed officers to any subsequent perceived                  2 threat from a subject."                  3 At 7.46, please:                  4 "It is the responsibility of the TFC to ensure that                  5 all main briefings for firearms operations are audio                  6 recorded. This is the minimum standard and commanders                  7 may wish to consider recording all briefings for best                  8 practice."                  9 7.47, please, and we are going to go up to 7.51, so                  10 if you could just highlight the rest of that page, thank                  11 you.                  12 7.47:                  13 "The exceptions to this policy are where audio                  14 equipment is faulty or unavailable, or where the                  15 location, circumstances or time restraints make it                  16 inappropriate or impracticable to do so."                  17 At 7.50:                  18 "For both sensitive and non-sensitive recordings the                  19 process should be the same, the TFC and/or designated                  20 briefing officer appointed by the TFC will be                  21 responsible for the coordination and recording of these                  22 briefings. It will be that officer's responsibility to                  23 ensure that briefings are recorded and that these                  24 guidelines are followed."                  25 At 7.51:</p> <p style="text-align: center;">Page 139</p>	<p>1 "An officer will be appointed as the recording                  2 officer. At the commencement of the briefing, that                  3 officer will start the recording device and state that                  4 the briefing is being audio recorded and the time, date                  5 and location.                  6 "The briefing will then take place while being audio                  7 recorded. It is important that all intelligence should                  8 be disseminated at the briefing. However, its source                  9 should be protected."                  10 The SOP does not provide any exception allowing for                  11 turning off the recording during the intelligence                  12 element of the briefing being delivered in order to                  13 manage any sensitive content that may be recorded. The                  14 SOP at 7.63 -- we don't need to go to it, Mr Coates --                  15 states that the recording will be stored along with all                  16 other sensitive unused material produced as part of the                  17 operation.                  18 The intelligence relating to Operation Ankaa was                  19 sensitive, and in accordance with management of                  20 sensitive information the SOP states:                  21 "If the intelligence is from sensitive sources,                  22 firewalls to protect the integrity of this information                  23 for briefing purposes will be put in place.                  24 "the intelligence picture will be agreed by the SIO                  25 and the TFC prior to the commencement of the briefing in</p> <p style="text-align: center;">Page 140</p>

1 a form of words, making no reference to the source of  
 2 the intelligence. This will help to ensure both the  
 3 accuracy of the intelligence and protection of sensitive  
 4 sources. It is that form of words that will be given at  
 5 the briefing."  
 6 There is no evidence that any form of words was  
 7 agreed between DI Murray and DCI Williams. V64 has said  
 8 that no form of words was supplied for the 3.00 am  
 9 11 December briefing at Leman Street, which we will come  
 10 to, and so V64 used the content of the FA2. There is no  
 11 recording of any intelligence briefing. Surveillance  
 12 officers had a key role to play in the operation that  
 13 was being planned and this included providing live time  
 14 intelligence to those in the command suite and to the  
 15 firearms officers as to the movements of vehicles or  
 16 subjects relative to the prison van, the vicinity of the  
 17 prison and the Audi. Authorised firearm officers needed  
 18 to know the actions the SFC and TFC wanted them to take  
 19 in the event of the sighting of the suspects in or  
 20 around the prison van. An attempted escape by the  
 21 prisoners, an enforced stop of the prison van, an attack  
 22 on the prison van or an attempt to free the prisoners in  
 23 and/or around the precincts of the prison.  
 24 This operation would include the deployment of two  
 25 ground TFCs as we have already seen, one of whom would

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1 as outlining any constraints or tactical parameters he  
 2 was imposing before handing over to the TFC and the rest  
 3 of the briefing team.  
 4 Included in the briefing was the fact that the  
 5 people coming together to carry out this offence would  
 6 be dangerous individuals. A PowerPoint presentation by  
 7 DC Kinch included a photograph of the Audi, no reference  
 8 was made to the TSU equipment, and that Ozcan Eren, code  
 9 named Borg. DCI Williams then stated the following:  
 10 "We have good intelligence, good evidence, that  
 11 these individuals come together in this vehicle, eg  
 12 control vehicle and will take them out long before the  
 13 van ever gets anywhere near the Crown Court. The  
 14 overarching objective is that that car and any other  
 15 mission car that these subjects have does not come  
 16 anywhere near the prison van."  
 17 Although DCI Williams made reference to "these  
 18 subjects" and several subjects were shown on the  
 19 PowerPoint presentation and referred to in the briefing,  
 20 the only subject the officers identified as a certainty  
 21 to be involved was Ozcan Eren. It is not known whether  
 22 he would be in the Audi or whether other vehicles may  
 23 have been involved.  
 24 The inquiry may wish to consider what was missing  
 25 from this briefing. In the transcript provided, there

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1 have responsibility for the armed deployments in and  
 2 around the prison van during its journey to and on  
 3 arrival at the court. The other had responsibility for  
 4 the surveillance officers and MASTS team monitoring the  
 5 movements of the Audi. For each of these teams, there  
 6 would be an OFC accompanying the ground TFC in a command  
 7 vehicle. Each CTSFO MASTS team would have an OFC and  
 8 each designated ARV crew would have their own OFCs.  
 9 The importance of everyone knowing how each strand  
 10 sits in relation to the overall operational objectives  
 11 will be obvious to the inquiry. Supervisory and team  
 12 leaders from each of the SCO19 components of the  
 13 operation were not present at this briefing on  
 14 10 December.  
 15 As S105, who was to be the OFC for the deployment on  
 16 the Audi was on leave, W80 was asked to attend the  
 17 briefing instead. As I have already said, W80 was the  
 18 only SCO19 officer at the briefing. There is no such  
 19 explanation for the absence of the other OFC, S111.  
 20 The briefing was led by DCI Williams and DC  
 21 Gary Kinch from the SIO's team. Although the SFC was  
 22 present, he did not have an input into the briefing.  
 23 The inquiry may consider that this was an opportunity  
 24 missed for the SFC to stress the importance of his  
 25 strategic objectives for this complex operation, as well

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1 is no mention of the conspirators putting together  
 2 a team of suitable individuals or the ethnicity of such  
 3 a team, as had been set out in the FA2 document.  
 4 By 10 December, information had been received that  
 5 the people the MPS believed to be planning the escape  
 6 were having difficulty obtaining a real firearm. If  
 7 this information was available to the SIO, the SFC or  
 8 the TFC prior to the briefing, the inquiry may form the  
 9 conclusion that it should have been conveyed during that  
 10 briefing session.  
 11 In closing the briefing, DC Kinch stated:  
 12 "We also have a camera to cover the mission  
 13 vehicle."  
 14 He informed those present that more specific  
 15 information and intelligence about each team's location  
 16 would be imparted during briefings scheduled for the  
 17 following morning."  
 18 So we come, sir, to 11 December and the fifth part  
 19 of my opening.  
 20 There were a number of briefings conducted on  
 21 11 December. These included (a) the 3.00 am  
 22 pre-deployment briefings at Leman Street for the CTSFOs,  
 23 (b) the 5.00 am briefings at three different locations  
 24 for the teams that would be deployed in respect of the  
 25 prison van, the Audi and Ozcan Eren, and (c) a briefing

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<p>1 for staff at the C3000 covert control room delivered by 2 DCI Williams.</p> <p>3 The first of these, the 3.00 am briefing.</p> <p>4 A number of the CTSFOs who were deployed on 5 11 December stayed in a hotel the night before the 6 operation. At 3.00 am a briefing for CTSFO staff was 7 held at their Leman Street base. The briefing was 8 conducted by V64, W97 and W80, who participated in the 9 delivery. The briefing was not recorded.</p> <p>10 The APP makes a number of points in respect of 11 briefings, and we are going to look at this in relation 12 to the subheading "Keeping a record".</p> <p>13 Mr Coates, please put up COP18, at page 14. It is 14 the final paragraph, number 5, "Keeping a record", 15 please.</p> <p>16 "A record should be maintained of all briefings, 17 including the persons present and information given. 18 The method of recording may include: contemporaneous 19 notes, use of formal briefing documents, audio 20 recording, ICT systems, command and control logs.</p> <p>21 "As far as practicable, the most comprehensive 22 method of providing an accurate record of the briefing 23 should be used. Where officers are being briefed while 24 travelling or are in a remote location, consideration 25 should be given to using radio or telephone recording to</p> <p style="text-align: center;">Page 145</p>	<p>1 provide a record of the briefing."</p> <p>2 Thank you.</p> <p>3 The issue of the audio recording of briefings has 4 been raised in several high-profile police-involved 5 shootings. In 2013, in the Azelle Rodney Inquiry 6 report, Sir Christopher Holland confirmed that he 7 believed that it should be possible to audio or video 8 tape the formal briefings given to staff.</p> <p>9 Although this early morning briefing was not 10 a formal briefing, being delivered by the ground TFC, it 11 was an important briefing. The APP deliberately states 12 a record should be maintained of all briefings and as 13 far as practicable the most comprehensive method of 14 providing an accurate record of the briefing should be 15 used. It is the view of the inquiry's policing experts 16 that all pre-deployment briefings, should, as far as the 17 circumstances permit, be audio recorded.</p> <p>18 Although this 3.00 am briefing was not audio 19 recorded, V64 has produced a typed document entitled 20 "SCO19 briefing note Operation Ankaa".</p> <p>21 In his statement of 11 December, he refers to this 22 document as a "briefing crib sheet". Could we put up, 23 please, IPC537.</p> <p>24 If we highlight the bottom third of the page, 25 please. Thank you:</p> <p style="text-align: center;">Page 146</p>
<p>1 "Reliable and high-graded intelligence indicates 2 that there is an ongoing conspiracy to assist Izzet Eren 3 in escaping from custody on Friday, 11 December 2015. 4 The intelligence suggests that those seeking to carry 5 out this offence will be in possession of firearms and 6 other weapons."</p> <p>7 The inquiry will wish to establish if this 8 information was a true reflection of what was known by 9 those in command and those delivering the briefing at 10 this time.</p> <p>11 V64's briefing sheet also contains the following 12 relevant issues, and could we please now highlight the 13 top third of the document.</p> <p>14 I think it might be on the next page, "There is no 15 intelligence that any attempt will be made ..."</p> <p>16 No, I will simply read this out, sir:</p> <p>17 "There is no intelligence that any attempt will be 18 made whilst Izzet Eren is at court or to smuggle weapons 19 into the premises by breaching existing security 20 measures. The Erens represent the Tottenham element of 21 the long-running feud with the rival Hackney Turks, 22 which has seen numerous shootings and murders back to 23 2009 in both London and Turkey. Given the antecedents 24 of this criminal network and the fact that any 25 successful attempt would involve considerable threat and</p> <p style="text-align: center;">Page 147</p>	<p>1 duress to any custodians, it is assessed that firearms 2 will be used to effect the escape. The operational 3 response to this threat is being led by Detective Chief 4 Inspector FE16, DCI Williams, from the specialist crime 5 and operations directorate. The assistant commissioner 6 and commander for specialist crime and operations had 7 been briefed in the preparation and planning of this 8 operation and the operational team have identified 9 a stolen Audi motor vehicle. It is our intention to 10 conduct an armed interception of this vehicle once there 11 is sufficiency of intelligence and in advance of the 12 prison van arriving at the court. The vehicle will be 13 under conventional and technical surveillance control of 14 police on 11 December.</p> <p>15 In V64's statement he said:</p> <p>16 "During my part of the briefing, I also made 17 reference to points to note during the respective team 18 briefings, such as the working strategy, areas of 19 responsibility, limits of exploitation, communications, 20 discipline and protocols and the MASTS FAPs."</p> <p>21 The term "FAP" may have a specific meaning within 22 the lexicon used by MPS CTSFOs, but the inquiry's 23 policing experts are only aware of a military-use term, 24 "final assault points" meaning "FAP". They are 25 uncertain what V64 was attempting to convey when he</p> <p style="text-align: center;">Page 148</p>

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<p>1 references MASTS FAPs. This is not a term used in the 2 APP, nor to their knowledge in the national police 3 firearms training curriculum and the inquiry may wish to 4 reflect on the opinion of its policing experts, who are 5 of the view that combative terms such as "assault" 6 should not become ingrained in police culture and the 7 armed policing tactical lexicon should reflect 8 operational objectives related to the protection of life 9 and the securing of evidence.</p> <p>10 Following this, V64 detailed the command and control 11 teams and also the SCO19 teams' call signs. He then 12 handed over to W97, who explained the tactical plan for 13 the enhanced protection package around the prison van 14 and, following this, W80 detailed the tactical briefings 15 for the MASTS element that would be operating in the 16 Wood Green area.</p> <p>17 W80's statement contains information as to what he 18 recalls was contained in this part of the briefing.</p> <p>19 Can we please put up IPC16 at page 3. If we can 20 highlight the top half of the page, please.</p> <p>21 This was a tactical briefing given by V64, who was 22 the operation firearms commander.</p> <p>23 Can we have a look at the bottom part of that page, 24 please.</p> <p>25 Yes, there we are, it starts five lines down:</p> <p style="text-align: center;">Page 149</p>	<p>1 "This was a tactical briefing given by V64 who was 2 the operation firearms commander for the security of the 3 prison vehicle and V97 and I, who had been involved in 4 the recce of the area and the stolen Audi. This 5 briefing was not recorded. V64 gave the team the 6 intelligence briefing which included information 7 regarding the operation, the fact that the OCN would be 8 armed and use firearms to effect the escape of the named 9 individual from the prison van and the fact that the 10 individual who was to be broken out was being sentenced 11 for an offence of possession of a loaded machine pistol. 12 I gave information as to the current position of the 13 stolen Audi in relation to the court. The SFO teams 14 were given their postings of who would be in what 15 vehicle and their individual roles."</p> <p>16 Thank you, can we take that down, please.</p> <p>17 V64's briefing included information that Izzet Eren 18 had requested that no boys were to be used for this job, 19 and to make sure that his helpers on the outside got big 20 men to do it. There was mention of getting four big 21 black males to carry this plan out.</p> <p>22 As I have said, the 5.00 am briefings took place at 23 four different locations. The central C3000 briefing or 24 C3000 briefing was conducted by DCI Williams. The 25 briefing was not recorded and no contemporaneous notes</p> <p style="text-align: center;">Page 150</p>
<p>1 were made of it. There is no record of who was present 2 in the room when the briefing took place. Staff were 3 invited to introduce themselves and state their 4 possibilities. The briefing commenced with a short 5 overview of the three separate operational deployments. 6 The operation briefing sheet was displayed on 7 an electronic screen throughout the morning for all 8 staff to see and all staff were to take time to 9 familiarise themselves with the technical equipment and 10 to ensure that radio communication was effective with 11 the three outside teams.</p> <p>12 Staff in the control room had a central and 13 important role to fulfil in this complex multi-faceted 14 operation, ensuring that they received a comprehensive 15 and role-appropriate briefing was essential.</p> <p>16 The recording of the briefing would have assisted in 17 addressing post-incident issues, such as the ability to 18 establish clarity as to which officer was fulfilling 19 which role.</p> <p>20 Meanwhile, the Team B briefing at Lincoln Road 21 lasted for 20 minutes and was audio recorded. During 22 this briefing a PowerPoint presentation was shown to the 23 officers present, which appears to have been the same 24 PowerPoint that was shown to the staff who attended the 25 New Scotland Yard briefing the previous day.</p> <p style="text-align: center;">Page 151</p>	<p>1 There was input from DI Keely Smith, S105 and 2 DC Kinch. The only reference to intelligence in respect 3 of the possession of firearms was provided by DC Kinch 4 and related to the arrest on 13 October, when the 5 subjects had two automatic firearms in their possession, 6 which were loaded.</p> <p>7 The inquiry's policing experts would expect that 8 such a briefing would specifically set out the SFC's 9 strategy for the operation. The transcript of the 10 briefing shows detective inspector FE1 referring to "the 11 SIO's strategy", which may well have been a mistake by 12 her and she may have intended to say, "The SFC's 13 strategy". Records indicate that S105 asked a DC with 14 responsibility for staffing an operation post in Eastern 15 Road, thought to be Detective Constable Kinch, if 16 anything was known about the type of firearms, and the 17 answer was "no".</p> <p>18 It was mentioned that some heavies from Tottenham 19 were recruited to do the job. It would appear that 20 DI Keely Smith was present during this conversation but 21 she did not make any notes of what was being said. As 22 far as she was concerned, all relevant information and 23 intelligence that was available to her had been given in 24 the taped briefing. The information from DC Kinch would 25 not in her opinion change anyone's mindset, nor did it</p> <p style="text-align: center;">Page 152</p>

