

Ms Abigail Scholefield
Jermaine Baker Public Inquiry

By email

27th October 2022

Dear Ms Scholefield

Jermaine Baker Public Inquiry

Thank you for your letter of 13th October 2022 regarding the Jermaine Baker Public Inquiry and the recommendations that are relevant to the College of Policing.

Many of the Inquiry's recommendations are jointly addressed to the College, NPCC and the MPS. The recommendations that relate to Authorised Professional Practice for Armed Policing (APP-AP) and the National Police Firearms Training Curriculum (NPFTC) will be led by the College. We will do so in consultation with co-respondents to the inquiry and UK police forces and stakeholders to ensure that organisational learning is shared and embedded.

This update on the work to address the Inquiry's recommendations is provided on behalf of the College and NPCC Armed Policing. This reflects our joint, collaborative approach in respect of national guidance and standards for armed policing.

The update on the relevant recommendations is as follows:

Recommendation 1 (chapter 15 paragraph 15.1)

Separation of roles

There should be clearer guidance from the MPS, College of Policing and/or the NPCC on the separation of roles between the Senior Investigating Officer (SIO) and the Tactical and Strategic Firearms Commanders (TFC and SFC). The guidance should be clear that not only should the SIO and TFC/SFC be different individuals, but the importance of separation of responsibilities under those roles should be emphasised.

The APP-AP currently requires that the functions of SFC or TFC must not be undertaken by the senior investigating officer (SIO) responsible for the investigation of the offence(s) for which the firearms operation is being conducted, or by any other person who is involved in the investigation. This requirement to separate firearms command and investigation roles has been clearly articulated in APP-AP and previous national guidance for several years. This guidance is reinforced during the training for commanders of armed operations.

As a consequence of this recommendation, the College is drafting an amendment to APP-AP and NPFTC content which will further clarify and emphasise the requirement for separation, not only in respect of functions but also in terms of specific responsibilities.

Recommendation 2 (chapter 15 paragraph 15.2)

Multidimensional risk assessments

Training should emphasise that multidimensional risk assessments must be carried out throughout police operations, including the planning and briefing of operations. Those risk assessments should assess the future threat and risk at all stages of the operation.

The concept of multidimensional threat assessment has been included in APP-AP for some time. The concept is also dealt with in much greater detail within the current NPFTC than was the case in 2015. The training curriculum now emphasises the importance of multidimensional threat assessment from the point of planning and for the duration of an operation.

The requirement to document a multidimensional threat assessment will also be explicit in the national minimum standards for command logging currently being developed by NPCC, which will replace the current national command log template.

As a consequence of the recommendation, the College is drafting an amendment to APP which will further emphasise the requirement to undertake a multidimensional threat assessment, including greater detail in respect of what that may comprise.

Recommendation 3 (chapter 15 paragraph 15.3)

FA forms – MPS (and equivalent firearms authorisation forms in forces other than the MPS)

In order to provide for efficacy and transparency, the NPCC and College of Policing should be tasked with providing a document management system for FA (and equivalent) forms.

The system should allow for the auditing of completion and submission dates as well as version management.

The FA forms utilised by the MPS for command logging are derived from the national command logs first published in 2010 and revised in 2012. As noted above, the standards relating to command logging are subject of an ongoing review by NPCC.

Current APP-AP makes clear the requirement to make and maintain comprehensive records:

'Incidents involving police officers' use of force or firearms may be the subject of scrutiny in a number of forums. Forces must ensure that the records kept are sufficient to meet these needs. Records and logs maintained by or on behalf of commanders and tactical advisors will be reviewed during operations as well as during post-deployment audits. A comprehensive record of key actions and decisions made by commanders, and the advice given by tactical advisors, in situations where AFOs may be or have been deployed should be maintained in accordance with common national standards'.

Work is ongoing to update national command logs to address the issues that have been highlighted by the Inquiry. It is recognised that there are currently different methodologies for command logging and this is often dependent on whether the operation is planned and protracted, planned and short lived or arises spontaneously. The first of these should be IT enabled, the second and third could be either IT or paper based.

There is currently no national common document management system and forces have autonomy in terms of development and procurement of suitable IT systems. Under current arrangements, the College and NPCC are unable to mandate the use of a single records management system.