38 (Pages 149 to 152)

1 affect the planning or tactics of the operation.  
 2 The inquiry will wish to establish if this response  
 3 by DC Kinch that nothing was known at that time about  
 4 the type of firearms was a fair reflection of the state  
 5 of the intelligence that was known at that time and, if  
 6 it was not, the reason for any inaccuracy and whether  
 7 such inaccuracy would have the effect of misleading  
 8 those listening to the briefing.  
 9 The opinion of the inquiry's policing experts is  
 10 that it is good practice to make a record of any  
 11 additional information made after the formal briefing.  
 12 The tape should not be turned off until after the any  
 13 questions session has been completed. If additional  
 14 informal conversations impart further information,  
 15 a contemporaneous note should be made of the update.  
 16 In relation to the part of the briefing provided by  
 17 DI Keely Smith, there is no record in the transcript of  
 18 her setting out either her own role vis-a-vis that of  
 19 the overarching TFC and the OFC, or evidential  
 20 thresholds, operational tipping points or contingencies.  
 21 She did, however, set out the threat and risk assessment  
 22 to the general public, Serco custodians, armed police,  
 23 unarmed police, all of which she assessed, as we have  
 24 seen from looking at her matrix, as being low.  
 25 During the briefing, the OFC, S105, stated the

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1 a large Turkish community in the area of Wood Green and  
 2 if Izzet Eren got out of the car, there may have been  
 3 a difficulty in spotting him. Or so was referenced by  
 4 officer K78 in a comment which he was to say.  
 5 The inquiry may wish to establish, as far as it is  
 6 possible to do so, the state of knowledge of those in  
 7 Team B in the hours and then the moments running up to  
 8 the interception of the Audi.  
 9 R116 was the driver of the Alpha Car in which W80  
 10 was travelling. He stated the following:  
 11 "I do not recall being told at the tactical briefing  
 12 that the gang would definitely be armed. We were given  
 13 intelligence at some stage that it was believed the gang  
 14 would be armed. I believe the link to firearms was  
 15 based on a number of strands of intelligence. The fact  
 16 that the two subjects currently on remand had gang links  
 17 and had recruited a team of males who were going to  
 18 attempt to break them free from custody, that the  
 19 brothers were involved in the plan and was believed to  
 20 have been the person who had supplied the Skorpion  
 21 machine gun and handgun for the original offence.  
 22 "Even if there was no direct evidence at the time of  
 23 the briefing, there was a strong inference that the gang  
 24 was likely to be armed. In an intelligence update, very  
 25 shortly before the incident, we were told that any

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1 following:  
 2 "You have heard about the weapons that these guys  
 3 have got access to in the past. Please treat these  
 4 people as armed until we know otherwise."  
 5 Issues regarding identity, capability and intent  
 6 commonly referred to as ICI, are important matters that  
 7 will determine the mindset of officers tasked with any  
 8 sort of intervention or interception. There is concern  
 9 about the extent to which information regarding the  
 10 identity, capability and nature of weaponry could affect  
 11 the mindset of armed officers, despite what  
 12 DI Keely Smith believed.  
 13 An analysis of statements made by some of those  
 14 present at this briefing has identified information  
 15 about which they were informed that does not appear in  
 16 the transcripts of the briefing. Including the  
 17 following.  
 18 (a) some heavies from Tottenham were recruited to do  
 19 the job.  
 20 (b) professionals were expected to be used for the  
 21 job.  
 22 (c) intelligence that, by 7 December, Ozcan Eren had  
 23 recruited a team which includes unknown IC3 males.  
 24 Izzet Eren's parents lived opposite Wood Green Crown  
 25 Court on Winkfield Road. Relevant because there is

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1 action carried out by the males would be done so with  
 2 the use of firearms.  
 3 "This is the gist of what we were told, I cannot  
 4 remember the precise words used. Having been informed  
 5 of the listening device within the vehicle during my  
 6 briefings, I believed this latest intelligence update to  
 7 be reliable, in that it was likely to have come from  
 8 overheard conversations by the suspects in the vehicle."  
 9 THE CHAIRMAN: Ms Blackwell, I am conscious of the fact that  
 10 you have been speaking for an hour and 10 minutes since  
 11 we resumed. Do you want a break now or is there a more  
 12 convenient moment?  
 13 MS BLACKWELL: I would just like to go on a little further,  
 14 please, if you would allow me, sir.  
 15 THE CHAIRMAN: I am entirely in your hands.  
 16 MS BLACKWELL: To deal with the use of the term "firearms  
 17 enabled" and the related transmissions.  
 18 THE CHAIRMAN: Yes, very well.  
 19 MS BLACKWELL: The first use of the term "firearms enabled"  
 20 in time in connection with Operation Ankaa appears in  
 21 the post-incident statement of DI Murray, when he  
 22 stated:  
 23 "On 30 October 2015, I was briefed by officers on  
 24 intelligence which indicated that Ozcan Eren was  
 25 planning the breakout of Izzet Eren, which was likely to

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<p>1 be firearm enabled."                  2 As I have said, although the term is not part of the                  3 lexicon of AFOs and does not appear in the APP, it is                  4 well used within criminal justice papers issued by the                  5 Home Office and the MPS, trained and accredited firearms                  6 commanders should have a detailed knowledge of the                  7 terminology used within the APP and the NPFTC. The                  8 importance of clarity of communication was one of                  9 a number of critical issues identified in the review                  10 that followed the fatal shooting of                  11 Jean Charles de Menezes at Stockwell underground station                  12 in London on 22 July 2005, recommendation 7 of what                  13 became known as the Stockwell 1 review by Her Majesty's                  14 Inspectorate of Constabulary reads as follows:                  15 "To review existing policy and guidance to ensure                  16 absolute clarity exists in the use of operationally                  17 specific terminology."                  18 The inquiry may wish to consider if the use of this                  19 term was helpful or not. The use of the term would have                  20 reinforced the view of all involved that those planning                  21 the escape had access to some sort of firearm or                  22 firearms which they indeed had. However, a key issue of                  23 some importance was that the intelligence that the OCG                  24 were having difficulty sourcing a firearm does not                  25 appear to have been passed to the ground TFC, OFCs and</p> <p style="text-align: center;">Page 157</p>	<p>1 deployed AFOs.                  2 The first transmission in which the term "firearms                  3 enabled" was used was at 07.29 on 11 December, by                  4 Bill Scammell working in room C3000, having been tasked                  5 to do this by DI Davies, using words provided by                  6 DCI Williams. However, despite the fact that                  7 DCI Williams's approval was also commented on by S48 and                  8 DI Davies, DCI Williams denies that he provided the                  9 words.                  10 On DI Williams FA2 there is a handwritten note timed                  11 at 7.30 which bears an entry that appears to read, "Van                  12 BX11 TXM intel attack firearms enabled, passed to OFC".                  13 The registration number is a reference to the                  14 vehicle registration number of the prison van in which                  15 Izzet Eren was to be transported to court.                  16 The transmission from Mr Scammell was received by                  17 officers in Team B, which included all of those in the                  18 control vehicle, the ground TFC, DI Smith, who passed                  19 the information to the OFC, S105. He considered that                  20 this means that the subjects would in all likelihood                  21 have ready access to firearms. He knew that the                  22 intelligence was coming from the Audi probe and                  23 considered that this was a known rather than an assumed                  24 fact. When this transmission was made at 07.29,                  25 Izzet Eren was still in the prison building and had not</p> <p style="text-align: center;">Page 158</p>
<p>1 yet been transferred into the prison van. There was                  2 therefore ample time for any of the ground TFCs or OFCs                  3 to seek clarification of what this term may mean. There                  4 is no record of this happening.                  5 W80 described hearing the term "firearms enabled"                  6 coming over the radio. He believed this came from                  7 C3000. W80 believed this information had come from the                  8 monitoring of the device recording conversations in the                  9 Audi. Transmissions from the Audi were monitored from                  10 approximately 06.35.                  11 At 06.40, transmissions from inside the car                  12 indicated that the windows were steamed up.                  13 At 06.57, there was the first reference to something                  14 that might be a reference to a firearm, when one of the                  15 occupants asked:                  16 "What is this, this ting?"                  17 As well as making handwritten notes on his FA2,                  18 DCI Williams also kept a handwritten log. Neither are                  19 particularly legible. His failure to utilise the CLIO                  20 system will be dealt with shortly.                  21 At 6.58 DCI Williams noted the following information                  22 from DS FE19:                  23 "Intelligence suggests they will have at least                  24 an imitation firearm at the time of the offence. No                  25 intel they have it now."</p> <p style="text-align: center;">Page 159</p>	<p>1 The intelligence passed to DC Williams at this point                  2 reaffirmed what had previously been understood, that the                  3 people involved in the escape plan had, at the time the                  4 intelligence was received, not sourced a real firearm.                  5 This intelligence had arisen the previous evening                  6 and so was somewhat stale by the time it was passed to                  7 the TFC. Nevertheless, it indicated that a replica was                  8 all that had been sourced.                  9 Within this inquiry, the following gist has been                  10 approved for dissemination to core participants by the                  11 NCA, which deals with the intelligence.                  12 In the days and weeks prior to 11 December 2015,                  13 information indicated that the persons planning the                  14 escape of Izzet Eren were attempting to source a firearm                  15 but, despite numerous attempts, they were not                  16 successful. By the evening of 10 December 2015,                  17 information indicated that only a replica firearm was                  18 available to them.                  19 Prior to the 07.29 transmission of the words                  20 "firearms enabled", the following references to                  21 a firearm had been made by those in the Audi.                  22 Sir, may we just look at these before we pause for                  23 our break?                  24 THE CHAIRMAN: Sure.                  25 MS BLACKWELL: Mr Coates, could we put up MPS1209.</p> <p style="text-align: center;">Page 160</p>



<p>1 Thank you, and at page 3.                  2 Sir, this is the transcript of the conversation that                  3 was taking place between those in the Audi at shortly                  4 after 7.00 in the morning. So half an hour before the                  5 "firearms enabled" transmission was given over the                  6 airways.                  7 I am only going to read out the parts which may                  8 refer to firearms.                  9 THE CHAIRMAN: Yes.                  10 MS BLACKWELL: In the middle of that page, the first                  11 reference to which I have already made mention is:                  12 "What is this, the ting?                  13 "Yeah."                  14 Can we go to page 4, please, towards the top of the                  15 page -- I should pause and say the numbers down the                  16 left-hand column are not times, they are tape counters,                  17 so you can take it from me that this conversation is                  18 taking place as it happens by coincidence just after                  19 7.00.                  20 THE CHAIRMAN: Yes.                  21 MS BLACKWELL: "Where is the shottey?                  22 "G?"                  23 "The shottey?"                  24 "Yeah."                  25 "What, the big ting?"</p> <p style="text-align: center;">Page 161</p>	<p>1 "Yeah.                  2 "I don't know.                  3 "You don't know?"                  4 Then page 5, please, about a third of the way down:                  5 "Ting's underneath you, innit ..."                  6 A little further down:                  7 "So where is the shottey?"                  8 "The shottey, we are not getting it.                  9 "But where is it?"                  10 "It is best to have two tings you know.                  11 "I told him, bruv, he said don't bring the real                  12 ting, I asked the same, I told him, bruv, we need the                  13 real ting though, bruv, he said, bruv, what is the                  14 point? Even if you had the real ting, nobody                  15 [inaudible] let you bust it ... you lot bust it you get,                  16 [inaudible] the real ting. You get caught you lot are                  17 fucked, he said."                  18 Page 6, please.                  19 "You know what that big ting is for? You see that                  20 door, if it don't open, that fucking side door, just                  21 shoot the lock three times, fam, and open it, do you                  22 understand?                  23 "Or even just bark it off ...                  24 "At the door.                  25 "You know them ones. Just bark it off."</p> <p style="text-align: center;">Page 162</p>
<p>1 "What is this ting going to do? Nothing, bruv,                  2 nothing. It is just going to look like ...                  3 "Two minutes.                  4 "Bruv, no, I told them bruv, two minutes [inaudible]                  5 we are gone fam.                  6 "Two minutes? 30 seconds.                  7 "30 seconds, yeah, bruv, fuck it, 30 seconds, bruv,                  8 say 'oi, oi' if he presses the alarm we are gone, do you                  9 understand that? If he presses that alarm we are gone,                  10 fam. If we stop that van and he presses the alarm,                  11 bruv, it is not our fault. You understand?                  12 Page 7, please:                  13 "Oi, listen, see that ting, yeah, makes sure it                  14 comes back in the car. Because there is a cannister in                  15 there with my prints and his prints on it."                  16 That is at 7.06 in the morning:                  17 "What ting?                  18 "In that fucking ting?                  19 "Ah don't worry, man, I would never do that."                  20 Finally, can we go to page 15, please.                  21 The middle of the page:                  22 "I wishes those pussy Serco people, bruv, I hope one                  23 of them don't try to be a superman.                  24 "Nah, they are not allowed to though.                  25 "When it is life in danger, they are not allowed to</p> <p style="text-align: center;">Page 163</p>	<p>1 do shit.                  2 "Couple of them already told me, yeah, as soon as                  3 they see a gun that their face ...                  4 "They put their hands up.                  5 "... straight away, doing whatever we want ..."                  6 Thank you, can we take that down, please.                  7 The following issues arise in relation to the                  8 information coming at this point from the Audi car.                  9 There are clear and repeated references to we are not                  10 getting the shottey. There are clear references to                  11 an intention to use a firearm of some sort in order to                  12 effect the escape. The reference to the canister                  13 suggests some form of gas or explosive device or a CO2                  14 cannister inside a replica BB gun perhaps.                  15 The reference to just shoot the lock three times,                  16 suggests a firearms capability but when viewed in the                  17 conversation, is a reference to the additional                  18 capability of a real firearm, which had not been                  19 provided, over the replica one, which was in the car.                  20 The term "As soon as they ... Serco staff, see a gun                  21 in their face", suggests some sort of firearm would be                  22 used during the incident against prison couriers.                  23 The inquiry will hear from Nathan Mason and                  24 Gokay Sogucakli, who will give evidence as to the actual                  25 meaning of these conversations. Considered now, and</p> <p style="text-align: center;">Page 164</p>

1 with the benefit of hindsight, it is clear that what was  
 2 being discussed was the lack of a live firearm and the  
 3 disadvantage that this brought to their plan.  
 4 The inquiry will determine whether or not it is  
 5 reasonable to expect that those listening to the live  
 6 feed should have appreciated the meaning and effect of  
 7 this conversation. If so, did they adequately pass this  
 8 on to DCI Williams?  
 9 If so, was the use of the term "firearms enabled",  
 10 without a pre-agreed understanding of its meaning,  
 11 acceptable from DCI Williams or would have conveyed  
 12 an indication that the command team believed the  
 13 subjects had possession or access to live firearms.  
 14 Sir, is that a convenient moment to pause?  
 15 THE CHAIRMAN: Yes, we will resume at 3.35. Thank you.  
 16 (3.21 pm)  
 17 (A short adjournment)  
 18 (3.35 pm)  
 19 THE CHAIRMAN: Ms Blackwell, you have broken the back and  
 20 I think it would be very much in everybody's interests  
 21 if you were able to finish today.  
 22 MS BLACKWELL: Yes.  
 23 THE CHAIRMAN: That may necessitate sitting some time beyond  
 24 4.30, but I imagine that nobody would have any serious  
 25 objections to make -- not least because we are not going

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1 utilise the C3000 suite to manage the operation on  
 2 11 December was entirely suitable in the circumstances.  
 3 This afforded officers the opportunity to use the most  
 4 up-to-date technology and software to run a complex  
 5 operation such as Operation Ankaa. The inquiry has  
 6 received assistance from Mark Brown, who is a subject  
 7 matter adviser on audio surveillance. He is the  
 8 national training coordinator at the College of Policing  
 9 responsible for technical surveillance disciplines. He  
 10 has advised the inquiry that in relation to the  
 11 technical deployment of an audio probe, it is imperative  
 12 that the product is of a quality that enables accurate  
 13 intelligence to be obtained. All of the devices used on  
 14 the Audi were of a suitable quality to fulfil the  
 15 requirement to capture audio footage and reasonable  
 16 given what was available commercially at the time.  
 17 The equipment must only be installed by staff who  
 18 have received appropriate training.  
 19 The inquiry has also sought assistance from  
 20 a subject matter adviser on the planning of the CMP, the  
 21 Covert Monitoring Post, C3000 and the training of those  
 22 who were chosen to operate the system. In his opinion  
 23 there was insufficient focus directed to the planning,  
 24 preparation, staffing and conduct of the CMP. This was  
 25 partly as a result of the decision not to identify and

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1 to be sitting tomorrow.  
 2 MS BLACKWELL: Thank you, sir.  
 3 THE CHAIRMAN: Is everybody content with that approach?  
 4 Thank you.  
 5 MS BLACKWELL: Thank you.  
 6 Sir, before we broke, we looked at the conversation  
 7 that was taking place in the Audi and the inquiry may  
 8 consider the following issues to be relevant. It was  
 9 a reasonable assumption that, if security staff were  
 10 going to be intimidated into releasing a prisoner, that  
 11 a real or imitation firearm would be used, that any  
 12 firearms produced would, in the absence of very specific  
 13 intelligence, be treated as real until the contrary  
 14 could be verified. That if there was uncertainty as to  
 15 what type of firearm, if any, the OCG may have access to  
 16 that Team B's OFC's advice to his team at the 5.00 am  
 17 Lincoln Road briefing, to please treat these people as  
 18 armed until we know otherwise was appropriate. But if  
 19 there was thereafter clear references amongst the  
 20 conspirators in the Audi to them not getting the shottey  
 21 or the big thing or the real ting, but only being armed  
 22 with a replica BB gun, then this should have been  
 23 communicated to the Team B OFC and in turn to the AFOs  
 24 on the ground.  
 25 The inquiry may conclude that the decision to

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1 appoint a trained and experienced authorised CMP manager  
 2 at an early stage. This was further exacerbated by the  
 3 lack of training and experience by the officers assigned  
 4 roles in the CMP. With no experienced leadership they  
 5 were left to deal with issues on the day of the  
 6 operation and whilst some familiarisation of the  
 7 equipment was carried out, there was not a briefing  
 8 specifically for their role which may have instilled  
 9 confidence and addressed concerns.  
 10 There were, however, several issues that arose  
 11 during the course of the operation.  
 12 First, the system which was devised to get the  
 13 intelligence to DCI Williams in C3000 was, the inquiry  
 14 may conclude, inadequate. During the operation the live  
 15 feed from the Audi was being monitored live time by  
 16 officers present in an adjacent room to C3000, the  
 17 Covert Monitoring Post. The officers appointed to  
 18 monitor the conversations were present during  
 19 DCI Williams's briefing at C3000 on the morning of  
 20 11 December. The system appeared to be that  
 21 DC Hawthorn, listening to the live feed in the CMP,  
 22 relayed what he heard to DCs Reddy and FE12, that they  
 23 made a note and then walked with their note into C3000  
 24 located down the corridor but in the same building and  
 25 passed on the information to DCI Williams, who made

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1 a note of it on his operational log.  
 2 There was no full audit trail of what information  
 3 from the live feed was shared with DCI Williams. The  
 4 CLIO system, to which I have already referred, could  
 5 have been utilised for this aspect, which again would  
 6 have led to greater transparency and accuracy. It is  
 7 clear from the evidence available that some aspects of  
 8 the conversations from the Audi were misinterpreted or  
 9 missed all together by the listeners, in particular  
 10 relating to the conspirators not being provided with the  
 11 real ting.  
 12 One of listeners, DC Reddy, has told the inquiry  
 13 that he recalls the live Audi feed being very clear and  
 14 with very little ambient noise. He had no concerns  
 15 about the quality of the feed throughout the period of  
 16 time of the operation and this reflects the opinion of  
 17 others too.  
 18 There is, however, no evidence that the listeners  
 19 were informed of the full intelligence picture relating  
 20 to replica firearms. Had this briefing been recorded,  
 21 then the inquiry would be in a position to assess the  
 22 quality and adequacy of what was said to the officers in  
 23 the CMP and C3000. Had they been fully briefed, they  
 24 may have been less likely to have missed or  
 25 misinterpreted what they were hearing about the crucial

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1 listeners to review what was being heard.  
 2 Third, an additional aspect of the store and  
 3 retrieve device which didn't function properly was the  
 4 voice setting used to activate the recorder. The system  
 5 failed to capture all speech. According to Mark Brown,  
 6 a different system or level of calibration should have  
 7 been used that would have produced a more comprehensive  
 8 result.  
 9 Fourth, as is apparent, very little use was made of  
 10 the CLIO system by DCI Williams, who didn't liaise  
 11 adequately with his allocated CLIO loggist and seems to  
 12 have made only handwritten notes at the time. These  
 13 notes, whilst providing some assistance on the day, were  
 14 likely to have been inadequate for refreshing his memory  
 15 when it came to make his statement to the IPCC  
 16 six months later. Having the use of the CLIO system and  
 17 loggists allowed commanders to more efficiently log  
 18 their decisions and key events. In particular  
 19 DCI Williams's records of the conversations from within  
 20 the Audi were also not transferred to the CLIO system.  
 21 There is no evidence of any breach of any policy and  
 22 procedure in this regard. However, using the CLIO  
 23 system fully would have created more transparency and  
 24 greater accuracy and it would have also allowed others  
 25 to have an accurate picture of DCI Williams's thought

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1 access to firearms.  
 2 This in turn would have improved the accuracy of  
 3 information relayed to the firearms officers involved in  
 4 the interception of the Audi.  
 5 Second, at some point during the morning of  
 6 11 December, the rewind or review facility on the live  
 7 feed failed to operate. The listeners were not able to  
 8 clarify anything of which they were uncertain. Although  
 9 checked during and after the operation by MPS engineers,  
 10 no explanation has been given for this failure.  
 11 Mark Brown has identified a common problem. In the  
 12 absence of regular use, the bearings of the computer can  
 13 seize and cause intermittent issues in either the  
 14 spinning of the drive or the drive head recording or  
 15 accessing data on the drive. It is also possible that  
 16 the touchscreen functionality of the device, the start,  
 17 stop and review, did not operate correctly.  
 18 The equipment in the CMP was tested and approved in  
 19 the days running up to 11 December, those operating the  
 20 equipment in the CMP and listening to the product,  
 21 attended a familiarisation session, including how to  
 22 playback and review the live feed recording on  
 23 10 December.  
 24 It is not immediately apparent what went wrong, but  
 25 whatever it was, it hampered the ability of the

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1 processes and assessment.  
 2 Fifth, radio communications for covert operations in  
 3 C3000 are not routinely recorded by the MPS and were not  
 4 recorded for Operation Ankaa. Therefore, there has been  
 5 no examination of the content of radio communications as  
 6 part of this inquiry.  
 7 Detective Superintendent Turner, S48 and FE19 were  
 8 all present in the control room complex when the  
 9 information regarding possible references to firearms  
 10 was being listened to and conveyed to DCI Williams, this  
 11 information all came through prior to 07.30. At this  
 12 stage the van had not yet left the prison and there was  
 13 an opportunity to evaluate the information. The inquiry  
 14 may have expected any such discussion to have included  
 15 the SFC, the TA, an intelligence team leader and the SIO  
 16 if present, and focus on the following questions.  
 17 What could be reasonably deduced from the  
 18 conversations recorded so far?  
 19 Was there sufficient intelligence to meet the  
 20 evidential threshold for a conspiracy conviction and to  
 21 make early arrests? Mention had been made already of  
 22 firearms, threats and Serco.  
 23 What information could be shared with the ground TFC  
 24 and control car OFC?  
 25 If information was to be shared, by what means could

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<p>1 it be communicated? Ie radio transmissions to all of                  2 the teams for discrete communication to the ground TFCs                  3 for their information and consideration. The above                  4 considerations are not documented in the handwritten                  5 section of the FA2 log being maintained by the TFC.                  6 In his statement under caution DCI Williams made                  7 comment about the intelligence coming from the Audi and                  8 may we look at, please, Mr Coates, MPS71 at page 12.                  9 I am reading from the top of the page, please:                  10 "At 7.06 am ... I was updated from the audio feed                  11 that a conversation from within had included reference                  12 to, 'The best attack would involve two teams'. This                  13 indicated to me that a second vehicle might be involved.                  14 There was also a discussion regarding 'bringing the real                  15 ting'. My understanding of this phrase was reference to                  16 a real firearm and the indication was that the occupants                  17 were therefore not in physical possession of such                  18 a weapon at that precise moment. However, the                  19 likelihood of the subjects having a real firearm during                  20 the commission of an offence remained probable. This                  21 was corroborated when further reference was made to                  22 'shooting the lock three times.'                  23 As we have seen, sir, the chat in the Audi was about                  24 the wisdom of bringing two tings, two firearms, not two                  25 teams, which makes this analysis baseless.</p> <p style="text-align: center;">Page 173</p>	<p>1 Over the next 90 minutes, significant activity,                  2 included the following.                  3 (a) continued monitoring of transmissions from the                  4 Audi.                  5 (b) surveillance of the Audi. At 07.27 it had been                  6 driving at speed and the windows were steamed up.                  7 (c) surveillance of suspects on foot and in                  8 vehicles.                  9 (d) the probable route or routes that the prison van                  10 might take.                  11 (e) the placing of a deterrent into the prison van.                  12 (f) covert surveillance of the prison van, including                  13 MASTS.                  14 (g) an armed deployment at the court.                  15 The tactics to be used in the various aspects of                  16 this operation are not set out in the notes of                  17 DCI Williams, nor do they appear to have been                  18 individually risk assessed. The threat and risk                  19 assessments documented in the FA forms in respect of all                  20 parties who could have been placed at harm in this                  21 operation was low. The only reason that Izzet Eren was                  22 being taken to court as scheduled, as opposed to the                  23 discounted options of video appearance or rescheduled                  24 court appearance, was to create the belief in his                  25 coconspirators that an escape bid was still feasible.</p> <p style="text-align: center;">Page 174</p>
<p>1 Although the only known threat was from the                  2 occupants of the Audi and other OCN members engaged in                  3 the escape, these were significant risks. These                  4 potentially included an attack on the prison van coming                  5 from some other quarter, from which there wasn't any                  6 documented protection. It is noted that V64 at the                  7 5.00 am Alpha team briefing stated this:                  8 "Our side of the operation is an enhanced protection                  9 package, could possibly be some form of ambush that has                  10 blindsided us."                  11 In addition to the two Serco custodians, the prison                  12 van contained Izzet Eren, Erwin Amoyaw-Gyamfi and one                  13 other unidentified prisoner. There appears not to have                  14 been any detailed Article 2 ECHR considerations of the                  15 management of the threat and risks presented by either                  16 allowing the Serco van to be driven by Serco staff,                  17 rather than police officers, or permitting                  18 Erwin Amoyaw-Gyamfi and the other unidentified prisoner                  19 to be transported in a cellular vehicle.                  20 By way of remainder, sir, the APP sets out the                  21 respective responsibilities of the TFC and the SFC in                  22 respect of the responsibility for carrying out a threat                  23 assessment, stating:                  24 "The tactical firearms commander must assess and                  25 develop the available information and intelligence and</p> <p style="text-align: center;">Page 175</p>	<p>1 complete the threat assessment and the strategic                  2 firearms commander must set, review, communicate and                  3 update the strategy based on the threat assessment and                  4 the available intelligence."                  5 There is no evidence of the TFC assessing the risks                  6 posed by the MASTS tactic and what, if any, contingency                  7 should be in place. Nor is there any reference in any                  8 of DCI Williams's paperwork of a continuing                  9 consideration of precisely how the MASTS tactic would be                  10 used. If arrests were to be made, how tactically, the                  11 inquiry may ask, would these be carried out?                  12 The role of the SFC is not a passive but a proactive                  13 one. Consequently, the term "intrusive" is often used                  14 during command training to reinforce the need for the                  15 SFC to ask probing and challenging questions about how                  16 the operation is being developed. This should have                  17 included maintaining a strategic overview of the                  18 development of the operation on the morning of                  19 11 December. However, on that morning, counsel to the                  20 inquiry are unaware of Detective Superintendent Turner                  21 reviewing or updating the strategy or being                  22 substantially involved in the way the operation was                  23 developing.                  24 Given the level of planning, the number of                  25 surveillance officers included in this deployment and</p> <p style="text-align: center;">Page 176</p>