Following the Anthony Grainger Inquiry recommendations, a trial of an application called CLIO has been conducted in planned armed operations. The CLIO trial has concluded and a recent circulation from the NPCC explained that the trial had been successful and that forces should continue to consider use of CLIO for planned armed operations. Several

forces have now done so. CLIO is already in widespread use in other policing areas, notably counter terrorism and kidnap and extortion.

More recently, NPCC has created a project called D-DaCS (Dynamic Decision and Case Management System). That project originated in kidnap and extortion cases but now extends to other types of operation. It seeks to identify long term solutions that enable active management of ongoing incidents or investigations as well as providing evidentially intact command logging methodologies. The project is unlikely to report for some time and implementation of recommendations will take some further time. As a result, there is a necessity to progress with other interim options and CLIO is the current solution for this.

The College is also drafting an amendment to APP which will emphasise the specific requirement for record management systems to be capable of providing a clear chronology of document creation and submission which is version controlled.

Recommendation 4 (chapter 15 paragraph 15.4)

Command logs (FA forms)

There should be an amendment to FA (and equivalent) forms to:

- a. encourage a multidimensional risk assessment (to comply with Article 2) to “minimise, to the greatest extent possible, recourse to lethal force”*
- b. include a provision for reference to evidential and, where appropriate, geographical tipping points*
- c. include a dedicated box on the FA2 form to be completed when no FA1 form has been completed, with an explanation for the reason therefore*
- d. include the provision (and the requirement) for updating the forms during the course of an operation*

As noted above, the FA forms utilised by the MPS are derived from elements of the national command log and developed to complement the MPS operational command model and process for seeking authority to deploy armed officers.

a) The requirement to complete and revise a multidimensional threat assessment throughout an armed operation, and commencing at the planning stage, is included in relevant national curriculum. The ongoing command log review being undertaken by NPCC will explicitly include the requirement to complete and record multidimensional threat assessments throughout an operation.

b) The NPFTC includes an explanation and specific definitions of 'tipping point' and 'threshold'.

Tipping point

A tipping point occurs when threat and risk assessment indicates that the risk of harm is or may be so great that it is necessary to take decisive or mitigating action. This may occur prior to the (investigative) threshold being reached and may affect the SIO strategy or evidential sufficiency. Where practicable in the circumstances, this should be discussed with the SIO.

It may be possible to determine a tipping point(s) along a timeline and brief officer on the tactical plan. A tipping point may also emerge unexpectedly during an incident or operation, and require immediate action to be taken, the implementation of a contingency or a deviation from the original plan.

Threshold

A threshold is the point at which operational or investigative objectives are met. This may vary over the timeline where determined by new information or intelligence. When a threshold is met it may be appropriate to implement a tactical option or resolution. This may not be required immediately and will depend on the threat and risk assessment. When a threshold has been met, police action should take place at a point in time which best meets the working strategy.

Evidential threshold is also a common term understood by investigators (SIO) when discussing appropriate action and considering sustained public protection.

c) The FA1 form utilised by the MPS provides a mechanism by which to make an intelligence-based case and request for consideration in respect of the deployment of armed officers. The same process is embedded within the national command log template. The majority of UK police forces have an operating model that separates the serious crime investigation function from firearms command and therefore requires the information that would populate an FA1 to be documented and presented within the command log.

d) The current national command log has significant capacity for recording in the operational log which allows for commanders to document and explain changes to any element of the operation or decision making. APP-AP states:

'Commanders have a responsibility to record their decisions, actions and supporting rationale as accurately and fully as is practicable, using the NDM as the structure. This should be done contemporaneously if possible, commencing at the point at which they begin to consider any incident that may require the deployment of armed officers. The extent to which this can be achieved will depend on the circumstances

and the nature of the incident or operation. Where it has not been possible to make a record contemporaneously, or soon after the event, the record should reflect this, the reason why and when it was made. Individual commanders must be prepared to account for their decisions and to explain their rationale at the time that those decisions were taken. All plans should be documented, including options rejected or progressed, together with the reasons why such conclusions were drawn and by whom’.

As a consequence of the recommendation, the NPCC review of minimum national standards for command logs will explicitly reflect the requirements associated with recommendation 4 (a-d). The College will include these minimum national standards, once defined, within APP-AP.