<p>1 the static camera on the vehicle at the time that it was                  2 removed by the conspirators, it may surprise the inquiry                  3 that on the cusp of Izzet Eren being placed in the                  4 prison van for conveying to Wood Green Crown, neither                  5 the SFC, the TFC nor any of the AFOs knew the identity                  6 of the individuals who were planning the escape attempt,                  7 the number of individuals in the Audi, their capability                  8 in terms of experience or criminal antecedents and the                  9 type of firearms or weaponry they may have, although the                  10 conversation of the occupants of the Audi indicated                  11 an imitation firearm.</p> <p>12 There were concerns regarding other potential                  13 conspirators in a different Audi, and suspects who were                  14 on foot near the court house.</p> <p>15 At 07.45, surveillance teams were not in control of                  16 Ozcan Eren, code named Borg, who was believed to be                  17 coordinating the escape plan. Additionally, there was                  18 still uncertainty as to who else would be involved and                  19 what weapons would be involved by him.</p> <p>20 Between 07.45 and 08.27 on 11 December, when                  21 Izzet Eren was reported to have been placed in the                  22 prison van, DCI Williams was provided with various                  23 intelligence feeds coming from the monitored                  24 conversations and from surveillance officers. Issues                  25 from the ground TFC's, DI Keely Smith, statement are</p> <p style="text-align: center;">Page 177</p>	<p>1 particularly noteworthy. She says:                  2 "At 7.50 am transmissions from the surveillance team                  3 indicated that KM13 YPT [the Audi] had settled at the                  4 rear of Wood Green Crown Court. At 8.00 am, the                  5 KM13 YPT Audi had been located in Bracknell Close. The                  6 occupants, however, could not be confirmed."                  7 This is approximately one hour before the dynamic                  8 interception took place. At 08.10, DI Smith received                  9 information that Izzet Eren and Erwin Amoyaw-Gyamfi were                  10 in the holding area of HMP Wormwood Scrubs.                  11 At 08.44 DI Smith noted that it was confirmed by the                  12 surveillance team that the Audi did not have blacked-out                  13 windows. This appears to be inconsistent with the                  14 evidence of other officers who were to describe the                  15 windows as "tinted".                  16 W80, who thought at one point that they might be                  17 tinted, would have been in a good position to know as he                  18 had been involved in the 8 December installation of the                  19 probe.                  20 However, the original owner of the vehicle has                  21 confirmed that none of the windows in the Audi were                  22 tinted.                  23 At 08.48 DCI Williams became aware of discussions                  24 within the Audi relating to the prison van registration                  25 number. At that point he had a discussion with his</p> <p style="text-align: center;">Page 178</p>
<p>1 tactical adviser, S48, and the surveillance coordinator,                  2 Inspector Davies. Izzet Eren had transmitted text                  3 messages to the organiser of the escape plan, containing                  4 not only the registration number of the prison van but                  5 also where he was positioned within it.</p> <p>6 At 08.50, the conversation with Nathan Mason, picked                  7 up by the probe in the Audi, included the suggestion                  8 that the van would be at the court location in about                  9 half an hour.</p> <p>10 By now, the Audi had been located in the parking bay                  11 for some time and was under surveillance. The prison                  12 van was on the move and under the protection of the                  13 covert MASTS team. There was concern about another                  14 vehicle and individuals on foot and the live feed from                  15 the Audi now included references to the registration                  16 number of the prison van and Izzet Eren's position in                  17 that van.</p> <p>18 At 08.57, DCI Williams increased the threat level to                  19 the armed officers and the subjects to medium and asked                  20 for state amber to be declared over the working radio                  21 channel.</p> <p>22 I pause to say a word or two about the traffic light                  23 system, sir.</p> <p>24 State green is the information and intelligence                  25 gathering phase of an operation. At this stage, it is</p> <p style="text-align: center;">Page 179</p>	<p>1 a surveillance operation during which police try to                  2 satisfy an evidential threshold that an offence has been                  3 committed.</p> <p>4 Once the TFC, in this particular case situated in                  5 the control room, is satisfied that this threshold is                  6 achieved, they will then declare state amber, meaning                  7 that they are now satisfied that there is sufficient                  8 evidence to justify the suspects being detained or                  9 arrested.</p> <p>10 State red is declared by the Alpha OFC and that                  11 means that all resources are in the correct place behind                  12 the target pedestrian or vehicle and a stop is imminent.                  13 The phrase "strike, strike, strike" is then given by the                  14 Alpha OFC over the working channel to denote the                  15 implementation of the stop.</p> <p>16 The vehicles in this operation were configured, as                  17 was usual in such interceptions, as three unmarked                  18 covert ARVs, Alpha, Bravo and Charlie, as well as                  19 a controlled vehicle.</p> <p>20 Sir, I am going to move now to describe the dynamic                  21 extraction that took place on the morning of                  22 11 December.</p> <p>23 I am going to read out a series of statements from                  24 those officers who were involved and I will then pause                  25 before playing the footage which we have, and I will</p> <p style="text-align: center;">Page 180</p>

1 give a warning before I do so.  
 2 THE CHAIRMAN: Thank you very much indeed, so those who wish  
 3 to may leave and then, when you have played the parts  
 4 that you want to, we can ensure that those who have left  
 5 are informed so that they return.  
 6 MS BLACKWELL: Yes, thank you very much.  
 7 THE CHAIRMAN: Thank you.  
 8 MS BLACKWELL: So a strike was now imminent.  
 9 The OFC, S105, who was in the control car with the  
 10 ground TFC, DI Smith, said as follows:  
 11 "I then spoke with S48 on the phone and told him he  
 12 was sat in the middle of a busy street. I needed an  
 13 amber before we got seen by a lookout. The state amber  
 14 came back immediately over the phone from S48. I hung  
 15 up and before I could put it out over the radio, C3000  
 16 stated it was state amber over working channel. This  
 17 was around 09.00 hours. I called up surveillance to say  
 18 that Trojan [that is the Alpha, Bravo and Charlie  
 19 vehicles] were moving forward."  
 20 In fact state red was never declared, S111, the OFC  
 21 in the Alpha vehicle explained why:  
 22 "As we turned left into Bracknell, I didn't have  
 23 enough time to put out state red on the main set, as it  
 24 is something I would do as we take over the commentary  
 25 from surveillance, but I knew surveillance officers

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1 communication on the status of firearms was made to the  
 2 ground TFCs or the AFOs.  
 3 Although the APP is not prescriptive about exactly  
 4 what relevant information should be updated to AFOs when  
 5 deployed, the inquiry may conclude that updated  
 6 information relating to firearms should have been deemed  
 7 as information relevant to their role on 11 December.  
 8 W80 later stated:  
 9 "At no time was I given any information to suggest  
 10 that the weapon or weapons the subjects were armed with  
 11 might be imitation."  
 12 On the morning of 11 December, DCI Williams had  
 13 responsibilities for the safety of members of the public  
 14 and the firearms officers, as well as to the persons  
 15 involved in the escape attempt. He was working in  
 16 an operational environment and had to make judgments  
 17 about how to update the firearms officers, evaluating  
 18 intelligence from more than one source as it was  
 19 received. He recorded his assessments in these terms:  
 20 "The likelihood of the subjects having a real  
 21 firearm during the commission of an offence remained  
 22 probable."  
 23 A number of issues arise for the inquiry's  
 24 consideration: was DCI Williams overstating the risk?  
 25 If so, was this a conscious and deliberate decision? If

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1 would give commentary of our approach and arrest phase  
 2 of the operation and R116, the driver, pulled up where  
 3 I wanted him to."  
 4 The officers were about to engage in a dynamic  
 5 extraction, and the inquiry will want to consider the  
 6 state of mind of the officers as they approached the  
 7 Audi armed with loaded weapons and, without doubt, in  
 8 a high state of apprehension. What did they know or  
 9 believe to be awaiting them? How did their state of  
 10 knowledge or belief affect their actions and reactions?  
 11 None of the information relating to the lack of a real  
 12 or live firearm was provided to the ground TFCs or  
 13 transmitted over the radio. Consequently it was not  
 14 disseminated to the firearms officers.  
 15 At 07.45 on 11 December, DCI Williams had conducted  
 16 a NDM review which is recorded in his handwritten  
 17 schedule and it stated:  
 18 "Still no confirmation that weapons are in the Audi  
 19 A6."  
 20 This was a good 30 minutes after the conversations  
 21 in the Audi where the occupants were discussing the  
 22 drawbacks of not having a real firearm, after which the  
 23 position had not changed.  
 24 This statement written by DCI Williams in his log  
 25 was not conveyed to anyone on the ground. No further

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1 so, to what end and with what intention? Did the  
 2 failure to disseminate the lack of a real firearm in the  
 3 Audi have an effect on the actions of the AFOs? Did the  
 4 failure to disseminate the lack of a real firearm in the  
 5 Audi have an effect on the actions of W80?  
 6 W80 described matters in these words:  
 7 "I got out of the offside rear passenger door.  
 8 I moved around to the rear of our vehicle and I started  
 9 to move down the nearside of the Audi. I thought we  
 10 were going to get shot. I believed that the occupants  
 11 had firearms, probably machine pistols. They were  
 12 experienced and they were intending to attack a prison  
 13 van and break free a dangerous criminal and I believed  
 14 the occupants would fight their way out rather than  
 15 surrender. I do not recall being told that there was  
 16 any intelligence as to how the gang might react on being  
 17 confronted by armed police and I assumed therefore that  
 18 in the absence of any intelligence, that they would be  
 19 likely to fight their way out rather than surrender.  
 20 This does not mean that there was no risk that this  
 21 would be part only of our individual risk assessment, in  
 22 that we would do a dynamic risk assessment as we  
 23 confronted the suspects. On the basis of all of the  
 24 information I received, up to the point of having to  
 25 confront the occupants of the vehicle, I considered the

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<p>1 risk to me and my colleagues to be high."                  2 The inquiry may wish to establish what information                  3 was provided to the AFOs on the likelihood of the                  4 occupants of the Audi fighting their way out of                  5 a dynamic extraction, in what would almost certainly be                  6 a deadly shootout. Although there had been no                  7 identification of those within the Audi, there was                  8 a high probability that they were connected in some way                  9 to Izzet Eren, whose liberty they were intending to                  10 bring about. When faced with arrest by armed police,                  11 Izzet Eren and Erwin Amoyaw-Gyamfi had not fought their                  12 way out. They had each discarded their loaded weapons                  13 and were safely arrested.                  14 Counsel to the inquiry are unaware of any                  15 information or intelligence suggesting that the                  16 occupants of the Audi were unlikely to be compliant. If                  17 this information had been conveyed to the AFOs, it may                  18 have caused W80 to pause before drawing the conclusion                  19 that the occupants of the Audi would fight their way                  20 out.                  21 While Team B were still in their holding area, S111                  22 stated as follows:                  23 "The time now is approximately 08.30 hours. We as                  24 a team then push out of Quicksilver Patrol Base and park                  25 in Mayes Road pointing towards Lordship Lane. We stayed</p> <p style="text-align: center;">Page 185</p>	<p>1 there for about 30 minutes. The Audi A6 had remained in                  2 that location, I tasked the surveillance unit to give us                  3 an exact location of the vehicle that is parked                  4 somewhere in Bracknell Close. They then informed me                  5 that the vehicle is parked in a resident's parking bay,                  6 just past the junction with Olympus Grove on the                  7 nearside, but pointing out towards the road. They                  8 cannot tell me how people are in the vehicle but the                  9 windows have steamed up, indicating people are in there.                  10 I formulate a plan and pass it by radio to the team.                  11 I am operational firearms commander and second in                  12 command of my team. The plan is for Alpha, Bravo,                  13 Charlie, (b) and control to drive into Bracknell Close                  14 nice and gently so as not to alert the occupant of the                  15 Audi A6. Alpha will push past the subject vehicle and                  16 stop with Alpha's rear bumper about one to two metres                  17 beyond the subject vehicle. Bravo is to pull up                  18 directly in front of the A6 and Charlie just short of                  19 subject vehicle, basically blocking the subject vehicle                  20 in so it cannot ram its way out if they wanted to.                  21 Everyone in Alpha, Bravo and Charlie were aware of the                  22 area of responsibility and were happy with the tactics."                  23 W80 said this:                  24 "I had a conversation in the car to the effect that                  25 I was not going to take the Benelli shotgun, which is</p> <p style="text-align: center;">Page 186</p>
<p>1 an entry gun used to deflate vehicle tyres if it is                  2 suspected that the vehicle might make off. I said this                  3 to my colleagues, as at that time I perceived that the                  4 threat was so great that I needed my primary weapon so                  5 as to be able to respond to any firearms threat from the                  6 occupants of the Audi. We were parked up just outside                  7 Quicksilver, ready to be able to respond quickly."                  8 The Alpha, Bravo and Charlie cars rounded Bracknell                  9 Close and came to a stop across the front of the Audi                  10 blocking it in. May we display, please, Mr Coates,                  11 IMQ21. This is a plan which is entitled                  12 "'Approximation' of car and officer positions". It was                  13 in fact originally created, sir, by the IPCC. Yes, but                  14 there is additional material that has been put on it by                  15 Arundale and Burrows.                  16 If we look at the plan at the top left-hand side, we                  17 can see that that is the Alpha Car and there are some                  18 blue square like boxes denoting the position of the                  19 officers in the Alpha Car. We can see that the driver                  20 was R116, front passenger was S111, and W80 was in the                  21 rear seat behind the driver.                  22 In the middle of the top of the plan is Bravo Car,                  23 being driven by W108, with W112 in the front passenger                  24 seat and P2 in the rear.                  25 Behind that, Charlie vehicle, being driven by K78,</p> <p style="text-align: center;">Page 187</p>	<p>1 with V68 in the front passenger seat and W109 in the                  2 back.                  3 Just over to the right we can see a green box                  4 bearing the title V112. That officer has come from the                  5 control car, and if you look a little bit further down                  6 and to the left, there is also another green edged box,                  7 S105. Again, S105 came from the control vehicle.                  8 What this plan depicts is the pathway of the various                  9 officers in the three control vehicles, as they came to                  10 surround the Audi. The Audi is the vehicle on the                  11 right-hand side of the three which are vertical on the                  12 plan and if we look at the Audi we can see the initials                  13 of those situated in each position, Nathan Mason                  14 driving, Jermaine Baker in the front passenger seat and                  15 Gokay Sogucakli in the rear of the vehicle, sitting                  16 behind Jermaine Baker.                  17 We can see, sir, following the path of W80 that he                  18 comes out of the Alpha vehicle and we can see in                  19 a dotted line his pathway over to the front of the Audi                  20 and we can see that the door, the front passenger door                  21 of the Audi, at some stage, is opened.                  22 S111 has in fact trodden that path before him and                  23 has pushed on towards the rear. I will just pause                  24 whilst everybody takes a look at the positioning of the                  25 other officers.</p> <p style="text-align: center;">Page 188</p>

<p>1 (Pause)</p> <p>2 All nine CTSFOs embarked from their vehicles and</p> <p>3 five of the officers moved rapidly forward to deliver</p> <p>4 what is referred to in the MPS training PowerPoint as</p> <p>5 the strike. As they were doing so, they were joined by</p> <p>6 S105 and V112 from the control vehicle, however V112</p> <p>7 moved off to deal with the builders and pedestrians who</p> <p>8 were nearby. The three officers who did not become</p> <p>9 involved in the strike until after the shot was</p> <p>10 discharged were W112, K78 and W108.</p> <p>11 P2, the rear seat passenger of the Bravo vehicle,</p> <p>12 said this:</p> <p>13 "Armed stops of this nature rely on the element of</p> <p>14 surprise and verbal stunning and are very fluid in that</p> <p>15 there are no set positions to go to for each officer.</p> <p>16 It depends on who gets to the vehicle first and the</p> <p>17 others fill the gaps when cover with firearms is put</p> <p>18 on."</p> <p>19 W112, the front seat passenger of the Bravo vehicle,</p> <p>20 initially performed the role of static cover from inside</p> <p>21 the passenger seat of the Bravo Car, having opened the</p> <p>22 passenger window as they were travelling towards the</p> <p>23 Audi. This is an assigned role and an onerous</p> <p>24 responsibility, which places this officer in a very</p> <p>25 vulnerable position as he is unable to move to cover.</p> <p style="text-align: center;">Page 189</p>	<p>1 He said:</p> <p>2 "As we drew closer, I donned my hi-vis police</p> <p>3 baseball cap. W108 stopped our vehicle almost directly</p> <p>4 in front of the Audi and I pointed my MCX [that's his</p> <p>5 firearm] towards the front windscreen, taking the safety</p> <p>6 catch off as I did this. I saw that the front</p> <p>7 windscreen also had an element of tinting on it.</p> <p>8 I shouted 'armed police' toward the vehicle and</p> <p>9 activated the weapon-mounted strobe light and laser.</p> <p>10 I did this to reinforce to the occupants that my firearm</p> <p>11 was being pointed towards them and also to hopefully act</p> <p>12 as a distraction to the. I remained in my seat</p> <p>13 providing cover until I saw an officer move in from the</p> <p>14 left pointing an MCX.</p> <p>15 "At this point I was confident that the vehicle was</p> <p>16 being covered by multiple officers and I could exit my</p> <p>17 vehicle. I saw that the dark-skinned male was on the</p> <p>18 floor and W108 was covering him with her MCX. I could</p> <p>19 hear 109 shouting at the male. As I moved towards them</p> <p>20 I lowered my body and struck the male in the left side</p> <p>21 of his rib area with my right knee. I did this to</p> <p>22 hopefully distract the male from grabbing any firearm he</p> <p>23 might have on him. I couldn't see his right hand at</p> <p>24 this point. I tried to move his left hand to put it</p> <p>25 behind his back in order to apply Plasticuffs but it</p> <p style="text-align: center;">Page 190</p>
<p>1 wouldn't move. I shouted for him to stop resisting, I</p> <p>2 then delivered a knee strike with my left knee towards</p> <p>3 the left side of the male's face. At some point I heard</p> <p>4 a gunshot discharge, I then shouted at medics."</p> <p>5 THE CHAIRMAN: "I heard shouts of medics."</p> <p>6 MS BLACKWELL: "I heard shouts of medics."</p> <p>7 That relates to one of the other occupants and not</p> <p>8 to Jermaine Baker, I should make clear.</p> <p>9 V68, who was the front seat passenger of the Charlie</p> <p>10 vehicle, unsuccessfully attempted to smash the front</p> <p>11 driver's side window. He said this:</p> <p>12 "I deployed from my vehicle. I now had my blue</p> <p>13 police baseball cap on and I got out with my SIG MCX in</p> <p>14 my hands. I saw that the black Audi side windows were</p> <p>15 steamed up. I had no vision inside. I placed my</p> <p>16 selector level to fire and pointed my gun at the</p> <p>17 driver's window, all the time shouting 'armed police'.</p> <p>18 My sole focus was on the driver. As I came to the</p> <p>19 driver's window [that was Nathan Mason] attempted to</p> <p>20 smash it with my gun by striking it. This was to gain</p> <p>21 vision inside quickly. This failed, so I opened the</p> <p>22 driver's door. I was shouting at him that I was armed</p> <p>23 police and to keep his hands where I could see them.</p> <p>24 I saw that his hands were on top of the steering wheel</p> <p>25 and they didn't move. I grabbed hold of him and dragged</p> <p style="text-align: center;">Page 191</p>	<p>1 him out onto the floor. I was shouting at him to get</p> <p>2 down, I was still pointing my firearm at him when I was</p> <p>3 aware other officers were starting to join me. I am not</p> <p>4 sure how, but between us a set of soft rope-like</p> <p>5 handcuffs were applied to male. It was during all of</p> <p>6 this that I heard a loud bang."</p> <p>7 W109 the rear seat passenger of the Charlie vehicle</p> <p>8 took up position at the front of the driver's side,</p> <p>9 providing firearms cover for V 68 he said:</p> <p>10 "I had by this point put my marked police baseball</p> <p>11 cap on and a face covering. I was armed with my Glock</p> <p>12 17 and SIG MCX and made my way to the driver's side of</p> <p>13 the car, shouting an armed challenge. The windows on</p> <p>14 the vehicle were steamed up and I could not see within.</p> <p>15 I had my SIG up on aim at the driver's door waiting for</p> <p>16 it to be opened, as I had seen V68 go for the handle.</p> <p>17 At this time I didn't feel comfortable knowing these</p> <p>18 males, who potentially had automatic firearms and the</p> <p>19 intent to use them, were definitely within the vehicle</p> <p>20 and I couldn't see them. I know the devastation that</p> <p>21 an automatic firearm can cause and it would have easily</p> <p>22 gone through the soft-skinned vehicle and far beyond.</p> <p>23 Once the door was opened, I believe I shouted 'Police,</p> <p>24 show me your hands'."</p> <p>25 P2 added:</p> <p style="text-align: center;">Page 192</p>

48 (Pages 189 to 192)



1 "I put on my police cap and got out of our car and  
 2 ran round the back and up to the offside of the Audi.  
 3 My SIG carbine was appointing into the car and my  
 4 selector level was to fire, due to the information we  
 5 had been given regarding subjects and potential weapons.  
 6 "I continued round to the back door behind the  
 7 driver. The rear passenger window was completely  
 8 blacked out. I used my left hand to open the door.  
 9 I instantly recognised an Uzi sub-machine gun in the  
 10 footwell behind the driver's side. It was sat on top of  
 11 a dark-coloured holdall with brown leather detailing.  
 12 I saw a male of Turkish appearance with facial hair  
 13 wearing dark clothing sat in the rear nearside seat.  
 14 I pointed my weapon at him and shouted to put his hands  
 15 on his head. At some point here I heard a loud bang in  
 16 the vehicle and instantly saw smoke inside the cabin and  
 17 I could smell it was from a firearm, although did not  
 18 know where it had come from. The rear seat passenger  
 19 briefly looked at me and put his hands up, but almost  
 20 simultaneously his door was opened and he was extracted  
 21 by one of my colleagues. I also noted a silver I-shaped  
 22 metal wheel brace was positioned on the middle seat  
 23 behind where the male was sitting. I then shouted 'gun'  
 24 to alert my colleagues to what I had seen in the car and  
 25 moved to the rear of the Audi, to where I saw K78

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1 vehicle. S111 stopped adjacent to the front nearside  
 2 passenger door and tried to smash the window with the  
 3 muzzle of his weapon. He tried at least twice to smash  
 4 the window. I couldn't see into the vehicle. I was not  
 5 sure of the number of occupants and I was concerned that  
 6 there might be someone in the rear of the Audi armed  
 7 with a firearm and at that stage there was no firearms  
 8 cover into the rear of the Audi. There was not enough  
 9 room between the nearside of the Audi and what was to  
 10 our right for me to get past S111, so I told S111 to  
 11 move down or push on. He pushed down towards the rear  
 12 of the Audi. I didn't attempt to smash the window  
 13 because I had seen him try and fail to do so. I took my  
 14 left hand off my weapon and opened the nearside door  
 15 handle."  
 16 THE CHAIRMAN: "Nearside front door".  
 17 MS BLACKWELL: "... nearside front door handle.  
 18 "Everything from this moment happened very quickly.  
 19 I put my left hand back on the foregrip of my weapon.  
 20 I believe I was looking through the gap between the  
 21 doorsill and the now open nearside front passenger door.  
 22 I could see the male sitting in the front passenger  
 23 seat. He was wearing dark clothing, he was wearing  
 24 a balaclava pulled down over his face. I was shouting,  
 25 'Armed police, armed police', I shouted at him to put

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1 pulling the rear seat passenger to the ground."  
 2 Both S111 and W80, the front seat and rear seat  
 3 passengers in the Alpha vehicle, as we can see on the  
 4 plan, moved towards the front passenger side of the  
 5 vehicle. As they moved forward, S111 was in the lead  
 6 position. Due to the presence of an uninvolved vehicle,  
 7 marked alongside KM13 YPT, there was only a narrow gap  
 8 between the two cars -- that can be seen in relation to  
 9 the short distance that the front passenger seat door is  
 10 opened or able to be opened.  
 11 S111 unsuccessfully attempted to smash the front  
 12 passenger window but was told by W80 to push on. S111  
 13 says this:  
 14 "I attempted to smash the front passenger window  
 15 with the muzzle of my gun three times. As I did the  
 16 third, W80 said, 'push on, I've got it', or words to  
 17 that effect. There was not a great deal of room between  
 18 the subject's car and a parked car, about 18 inches.  
 19 Again, I couldn't see inside the rear nearside passenger  
 20 window, it was also steamed up. I opened the door as  
 21 I passed it and shouted 'armed police!'"  
 22 The following account of what happened next is  
 23 an extract from W80's statement:  
 24 "S111 was immediately in front of me. The front  
 25 windscreen was steamed up and I couldn't see into the

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1 his hands on the dashboard. I believe I shouted this  
 2 several times. His hands moved quickly up towards his  
 3 chest. He was wearing a shoulder-type bag high in the  
 4 area of his chest. I was focused on his hands. This  
 5 quick movement of his hands and his failure to put his  
 6 hands on the dash and to obviously surrender made me  
 7 believe he was going for a gun. I perceived an imminent  
 8 threat to my life and the life of my colleagues.  
 9 I could not wait to see if he produced a gun, because if  
 10 I did, by that time, he would be in a position to shoot  
 11 me or my colleagues. I decided that I had no option  
 12 other than to fire in order to achieve rapid  
 13 incapacitation to prevent an imminent threat to life.  
 14 I fired one round. The laser was shining on his upper  
 15 chest, I did not have time to take aim and I fired  
 16 instinctively, I cannot be certain precisely where I was  
 17 at the time I fired. I believe I was standing outside  
 18 the open car door with the door between me and the male  
 19 and that I fired with my weapon pointing somewhere  
 20 through the gap created by the car door and the side of  
 21 the front windscreen. I cannot be certain if the muzzle  
 22 of my weapon was over the door, I could not immediately  
 23 see any visible signs that the shot I had fired had  
 24 struck him, but very shortly afterwards I saw the male's  
 25 hands drop and then I heard R116 say something like 'Get

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1 him out' or 'Get him to me'."

2 R116 is a medic and was the driver of the Alpha Car,

3 in which W80 had also been travelling:

4 "I remember having to push the door slightly closed

5 to enable me to move down the gap so as to be able to

6 grab hold of the male's left arm and pull him out of the

7 car. By then I could see blood coming from a wound in

8 his upper chest. R116 and I pulled the male out of the

9 car, because it was narrow I pulled hum out initially

10 and then R116 helped me pull him to the front of the

11 Audi, just to the rear of the Alpha vehicle, in order to

12 start first aid. S116 said to get a first aid kit,

13 I went to the rear of the Alpha vehicle and collected

14 a first aid kit and took that to where the male was now

15 lying on the ground. I gave R116 the first aid bag.

16 I pulled the balaclava off the face and head of the male

17 and put an oxygen mask on his mouth and nose and turned

18 on the oxygen. The male was still conscious at this

19 stage. I could see an obvious round to his upper chest.

20 Very quickly other officers came to assist in giving

21 first aid."

22 The location of W80 as he approached the proximity

23 of Mr Baker sitting in the front passenger seat of the

24 Audi would have resulted in W80 only having a limited

25 view into the vehicle.

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1 times. There is then the possibility of hearing the

2 sound of the shot which comes very quickly afterwards.

3 The car door is opened and that is capable of being

4 inferred because the noise of the officers shouting

5 "armed police" becomes suddenly very loud and of course

6 the probe is inside the car.

7 THE CHAIRMAN: The probe is inside the car, yes.

8 MS BLACKWELL: It is not easy to locate the time of the shot

9 on the audio footage that we are going to hear, but the

10 footage has been examined by audio experts who have used

11 a spectrogram in order to analyse the difference in

12 sound and that provides a much more accurate depiction

13 of when the shot comes after the four loud noises on the

14 banging of the window.

15 THE CHAIRMAN: Thank you.

16 MS BLACKWELL: The inquiry will wish to analyse the

17 explanation provided by W80 for discharging his weapon

18 and the cogency, reliability and integrity of his

19 explanation, when considered together with what was and

20 is known of the surrounding circumstances of the

21 incident.

22 The SOP states that when it is considered necessary

23 to discharge a firearm, police officers need to shoot to

24 stop an imminent threat to life. They must be able to

25 demonstrate that the degree of force used was absolutely

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1 S111, the front seat passenger in the Alpha vehicle

2 and one of the ground OFCs, approached the passenger

3 side in front of him and as you have heard, sir,

4 attempted several times to break the passenger window,

5 but realising that this was unsuccessful, as you have

6 heard, W80 ordered him to push on and W80 approached and

7 opened the passenger door, remaining on the outside of

8 the door and peering inside. The gap between the frame

9 of the windscreen and the frame of the door was slight.

10 With many sources of evidence indicating that there

11 was no visibility into the vehicle due to the steamed-up

12 windows, the inquiry may have little difficulty in

13 concluding that W80's view inside the Audi was limited,

14 even once the door was opened.

15 The shot fired from W80's weapon occurred in

16 a matter of a couple of seconds after the passenger door

17 was opened.

18 The inquiry will wish to --

19 THE CHAIRMAN: Just pausing there a moment, "A couple of

20 seconds" is sometimes used metaphorically but in fact

21 when we hear the recording, we will know precisely, will

22 we not, the time which elapsed?

23 MS BLACKWELL: What you will hear, sir, is the sound of the

24 officer, S111, attempting to break the front passenger

25 window with his muzzle four times, not three but four

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1 necessary and relative to the threat posed. The use of

2 excessive force is strictly prohibited.

3 In a prepared statement to the IPCC, W80 stated that

4 Mr Baker moved his hands up towards his chest and

5 towards the bag, which W80 described as being slung

6 around his shoulder. He also stated:

7 "I was shouting 'armed police', I shouted at him to

8 put his hands on the dashboard. I believe I shouted

9 this several times. His hands moved quickly up towards

10 his chest area. He was wearing a shoulder-type bag high

11 in the area of his chest. I was focused on his hands.

12 This movement of his hands and failure to put his hands

13 on the dash and to obviously surrender made me believe

14 he was going for a gun."

15 The pathologist and ballistics experts both provide

16 evidence relating to the injury to Mr Baker's wrist.

17 The positioning of this injury would indicate at the

18 very least that his left hand was raised at the time he

19 was shot. Forensic evidence identified ballistic damage

20 to the strap of Mr Baker's bag that he was wearing at

21 the time that he was shot. Mr Baker, as you know, sir,

22 was not in position of a firearm, nor any sort of lethal

23 weapon that he could have used against W80. There was

24 nothing contained within the bag that could have caused

25 injury to W80 or anyone else.

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<p>1 There was a bicycle pump in Mr Baker's bag, which 2 was seen by S111 with the handle protruding from the bag 3 after it had been removed from Mr Baker and placed away 4 from his body by R116. 5 No other witness mentioned seeing the pump handle 6 protruding from the bag and it is likely it was only 7 showing after the bag had been removed from Mr Baker by 8 R116. There is no evidence supplied by W80 or any other 9 witness to suggest that the pump handle or anything was 10 protruding from the bag at the time W80 says Mr Baker 11 raised his hands towards its position on his chest. 12 Whilst W80 may well have been ordering Mr Baker to 13 put his hands on the dashboard, the other officers 14 approaching and surrounding the Audi were shouting other 15 commands. There is significant contradiction between 16 instructions to put hands up and to put them on the 17 dashboard. The recording devices in the Audi captured 18 the time of the dynamic interception of the vehicle and 19 it cannot be identified which, if any, of the shouting 20 voices were W80, nor, you may think, sir, can it be 21 expected that Mr Baker would know which of the commands 22 to put his hands up or to put them on the dashboard was 23 addressed to him. 24 Sir, I am now going to play part of the audio 25 footage, which captures the moments up to the police</p> <p style="text-align: center;">Page 201</p>	<p>1 intervention and the time of the shot and a short period 2 in the aftermath. 3 I am just going to pause whilst those who wish to 4 leave the room do so. 5 THE CHAIRMAN: Thank you. (Pause) 6 MS BLACKWELL: Thank you. 7 Before we play it, sir, it may assist if I describe 8 what we are going to hear. 9 THE CHAIRMAN: Yes. 10 MS BLACKWELL: The audio footage lasts for about six 11 minutes. I am going to ask that we listen to it twice. 12 It begins with a period of loud breathing or snoring 13 that can be heard from at least one of the occupants of 14 the vehicle. Some listeners may pick up on what appears 15 to be a car radio playing some sort of music. 16 After about three minutes, a telephone call is taken 17 by Nathan Mason. I am just pausing, sir. 18 THE CHAIRMAN: Yes. 19 Thank you. 20 MS BLACKWELL: After about three minutes into the footage 21 that we are going to listen to, a telephone call is 22 taken by Nathan Mason, following which there is 23 a discussion between the occupants of the vehicle about 24 the position that Izzet Eren is going to be in the 25 prison van and you will hear the words, "First door on</p> <p style="text-align: center;">Page 202</p>
<p>1 the right". 2 Then a couple of more minutes pass before a second 3 telephone call is taken by Nathan Mason, after which he 4 says: 5 "They are coming." 6 30 seconds or so after the end of that speech, you 7 will hear the shouts of "armed police" by the officers 8 approaching the vehicle and you will hear Nathan Mason 9 issue the words, "Oh shit". 10 There are then four loud bangs, which I have just 11 described as being the officer attempting to use the 12 muzzle of his gun to break the front passenger window of 13 the Audi. 14 After that, the noise of the officers becomes very 15 loud, as the front passenger door is opened and the shot 16 is fired very soon afterwards. 17 Mr Coates, please could we play MPS3938, from tape 18 counter 23. That is 23 minutes. 19 (4.29 pm) 20 (Audio recordings were played to the hearing) 21 (4.36 pm) 22 MS BLACKWELL: It is my intention to listen to that again, 23 sir, if you think that is appropriate. 24 THE CHAIRMAN: Certainly. 25 I think if you are playing it, the entirety should</p> <p style="text-align: center;">Page 203</p>	<p>1 be played, notwithstanding that the initial part doesn't 2 appear to add very much, but I think for the sake of 3 proportionality, the whole lot should be played. 4 MS BLACKWELL: That you. May we play it again, please, from 5 tape counter 23. 6 THE CHAIRMAN: Thank you. 7 (4.36 pm) 8 (Audio recordings were played to the hearing) 9 (4.45 pm) 10 MS BLACKWELL: Sir, I am just going to say a little about 11 the reconstruction and display some of the photographs 12 taken at the reconstruction. I do so in the knowledge 13 that those who have left the room do not want to see 14 this material either. 15 THE CHAIRMAN: Right, I will leave it to you, Ms Blackwell, 16 to pause at a time when you believe that those who have 17 left would wish to return. 18 MS BLACKWELL: Thank you. 19 THE CHAIRMAN: Thank you. 20 MS BLACKWELL: Two issues in relation to the reconstruction. 21 During the reconstruction, tests were conducted to 22 explore the effect of the white flashing strobe light 23 that was activated by W112 on his firearm as the 24 officers were approaching the Audi. You will remember, 25 sir, that W112 was sitting in the front passenger seat</p> <p style="text-align: center;">Page 204</p>

<p>1 of the Bravo vehicle, that stopped right in front of the 2 Audi. The visual effects were noted whilst it was 3 activated and it resulted in a glare whilst looking 4 through the windscreen from within the surrogate Audi 5 vehicle. 6 During the reconstruction, a number of photographs 7 were taken of the possible positions of Jermaine Baker's 8 arms and hands at the time that he was shot, and I am 9 going to display these now, please, sir. 10 MPS4457 is the first one. 11 4458. 12 4459. 13 4460. 14 4463. 15 This also shows the possible positioning of the man 16 bag. 17 THE CHAIRMAN: Yes. 18 MS BLACKWELL: 4464. 19 4465. 20 4466. 21 And 4467. 22 Thank you, may we take that off the screen, please, 23 and I will now pause whilst those who have remained out 24 the room are able to come back in. 25 THE CHAIRMAN: Thank you. (Pause)</p> <p style="text-align: center;">Page 205</p>	<p>1 As far as we are aware, is everybody back who wishes 2 to be? No? Right. (Pause) 3 Very well, I gather it is going to be about five 4 minutes. (Pause) 5 MS KAUFMANN: I think they are coming back right now. 6 THE CHAIRMAN: Thank you very much. (Pause) 7 Is everybody now back? 8 MS BLACKWELL: Thank you, sir. 9 W80 said that from the moment the front passenger 10 door opened everything happened very quickly. Taking 11 this into account with the audio that we listened to 12 suggests that the shot was within seconds of the first 13 shout of "armed police" and that S111 had attempted to 14 break the window before moving to the rear nearside door 15 and making way for W80. 16 The inquiry may conclude that the shot must have 17 been fired a very short time indeed after the opening of 18 the passenger door. The speed at which this occurred 19 indicates that W80 may not have allowed Mr Baker 20 sufficient time to observe oral warnings being directed 21 at him by W80 and the other AFOs surrounding the 22 vehicle, in keeping with local and national policy. 23 Early in the IPCC investigation there were 24 suggestions that Mr Baker may have been sleeping at the 25 time he was shot. Evidence provided by Nathan Mason and</p> <p style="text-align: center;">Page 206</p>
<p>1 Gokay Sogucakli stated that they were of the opinion 2 that Mr Baker may have been sleeping at the time the 3 police approached the vehicle and Mr Sogucakli recalled 4 Mr Baker having his hoody up over his head and a scarf 5 or jumper covering his mouth whilst he slept. 6 In the period just prior to the interception, the 7 live feed audio recorded significant periods when there 8 was no talking amongst the occupants the Audi. There 9 was also heavy breathing and snoring-type noise from 10 within the car and it is likely that during this time 11 Mr Baker and/or the other occupants could have been 12 sleeping. Mr Mason said that he had himself been 13 sleeping and was awoken by the telephone ringing at 14 around 9.00, moments before the officers approached the 15 vehicle. 16 As to what W80 could see of Mr Baker, he said this: 17 "I could see his eyes, which were open, but I cannot 18 say whether he had eye contact with me." 19 W112 was the only officer who said they had sight of 20 the faces of the front seat occupants when approaching 21 the Audi. He said that when panning across the 22 windscreen of the Audi with a weapon-mounted strobe 23 light and laser prior to Mr Baker being shot: 24 "I could make out their faces and their eyes, which 25 I saw were open and looking towards the front."</p> <p style="text-align: center;">Page 207</p>	<p>1 W80's evidence was initially that Mr Baker was 2 wearing a balaclava when he was shot. He recalled 3 removing the balaclava from Mr Baker's mouth area to 4 apply oxygen during first aid and S111 also had 5 a recollection of Mr Baker wearing a balaclava. 6 There is evidence that Mr Baker, along with the 7 other occupants of the Audi, may have had balaclavas 8 rolled up on their heads at the time. However, the 9 evidence of W112 contradicts that Mr Baker's balaclava 10 had been pulled down at the time of the interception, as 11 does evidence provided by Gokay Sogucakli and R116, who 12 was one of the first officers to give first aid and has 13 no recollection of Mr Baker wearing a balaclava. 14 The CMP evidence is that Mr Baker and the other 15 occupants of the vehicle were aware that the prison van 16 was still approximately 30 minutes away at the time of 17 the interception and so the inquiry considers whether it 18 is likely or not that Mr Baker would have pulled down 19 his balaclava at that time. 20 In his evidence to this inquiry, W80 has accepted 21 that he may be mistaken and that what he pulled over 22 Mr Baker's mouth was a scarf or a jumper, which together 23 with his hoody had stopped W80 seeing his face. 24 He discharged his shot within a very short time of 25 opening the car door. It is not a requirement to wait</p> <p style="text-align: center;">Page 208</p>

52 (Pages 205 to 208)

<p>1 for a weapon to be produced before a firearms officer                  2 discharges a weapon. As I have already stated, it has                  3 been suggested, including at a meeting at Tottenham Town                  4 Hall on 17 December 2015, that lethal force would not                  5 have been used had Mr Baker's ethnicity been different.                  6 Also, that officers may have acted to disrupt the escape                  7 plan at an earlier stage, and therefore avoided an armed                  8 interception with the risks to life which are involved,                  9 if Mr Baker's ethnicity had been different.                  10 The police standards of professional behaviour                  11 provides that officers act with fairness and                  12 impartiality and do not discriminate unlawfully or                  13 unfairly.                  14 The IPCC discrimination guidelines recognised that                  15 it is common in discrimination cases for there to be                  16 little or no direct evidence available to support                  17 an allegation. Direct evidence might be CCTV footage                  18 that recorded use of discriminatory language, for                  19 example.                  20 This is particularly the case if the allegation is                  21 about discriminatory actions arising from prejudiced                  22 assumptions or attitudes. Operation Ankaa targeted                  23 subjects of Turkish descent who were known to be                  24 involved in serious organised crime. Namely Ozcan Eren                  25 and Izzet Eren. The evidence from DCI Williams is that</p> <p style="text-align: center;">Page 209</p>	<p>1 he had no intelligence on who would be assisting in the                  2 escape plan beyond Ozcan Eren and Sinan Ozger. If he                  3 did not know their identities, it follows that he could                  4 not have known what their ethnicity would be. However,                  5 it is clear from the FA2 form that some intelligence                  6 including IC3 males would be recruited to assist in the                  7 plan. K78's evidence included that there was mention of                  8 "four big black males being involved".                  9 Although the Audi had been under surveillance prior                  10 to the interception, there is no evidence that those                  11 carrying out the surveillance had identified the                  12 ethnicity of the occupants, nor is there any evidence                  13 that those listening to the CMP had attributed any                  14 ethnicity to the occupants. W80 did not describe the                  15 ethnicity of the man he shot in any of his statements                  16 and there is good evidence that it was not possible to                  17 see the occupants of the car during the firearm                  18 officers' approach, because of the steamed-up windows.                  19 W80 would not therefore have been able to identify                  20 Mr Baker's ethnicity prior to opening the door and W80                  21 discharged his weapon very shortly after opening the car                  22 door.                  23 W80 was asked questions in interview if the                  24 ethnicity of Mr Baker influenced his decision making on                  25 the day. He did not answer these questions or provide</p> <p style="text-align: center;">Page 210</p>
<p>1 any evidence in relation to Mr Baker's ethnicity and the                  2 impact it may have had upon his decision making.                  3 In some circumstances comparator evidence may be                  4 available, for example stop and search records record                  5 ethnicity, so it may be possible to identify, for                  6 example, that an officer stops disproportionately high                  7 numbers of people from one ethnic group. Although there                  8 are well known concerns about the deaths of black ethnic                  9 minority men following contact with the police, that                  10 cannot of itself be evidence that discrimination played                  11 a part in W80's actions.                  12 Armed deployments in which people are shot are                  13 fortunately rare and occur in widely different                  14 circumstances. There is therefore no meaningful                  15 comparator data to assist the inquiry about whether W80                  16 treated persons of ethnicity different in similar                  17 situations. W80's disciplinary record has been                  18 considered and there are no substantiated findings of                  19 discriminatory behaviour.                  20 There is evidence that the firearms officers                  21 believed that those who would be carrying out the attack                  22 on the prison van would be black and that K78 at least                  23 believed there would be four big black males. Whether                  24 the latter was a phrase used in briefings or is K78's                  25 interpretation of words used, it may be of concern to</p> <p style="text-align: center;">Page 211</p>	<p>1 the inquiry that this raises issues of stereotyping and                  2 the potential for unconscious bias. There is                  3 recognition in literature about racism, particularly in                  4 the context of deaths following police contact, that                  5 "big black males" are ubiquitously considered                  6 threatening. However, there is no evidence that W80                  7 used similar language and on the evidence available,                  8 W80's personal perception of risk appears to have been                  9 based on the aspects of the briefing concerning                  10 Izzet Eren's antecedents, and in particular his                  11 possession of a machine pistol on 13 October 2015.                  12 There is no evidence that at the time of this                  13 decision DCI Williams knew of the identity or ethnicity                  14 of Mr Baker and there is no evidence that Mr Baker's                  15 treatment by officers after he was shot, in particular                  16 administering first aid, was influenced by Mr Baker's                  17 ethnicity.                  18 Sir, there are four fairly short parts to my                  19 opening, which remain.                  20 Could the death of Jermaine Baker have been avoided?                  21 The provision of emergency medical treatment.                  22 Pathology and forensic evidence.                  23 Post-incident procedures.                  24 THE CHAIRMAN: Thank you.                  25 MS BLACKWELL: The IPCC report at paragraph 486 states:</p> <p style="text-align: center;">Page 212</p>

<p>1 "The interception of the Audi used the enforced stop 2 and extraction option. This is factually incorrect, as 3 there was no enforced stop. What took place was 4 a dynamic interception and extraction of subjects in 5 a stationary vehicle." 6 At the point where DI Keely Smith, the overarching 7 TFC, declared state amber, the inquiry may consider that 8 there should have been clear instructions relayed by her 9 or the OFC in the control vehicle as to the tactic to be 10 implemented. Was a dynamic intervention or interception 11 and extraction of subjects from either a static or 12 moving vehicle the default tactic that was always 13 envisaged? If this was really the plan from the outset, 14 from start to finish, this may give the inquiry cause 15 for concern. 16 This concern was prevalent in the Anthony Grainger 17 Inquiry, which also made the following recommendations 18 in respect of MASTS, recommendation 6: 19 "All documents and training material to mobile armed 20 support to surveillance should clearly differentiate 21 between MASTS as an operational method of supporting 22 surveillance and delivering a standard range of tactical 23 options and the additional tactical options of 24 intervention and interception that MASTS-trained 25 authorised firearms officers can deliver. Make clear</p> <p style="text-align: center;">Page 213</p>	<p>1 that a MASTS deployment authorisation should not be 2 taken to imply that intervention or interception are 3 pre-authorised or preferred tactical outcomes and note 4 that the decisive action by MASTS officers is 5 a high-risk option and explain the factors, what factors 6 lead to higher risks, for example the presence of 7 a subject inside a stationary vehicle." 8 According to the inquiry's policing experts, there 9 is a lack of documented assessment indicating that 10 a dynamic intervention or interception on a stationary 11 or moving vehicle is a high-risk, albeit sometimes 12 high-benefit, option. When an armed intervention type 13 tactic considered high risk is employed, the Article 2 14 ECHR principles of absolute necessity should be applied. 15 This should include a strategic assessment as to whether 16 the desired outcome could be achieved by a less 17 intrusive lower-risk tactical option. Consideration 18 should also be given to whether fast-time intervention, 19 with the benefit of surprise, as opposed to slower time 20 tactics such as contain and call out, is necessary to 21 prevent significant harm or loss of life, destruction of 22 evidence and the escape of offenders. 23 The inquiry will wish to consider if there was 24 a pre-disposition towards a dynamic tactic to the 25 exclusion of other low-risk tactical options. Was the</p> <p style="text-align: center;">Page 214</p>
<p>1 use of a fast-time intervention or interception 2 a pre-determined resolution to Operation Ankaa. In the 3 FA5 document, S48 sets out various scenarios in which 4 CTSFOs may have to become involved in interception of 5 suspects on foot or in a vehicle. 6 Three main types of vehicle interceptions are 7 referred to in the FA5, enforced stop, compliance stop 8 and natural stop. 9 The following description is supplied of natural 10 stop. 11 This is where the subject vehicle stops of its own 12 accord without any request from the police. This may 13 include parking at the rear -- at the side of a road or 14 in a car park. Once the vehicle has come to rest, or in 15 this case already parked, the subjects can be dealt with 16 by utilising a number of tactics, these include armed 17 enquiry, containment, communication and extraction. 18 S48 does not set out any prior consideration as to 19 which of these tactics should be used in any particular 20 situation. But the APP addresses what are referred to 21 as generic tactical options, as we have seen, and 22 I repeat, generical tactical options set out the 23 different ways in which a particular objective can be 24 undertaken in a manner which minimises risk and harm. 25 They are broad descriptions of the options the police</p> <p style="text-align: center;">Page 215</p>	<p>1 may have available to them when dealing with an incident 2 which requires the deployment of armed officers. 3 Along with the primary aim of securing public 4 safety, consideration should be given to whether it is 5 possible to identify, locate and contain the subject and 6 take appropriate action to neutralise the threat posed. 7 The nature of the fast-time divisive action 8 undertaken, with the benefit of surprise, is not 9 included in the APP. However, it is one of tactics that 10 is included in the NPFTC and is commented on by 11 Mr Nicholson, from whom you will hear evidence. He 12 says: 13 "The options provided within the NPFTC for dealing 14 with armed occupants within a stationary vehicle are 15 armed enquiry, contain and call out and extraction." 16 In this case, at the point of intervention, the 17 circumstances were these. 18 The vehicle contained an unknown number of 19 occupants. Their identity, capability or their response 20 to being intercepted was unknown. The vehicle was 21 parked in a bay blocked in from behind by a fence. The 22 windows were completely steamed up and some were later 23 erroneously described as tinted, which perhaps gives 24 an indication of the level of transparency at the time 25 of the intervention. There was reason to believe that</p> <p style="text-align: center;">Page 216</p>

1 the occupants might not be armed with a live firearm.  
 2 The vehicle was effectively blocked in by the three  
 3 MASTS vehicles and there were vehicles and builders in  
 4 the immediate area and the three MASTS vehicles created  
 5 an effective barrier acting as a cordon between the  
 6 members of the public and the Audi vehicle.  
 7 Once the Audi was effectively blocked in, the use of  
 8 a contain and call out tactic would have been available  
 9 and would have enabled a slower-time intervention.  
 10 Contain and call out would have involved positioning  
 11 police vehicles and armed officers so as to prevent the  
 12 vehicle moving and calling the occupants to come out of  
 13 the vehicle one by one.  
 14 The inquiry's policing experts advise that this  
 15 would have permitted the use of what are often referred  
 16 to as the BUGEEL principles, it is their understanding  
 17 that these principles now form part of the training of  
 18 firearms commanders. Although the BUGEEL mnemonic is  
 19 not used in the APP, it is based on guidance included in  
 20 the APP which can be found under the subheading of  
 21 "Defusing a situation". Variations of this are used in  
 22 police training by a number of police forces. Sometimes  
 23 the mnemonic ends in a "C" or an "L" but both refer to  
 24 the same issue, consideration of less-lethal options.  
 25 Typically the mnemonic is expressed as follows.

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1 ballistic shields, having been told to treat the unknown  
 2 occupants of the car as armed.  
 3 It should also be noted that most body armour only  
 4 covers the main areas of the torso, the face, neck,  
 5 arms, lower stomach, groin and lower body are left  
 6 unprotected. These are very vulnerable areas that  
 7 contain major organs and arteries.  
 8 If the subjects in the vehicle were armed with live  
 9 weapons, the officers were in an extremely vulnerable  
 10 position as they closed in on foot on the Audi.  
 11 The inquiry may wish to consider if there were  
 12 less-dynamic and less-lethal options available to those  
 13 in command, thereby better protecting the AFOs, reducing  
 14 the pressure that they felt and removing the occupants  
 15 at a slower and safer pace.  
 16 I am now going to turn to describe the types of  
 17 firearms used by the officers in the intervention, which  
 18 is another factor for the inquiry to consider in  
 19 deciding if Jermaine Baker's death could have been  
 20 avoided.  
 21 The 9mm Glock self-loading pistols, the 5.56mm SIG  
 22 Sauer MCX carbines and Benelli shotguns used by the MPS  
 23 in this case all fall within the generic weapon classes  
 24 set out in the APP.  
 25 The Benelli shotgun assigned to, but not used by,

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1 B: back off, if it is safe to do so.  
 2 U: use effective cover.  
 3 G: give time and space, deescalation.  
 4 E: evacuate the immediate area.  
 5 E: early negotiation.  
 6 C or L: consider less-lethal options.  
 7 The inquiry will wish to explore what consideration  
 8 was given to these principles in the circumstances that  
 9 presented, once the Audi had parked up on Bracknell  
 10 Close. One example for persisting with the dynamic  
 11 interception may be that those in command, for whatever  
 12 reason, continued to treat the unknown number of the  
 13 occupants of the Audi as armed. This could have meant  
 14 up to four armed men to be extracted from the vehicle.  
 15 Although the CTSFOs had been deployed in plain  
 16 clothes, the officers made reference to putting on their  
 17 high-visibility police baseball caps as they were  
 18 entering the intervention phase. Mention was made of  
 19 the wearing of these baseball caps at the 5.00 am  
 20 briefing. Advice was given for officers to wear these,  
 21 together with ballistic vests.  
 22 The wearing of high-visibility baseball caps meant  
 23 that they were not wearing ballistic helmets.  
 24 The nature of the intervention meant that officers  
 25 were approaching the subjects' car in fast time, without

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1 W80 was to be used for a specific purpose, rapid tyre  
 2 deflation. The descriptors include Hatton rounds or ram  
 3 rounds or steel batons, and these type of cartridge are  
 4 generically referred to as breaching rounds, designed to  
 5 remove hinges from doors and they can also be used for  
 6 tyre deflation.  
 7 The ammunition configuration approved for use by  
 8 police forces in England and Wales in most bullet-firing  
 9 weapons, comprises a jacketed soft-point projectile.  
 10 The type of bullet is designed to expand on impact,  
 11 increase effectiveness and minimise the potential for  
 12 over-penetration. However, it is important to note that  
 13 this expansion will occur on first impact with surfaces  
 14 such as glass and car doors. This can increase the  
 15 potential for fragmentation or changes in the direction  
 16 of the projectile.  
 17 The MCX carbine as issued to the MPS CTSFOs was  
 18 fitted with a projected laser dot and torchlight. In  
 19 addition to increasing visibility in poor light, this  
 20 can reinforce to the subject that a weapon is pointed at  
 21 them. As part of the weapons system, there is potential  
 22 for a strobe light mounted to firearms to have both  
 23 intended and unintended consequences and possibly direct  
 24 human effects. This was deployed by at least one  
 25 officer, as you know, sir, W112.

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1 The MCX carbine used by W80 and most of the other  
 2 officers who deployed only entered service with the MPS  
 3 early in 2015. To the knowledge of the inquiry policing  
 4 experts, this incident was the first operational  
 5 discharge of this type of firearm by a UK police force.  
 6 W80 said:  
 7 "I had a conversation in the car to the effect that  
 8 I was not going to take the Benelli shotgun, which is  
 9 an entry gun used to deflate tyres if it is suspected  
 10 that the vehicle might make off. I said to this my  
 11 colleague, as at that time I perceived that the threat  
 12 was so great that I needed my primary weapon so as to be  
 13 able to respond to any firearms threat from the  
 14 occupants of the Audi."  
 15 S111 said:  
 16 "On being given the state amber, we were told to  
 17 move forward and arrest the occupants of the Audi A6.  
 18 I checked via the radio that Bravo and Charlie were  
 19 happy with their roles that they were in. We had  
 20 a quick chat in our car about our roles. R116 knew  
 21 where the subject car was and W80 decided not to take  
 22 the Hatton gun for deflating tyres, as the car was  
 23 already stationary and there were possibly four  
 24 occupants of the car. We were happy with that  
 25 decision."

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1 place any person at risk or would be clearly  
 2 inappropriate or pointless in the circumstances of the  
 3 incident.  
 4 "Oral or visual warnings should make the subject  
 5 aware of the nature of the armed police intervention.  
 6 These should serve as a clear warning to them and make  
 7 it clear that force and/or firearms may be used.  
 8 "All AFOs should receive training in communicating  
 9 with subjects. On first verbal contact, officers should  
 10 normally (1) identify themselves as police officers and  
 11 state they are armed (2) clarify who it is they are  
 12 seeking to communicate with and (3) communicate in  
 13 a clear and appropriate way."  
 14 Finally, where weapons are fitted with torches or  
 15 laser sights, officers should consider the effects of  
 16 their use during any confrontation.  
 17 The inquiry may be assisted to know if the strobe  
 18 light in question on W112's firearm was considered by  
 19 the MPS as a less-lethal technology and to what extent  
 20 the testing, acquisition and operational use of this  
 21 facility was evaluated by the MPS and the Home Office  
 22 Centre for Applied Science or Technology.  
 23 Communication in this case included, as you have  
 24 heard, sir, repeated shouts by most, if not all, of the  
 25 officers who approached the Audi of "armed police". The

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1 The strike involved the simultaneous and rapid  
 2 deployment of multiple officers to different aspects of  
 3 the Audi, as you have seen, sir.  
 4 Attempts at smashing window glass were used. The  
 5 use of the projected green dot lasers were used. The  
 6 strobe lighting was used. There was the benefit of  
 7 surprise by rapidly deploying and sensory and verbal  
 8 stunning the inquiry may conclude was the effect. Each  
 9 of the elements formed part of the context of the  
 10 dynamic situation during which W80 discharged his  
 11 firearm. Similarly, each of the elements that I have  
 12 set out were intended to create a freeze and compliant  
 13 response from the occupants of the vehicle but can  
 14 result in sudden movements.  
 15 These may include a startled response, a defensive  
 16 or a self protection movement or an aggressive act.  
 17 The APP has a section which addresses generic  
 18 tactical options, which includes:  
 19 "Communicating with the subject may necessitate  
 20 a visual or verbal challenge, on occasions this may lead  
 21 to a subject engaging AFOs in some form of dialogue.  
 22 Where circumstances permit, AFOs should identify  
 23 themselves as armed officers and give a clear direction  
 24 to the subject, allowing sufficient time for the  
 25 directions to be observed, unless to do so would unduly

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1 majority of statements refer to them having put on their  
 2 police baseball-type hats. The covert microphones also  
 3 picked up several of the shouts of "armed police".  
 4 However, the APP states that communication should be  
 5 in a clear and appropriate manner. This is really about  
 6 selecting the tone and style of communication  
 7 appropriate to a situation. In some circumstances  
 8 a highly assertive tone is required, in others, a more  
 9 coercive tone is required. In a case where a strike is  
 10 called, the communication requires to be authoritative  
 11 and clear, leaving no room for ambiguity.  
 12 There are two issues here that bear some relevance.  
 13 The use of strong directive language, including the use  
 14 of profanities and the use of divergent and  
 15 contradictory commands.  
 16 In situations where dynamic intervention is intended  
 17 to create an initial freeze response from all subjects,  
 18 the physical surprise at the appearance of armed  
 19 officers, together with strong verbal commands is  
 20 a well-practised tactic among police and military  
 21 personnel, both in the UK and internationally. As will  
 22 be noted in this case, both from officers' statements  
 23 and from the commands captured on the covert microphones  
 24 this included very strong language, including the  
 25 extensive use of profanities. The use of profanities is

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<p>1 sometimes referred to as tactical language and it might 2 be an area of concern. 3 During the intervention, different officers have 4 issued contradictory commands. Given that these 5 commands are being yelled at subjects through doors that 6 have to be pulled open, they are likely to be heard by 7 all occupants. The APP armed policing states: 8 "Communicating with the subject may necessitate 9 a visual or a verbal challenge." 10 The relevant section contains the following three 11 bullet points, each of which have a sub text: 12 "(a) identify themselves as police officers and 13 state they are armed. 14 "(b) clarify who it is they are seeking to 15 communicate with. 16 "(c) communicate in a clear and appropriate manner." 17 The inquiry may wish to consider the plan that was 18 made for the use of verbal communication between the 19 police officers and the unknown occupants of the Audi. 20 What was said to the officers in the various briefings 21 about what should be said, what orders should be given 22 and the manner in which those orders should be 23 delivered? Did communications have the necessary 24 clarity? In the moments before deployment, what was 25 said as between the officers of the vehicles Alpha,</p> <p style="text-align: center;">Page 225</p>	<p>1 Bravo and Charlie by way of direction? 2 There are other issues touching upon the decision by 3 W80 to discharge his firearm that the inquiry will wish 4 to consider. The APP has a section entitled "Dealing 5 with people". Subsections include the handling of 6 subjects, the environmental and behavioural influences 7 and communication issues. The subsection on handling 8 people states: 9 "The close proximity of subjects to officers with 10 firearms at the final stages of an incident presents 11 risks. These stages are likely to be the most dangerous 12 phase of an incident and constitute the subject's last 13 chance to escape." 14 Dynamic interventions and interceptions, whether 15 into a structure or a vehicle, should only be taken in 16 extremis. In situations that have time for detailed 17 planning, the planning should include the situationally 18 specific risk assessments of such an intervention. This 19 should not be based solely on the capability of the 20 officers being deployed, nor the probability of 21 an outcome based on the premise that in the majority of 22 cases subjects comply with officers' directions. 23 In the same section of the APP there is a subheading 24 entitled "Environmental and behavioural influencers". 25 This reads as follows:</p> <p style="text-align: center;">Page 226</p>
<p>1 "Environmental and behavioural influencers can 2 affect a subject's behaviour and their response to any 3 contact with police officers. These influencers, 4 sometimes referred to as moderators, can include issues 5 such as environments where communication is difficult, 6 sensory impairment or communication difficulties, for 7 example hearing impairment or whether a subject may have 8 difficulty in understanding or communicating in English. 9 The effect of drugs or alcohol and subjects whose 10 movements are impaired or exaggerated by reason of 11 a medical condition." 12 It would be wholly wrong to suggest that there were 13 none of these conditions presenting themselves in the 14 Audi at the time of the police approach. There was 15 certainly sensory impairment, in that the steamed-up 16 windows prevented the officers from seeing into the 17 vehicle. This would necessarily mean that those inside 18 the vehicle could not see out. 19 Furthermore, there was auditory impairment from both 20 sides. The officers were shouting their commands from 21 the other side of closed car doors and windows and some 22 officers were wearing ear defenders, including W80. 23 Communication could be said to have been difficult, 24 as there were conflicting demands being shouted 25 simultaneously.</p> <p style="text-align: center;">Page 227</p>	<p>1 It is clear from the Audi probe and should have been 2 noted by those listening in C3000 that the occupants of 3 the vehicle were talking about bringing weed with them, 4 looking for a lighter and smoking. In addition, there 5 were sounds of snoring in the time before the 6 interception. 7 The inquiry may form the view that these 8 environmental and behavioural factors may well have 9 influenced the reaction of those in the Audi. There was 10 an additional feature here which likely caused further 11 sensory stunning, the use of the strobe lighting and the 12 lasers. In any situation involving dynamic interception 13 where verbal and sensory stunning is deliberately 14 invoked, the risk of an unexpected reaction from 15 a suspect is increased. 16 Furthermore, this context, together with the 17 briefing and intelligence updates, both formal and 18 informal, and W80's experience and training, all 19 contributed to his decision making under extreme stress. 20 In combination an officer's interpretation of any 21 sudden movement by any of the occupants of the Audi 22 would increase the acute sense of vulnerability of the 23 officer. The Anthony Grainger Inquiry noted that such 24 matters had the effect of predisposing an officer to 25 decide to discharge his weapon, when he might not</p> <p style="text-align: center;">Page 228</p>

<p>1 otherwise have done so.</p> <p>2 In terms of police firearms encounters, this has</p> <p>3 been recognised for well over 40 years. Writing in</p> <p>4 1982, Sharf and Binder insightfully stated:</p> <p>5 "By the firing of a shot, a life may be saved or</p> <p>6 lost and by withholding fire a life may also be saved or</p> <p>7 lost. The balance of life being held in an incident of</p> <p>8 circumstance."</p> <p>9 A related psychological factor is the factual</p> <p>10 ambiguity implicit in armed confrontations and the</p> <p>11 officers' ability to define objective reality in</p> <p>12 a heated and rapidly occurring confrontation. In</p> <p>13 rapidly evolving shooting incidents, what is believed</p> <p>14 true may not later in fact be true.</p> <p>15 Officers are well aware from their training of the</p> <p>16 principle that action is generally faster than reaction,</p> <p>17 and this is referenced in this case, P2's statement made</p> <p>18 reference to having seen the Uzi in the rear of car,</p> <p>19 albeit after the shooting, and states:</p> <p>20 "At this point my risk assessment was about as high</p> <p>21 as it can get. I know that action beats reaction and</p> <p>22 given the proximity of the suspect to the weapon, I knew</p> <p>23 that if he even leant towards it, I would have had to</p> <p>24 have shot him to defend myself and my colleagues."</p> <p>25 Finally, W80 in a further witness statement on</p> <p style="text-align: center;">Page 229</p>	<p>1 19 December 2016 said:</p> <p>2 "I cannot add any detail to what I have said about</p> <p>3 the positioning of his hands. I have said that they</p> <p>4 moved quickly up to his chest, I could see both of his</p> <p>5 hands, both moved at the same time, both moved upwards</p> <p>6 towards his chest. His hands moved from a low position.</p> <p>7 I cannot be precise as to the exact moment I perceived</p> <p>8 that he was going for the bag and the precise moment</p> <p>9 that I made the decision to shoot. It would have been</p> <p>10 at some stage after he started to move his hands and</p> <p>11 before he reached the top of the bag. I was very aware</p> <p>12 that action beats reaction and that I could not wait</p> <p>13 until he removed the gun from his bag. It is likely</p> <p>14 that having made the decision to fire, the male's hands</p> <p>15 would have moved further up before the rounds struck him</p> <p>16 and that is why the shot has struck his left wrist."</p> <p>17 Action versus reaction is a concept that is embedded</p> <p>18 in officers' training, to the extent that it has become</p> <p>19 a maxim which informs their tactics in life-threatening</p> <p>20 situations.</p> <p>21 The provision of medical emergency treatment. The</p> <p>22 radio transmission regard the discharge of a shot was</p> <p>23 accompanied by a request for the attendance of the</p> <p>24 London Ambulance Service, Team B contained highly</p> <p>25 trained medics. You have already heard, sir, that R116</p> <p style="text-align: center;">Page 230</p>
<p>1 appears to have taken the lead role in relation to first</p> <p>2 aid until the ambulance service arrived.</p> <p>3 In respect of his relevant training, he stated:</p> <p>4 "I have worked at SCO19 in these various roles over</p> <p>5 eight years. I first undertook ballistic first aid</p> <p>6 training on my initial armed response vehicle course,</p> <p>7 this was later enhanced with an ARV medic course. Some</p> <p>8 time after my posting to an SFO team I again underwent</p> <p>9 further enhanced training and became an SFO medic.</p> <p>10 Since becoming an SFO I have undertaken regular</p> <p>11 refresher training. My last cycle of training was</p> <p>12 Monday, 16 November to Thursday, 19 November 2015. At</p> <p>13 09.12 the London Ambulance arrived and commenced first</p> <p>14 aid with the firearms officers. I continued with this,</p> <p>15 being joined by London Ambulance Service and later HEMS</p> <p>16 [which is the Helicopter Emergency Medical Service].</p> <p>17 Upon the arrival of the HEMS crew I remained nearby to</p> <p>18 assist, before the doctor eventually pronounced life</p> <p>19 extinct."</p> <p>20 Mr Baker had no pulse when the ambulance service</p> <p>21 arrived at 09.12. Ms Dunwell, paramedic, performed</p> <p>22 an endotracheal intubation.</p> <p>23 The air ambulance arrived at 0924, with</p> <p>24 Dr Danny Sharp, and they performed a resuscitative</p> <p>25 thoracotomy and gave Mr Baker blood. Dr Sharp</p> <p style="text-align: center;">Page 231</p>	<p>1 pronounced life extinct at 09.30.</p> <p>2 Professor Lyon, a consultant in emergency medicine,</p> <p>3 reviewed the care that Mr Baker received from the MPS,</p> <p>4 the LAS and the air ambulance service and concluded that</p> <p>5 every attempt was made to successfully resuscitate</p> <p>6 Jermaine Baker, but that his injuries were catastrophic</p> <p>7 and there was nothing that could have been done to avoid</p> <p>8 his death.</p> <p>9 On 12 December 2015, Dr Charlotte Randall, Home</p> <p>10 Office pathologist, conducted a post mortem examination</p> <p>11 of Mr Baker at Haringey Public Mortuary. Dr Randall</p> <p>12 concluded that Mr Baker died due to a gunshot wound to</p> <p>13 the neck. The bullet was retrieved from directly below</p> <p>14 the skin on the back of the right shoulder.</p> <p>15 A second gunshot round was noted by Mr Randall on</p> <p>16 the front of Mr Baker's left wrist and she stated:</p> <p>17 "It's appearance suggested that a bullet had glanced</p> <p>18 across the front of the lower arm, causing superficial</p> <p>19 damage to the muscles and tendons in this region. It is</p> <p>20 highly likely that these two wounds represented the path</p> <p>21 of one bullet, both bullet wounds taken in context would</p> <p>22 indicate that the deceased's left arm was raised at the</p> <p>23 time he was fatally injured."</p> <p>24 She noted a patina bruise of the skin of the left</p> <p>25 wrist, next to his gunshot wound, which was in keeping</p> <p style="text-align: center;">Page 232</p>

<p>1 with Mr Baker wearing a wrist watch at the time of his 2 death. The bruising suggested the bullet struck the 3 wrist watch before entering Mr Baker's body. 4 Toxicology analysis of Mr Baker's blood revealed the 5 presence of alcohol and the presence of a number of 6 drugs, including cannabis and cocaine. 7 Expert evidence has been provided to the inquiry by 8 Khaldoun Kabbani in relation to ballistics, Mark Bowden 9 in relation to gunshot residue, and Stephen Harrington, 10 as you heard, sir, in relation to biology and blood 11 pattern analysis. 12 Mr Kabbani said the watch was subject to a force 13 that snapped the strap from the lugholes: 14 "The breakage of the watch parts was consistent with 15 the expansion of the wrist as a consequence of the 16 temporary cavity created by the passing of 17 a high-velocity round, such as the bullet recovered from 18 the deceased, through the wrist. Furthermore, the 19 missing strap or link, in addition to the deformation of 20 one piece of strap adjacent to the exit wound and the 21 damage on the inside of the bullet's jacket could be 22 a result of the bullet striking the watch's inner strap 23 where it exited the wrist. Multiple parts of a Casio 24 watch were located at the scene near the passenger seat 25 of the Audi. It was believed that this watch was being</p> <p style="text-align: center;">Page 233</p>	<p>1 worn by Mr Baker on his left wrist at the time he was 2 shot. Mr Kabbani examined the watch, which was in six 3 parts, he was of the opinion that the shot to Mr Baker's 4 left cuff was fired at close range of less than 5 50 centimetres from the outer aspect of the wrist. 6 He stated his findings were consistent with one shot 7 being fired towards Mr Baker, with his left wrist raised 8 approximately to the level of his neck. 9 Mr Harrington examined the Nike man bag in 10 possession of Mr Baker at the time he was shot. A small 11 hole was present in the strap of the bag, with heavy 12 blood straining present around the area of the damage. 13 Mr Kabbani stated that the strap of the bag was found to 14 have sustained bullet damage, which was in keeping with 15 the position of the entry damage to the upper front zip 16 and surrounding fabric of the sweatshirt and with the 17 neck and entry wound. 18 The man bag was found to contain various personal 19 items, as I have said, including a bicycle pump. 20 Mr Harrington examined the Audi to interpret the nature 21 and distribution of blood staining in the vehicle and 22 his conclusions were that Mr Baker was sat in the front 23 passenger seat when shot. The door was open when 24 Mr Baker was shot and Mr Baker then moved or was moved 25 from the vehicle via the front passenger door towards</p> <p style="text-align: center;">Page 234</p>
<p>1 the front of the vehicle. 2 Finally, Mr Bowden examined the Audi for gunshot 3 residue. He was not able to determine the exact 4 distance between the muzzle of the firearm and the 5 surface into which the GSR was deposited in and on the 6 vehicle. He was, however, able to draw conclusions that 7 the overall level and distribution of the GSR identified 8 on the analysed sample to be much more likely if the 9 muzzle of the firearm was close to the opening between 10 the Audi's bodywork and the front passenger door. 11 Sir, finally, may I say a few words about the 12 post-incident procedures. 13 Officers were subsequently removed from the scene 14 and post-incident procedures commenced, which included 15 a non-conferring warning, which was given during the 16 pre-deployment briefings and reiterated by DI Smith 17 after the shooting of Mr Baker. The post-incident 18 procedure, or PIP, is a process undertaken when police 19 discharge a firearm. It is a national process and 20 guidance for the process is provided by the College of 21 Policing within the APP. 22 The PIP for Operation Ankaa was conducted at the MPS 23 post-incident suite at Leman Street in London. 24 The officers were not separated when writing their 25 accounts during the PIP, but the IPCC did supervise the</p> <p style="text-align: center;">Page 235</p>	<p>1 writing of officers' initial and detailed accounts on 11 2 and 14 December 2015. 3 It was established at the PIP that none of the key 4 policing witnesses were wearing body-worn cameras at the 5 time of the incident. 6 In December 2015, W80 had been an MPS police officer 7 for 26 years and an authorised firearms officer since 8 1998. In 2010, until November 2013, he was an SFO, 9 a specialist firearms officer and in November 2013 he 10 became an MPS firearms instructor until 11 23 November 2015, at which point he rejoined as 12 an operational SFO. 13 He had undergone all the required training expected 14 of a SFO when carrying out the role on 11 December 2015: 15 the MPS's chief firearms instructor, Paul Thornhill, 16 stated that W80 exceeded the required refresher training 17 contact hours to undertake the role of an SFO. He had 18 his annual authority to deploy with firearms renewed on 19 26 March 2015. 20 On 11 December, W80 was part of the PIP. At that 21 time, he was being treated as a witness. During the 22 PIP, W80 wrote a stage 3 personal initial account. 23 Findings from the post mortem conducted on 12 December 24 indicated that W80's use of force may not have been 25 justified and that the actions of W80 may amount to the</p> <p style="text-align: center;">Page 236</p>

<p>1 offence of murder. The MPS were notified of the IPCC's                  2 decision to declare the investigation criminal. The MPS                  3 informed W80 of this on the evening of Sunday,                  4 13 December 2015.</p> <p>5 The IPCC asked that W80 attend the IPCC Croydon                  6 office on 16 December for an interview under caution.                  7 At around 2300 hours, Assistant Commissioner Pat Gallan                  8 notified the IPCC that W80 had been informed of the                  9 criminal investigation, had his police warrant card                  10 removed and been given a warning not to confer with                  11 other officers.</p> <p>12 At 13.47 on 14 December, the appropriate suspension                  13 papers were prepared and sent by email to                  14 Superintendent Dobinson, who made attempts to contact                  15 W80 to arrange to meet but got no reply.</p> <p>16 Superintendent Dobinson decided to make his way to                  17 W80's home address. Police Constable Mick Burke,                  18 a Police Federation representative, had arranged to meet                  19 W80 at home at 4.00 pm that day. They all tried to                  20 contact W80 but were not successful. W80's partner                  21 returned home a short time afterwards and she informed                  22 the officers that she was of the belief that W80 had                  23 gone to London, to Leman Street. This was not the case.</p> <p>24 At around 1700 hours, officers commenced local                  25 searches for W80 and at around 5.30 pm, W80 was declared</p> <p style="text-align: center;">Page 237</p>	<p>1 a high-risk missing person. The MPS commenced a MISPER                  2 investigation. The homicide task force were asked to                  3 take the lead on tracing and locating W80. The MPS                  4 department of professional standards, the DPS also                  5 assisted and various investigative inquiries and tasks                  6 were undertaken over the next two days.</p> <p>7 At around 1440 hours on 16 December, W80 made a call                  8 home and gave details of his location. Family liaison                  9 officers who were present at W80's home address spoke                  10 with W80 to confirm his location. Two officers                  11 travelled to W80's location to search the area. It                  12 appeared that W80 had attempted suicide during the                  13 period he was missing. MPS staff took him to hospital                  14 to receive medical treatment.</p> <p>15 On the evening of 16 December, the IPCC deployed                  16 a team of operations staff to the area W80 had been                  17 located, with a view to arresting W80 following his                  18 disappearance. He was arrested by the IPCC for murder                  19 on 17 December 2015. His MPS computer profile was                  20 examined by the MPS hi tech crime unit. There was no                  21 evidence of any written information about Operation                  22 Ankaa that had been received via email by him.</p> <p>23 On 17 December, he was interviewed on three                  24 occasions but did not, as you know, sir, provide any                  25 information in response to questions during the</p> <p style="text-align: center;">Page 238</p>
<p>1 interview. After each of the three interviews which he                  2 underwent, W80's legal representatives provided the IPCC                  3 with written accounts from W80, which the inquiry will                  4 be able to consider, together with W80's evidence during                  5 the course of these hearings.</p> <p>6 Given the issue raised for the inquiry's                  7 consideration, and W80's mental health in the aftermath                  8 of the shooting, the inquiry may also wish to consider                  9 the wisdom or propriety of the MPS in having                  10 subsequently restored his role as a firearms officer, in                  11 particular as one with training responsibilities.</p> <p>12 In judging those whose actions were relevant to the                  13 death of Jermaine Baker, both those in command of                  14 Operation Ankaa and the AFOs, we know that you will be                  15 conscious of the passage of time, sir, and will ensure                  16 that their actions are seen in the context of how                  17 matters stood in 2015.</p> <p>18 It is hoped that the inquiry will discover that, in                  19 many ways, there has been improvement over the course of                  20 time. If there has not, the inquiry will wish to make                  21 whatever recommendations are likely to improve and                  22 further improve the course of policing across the                  23 country.</p> <p>24 I am very grateful to Ms McNeill. I think I may                  25 have told you, sir, that state amber was declared by</p> <p style="text-align: center;">Page 239</p>	<p>1 DI Keely Smith, but in fact it was declared by                  2 DCI Williams to Keely Smith, as she was the ground TFC.</p> <p>3 Thank you.</p> <p>4 THE CHAIRMAN: Thank you very much indeed. I know that we                  5 have sat rather longer than any of us expected.</p> <p>6 MS BLACKWELL: Yes.</p> <p>7 THE CHAIRMAN: If I apologise, it is only for keeping people                  8 longer than they might have expected but I have no doubt                  9 that the time of the inquiry and everyone present has                  10 been very well spent and I am sure everybody is grateful                  11 to you for having been able to conclude your opening                  12 statement today, even if it took a little longer than                  13 you expected.</p> <p>14 MS BLACKWELL: Yes, sir.</p> <p>15 Before you rise, sir, I am asked to address you                  16 about a number of outstanding witness statements which                  17 the inquiry is still to receive from the MPS.</p> <p>18 Signed statements are outstanding from the following                  19 witnesses, Pat Gallan, FE10, S111, Maria Cosham,                  20 Paul Hawthorn, Sunita Banerjee, Paul Stickland and                  21 a statement relating to aerial capability, some of which                  22 have come in draft form but have not been signed.</p> <p>23 There are still drafts outstanding from                  24 Rachel Williams, Laurence Taylor and Simon Stancombe.                  25 I hope that by the time that we start on the</p> <p style="text-align: center;">Page 240</p>

<p>1 evidence, which is currently expected to be on Thursday,  2 that those matters will have been dealt with.  3 THE CHAIRMAN: Mr Butt? I want at the moment if I can to  4 continue the light touch with which I hope this inquiry  5 has been marked throughout.  6 MR BUTT: Yes.  7 All of those names are very familiar to me, because  8 I have read drafts of all the statements. Some have  9 been very recently requested from us. I am confident  10 that all of those will be provided to the inquiry legal  11 team, and signed, before the evidence starts, certainly  12 there are drafts of all, possibly bar one, there should  13 be no difficulty.  14 THE CHAIRMAN: Thank you very much indeed.  15 Anything else today?  16 MS BLACKWELL: Sir, may I invite you to rise then until  17 Wednesday morning?  18 THE CHAIRMAN: Yes, we will resume on Wednesday morning,  19 when I will hear the remaining opening statements from  20 the core participants and we will proceed with the pen  21 portrait and such other evidence as you wish to call on  22 Wednesday.  23 MS BLACKWELL: Thank you, sir.  24 THE CHAIRMAN: Thank you very much.  25 (5.41 pm)</p> <p style="text-align: center;">Page 241</p>	<p>1 (The inquiry adjourned until 10.00 am on Wednesday,  2 16 June 2021)  3  4  5  6  7  8  9  10  11  12  13  14  15  16  17  18  19  20  21  22  23  24  25</p> <p style="text-align: center;">Page 242</p>
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