Recommendation 5 (chapter 15 paragraph 15.5)

Command logs-Training

Appropriate training and refresher courses on the usage and completion of FA (and equivalent) forms should be made compulsory for firearms commanders and Tactical Advisors.

The requirements in respect of record keeping are clearly articulated in the relevant command training curriculum delivered on national courses. The fundamental principles of accurate and detailed command logs are set out and reinforced in APP-AP and commanders are familiarised with the national command log during initial training.

As a consequence of this recommendation, the College is reviewing firearms commander training programmes to ensure that sufficient time is dedicated to the completion of command logs.

Recommendation 6 (chapter 15 paragraph 15.6)

Contain and call out

The NPCC should commission a national review of the frequency with which this strategic option is used and its efficacy. The NPCC should consider whether contain and call out is being given meaningful consideration in the planning of armed deployments.

In the context of the operation and the narrative of the Inquiry report, the review commissioned by NPCC will be restricted to the use of containment and call out from vehicles and not in respect of buildings. The review will extend to the tactics employed to deal with subjects following natural, compliant or enforced stops of vehicles and will include a retrospective statistical audit of the frequency with which each permutation of the tactical options in respect of vehicles has been used.

Current doctrine, guidance and training relating to these options is being considered and will include the training provided to commanders and tactical advisors.

Recommendation 7 (chapter 15 paragraph 15.7)

Recording of planning meetings/briefings

MPS Armed Policing Standard Operating Procedure (SOP) to be amended so that:

- a. Notes and/or audio recordings should be made of all meetings in relation to general strategy where it is envisaged that firearms may or will be deployed during the course of a planned operation, and training given to explain why it is so important – for reasons of accountability and to establish an audit trail.*
- b. Such notes should include the date, location and duration of the meeting, the identity of those present, the capacity in which they are attending, and details of decisions made and actions accepted or rejected.*
- c. All planning meetings should be properly minuted and the minutes thereof should be centrally retained.*
- d. All briefings relating to firearms operations should be audio-recorded unless it is not reasonably practicable on the grounds of sensitivity of information/intelligence to do so, in which case they should be minuted in the same way as planning meetings (see paragraph 15.7c).*

Recommendation 8 (chapter 15 paragraph 15.8)

The NPCC and/or College of Policing should ensure that these amendments (at 15.7) are reflected in the guidance and training given to forces nationally.

The APP-AP promotes the principles of transparency. However, it is recognised that the current guidance does not include the specific detail that has been recommended.

APP currently includes the following guidance:

'Any consideration in respect of the deployment of AFOs should be recorded along with the decision and rationale for it ... Commanders have a responsibility to record their decisions, actions and supporting rationale as accurately and fully as is practicable, using the NDM as the structure. This should be done contemporaneously if possible, commencing at the point at which they begin to consider any incident that may require the deployment of armed officers. The extent to which this can be achieved will depend on the circumstances and the nature of the incident or operation. Where it has not been possible to make a record contemporaneously, or soon after the event, the record should reflect this, the reason why and when it was made.

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

TFCs should ensure that a record of all briefings is maintained, including the persons present and information given. The method and detail of recording will vary depending on the nature of the operation, and may include:

- contemporaneous notes*
- use of formal briefing documents*
- audio recording*
- ICT systems*
- body worn video*
- command and control logs.*

As far as practicable, the most comprehensive method of providing an accurate record of the briefing should be used. Where officers are being briefed while travelling, or are in a remote location, consideration should be given to using radio or telephone recording to provide a record of the briefing. The absence of secure communication may, however, place constraints on this option in situations where classified or sensitive information is being referred to'.

Where armed officers are deployed, the 'tactical' talk-group being used should be recorded where practicable, in order to provide an appropriate audit of the deployment and the relevant tactical communication between armed officers and their commanders. Where armed deployment is undertaken in support of surveillance assets, (for example, Mobile Armed Support To Surveillance), tactical armed policing deployment communications should be separate from the surveillance operational communications in order to protect sensitive intelligence or tactics. Commanders and armed officers should consider the requirement to protect covert tactics when communicating via armed policing 'tactical' talk-groups'

As a consequence of this recommendation, the College is reviewing the current guidance provided within APP in respect of recommendation 7 (a-c). In consultation with NPCC and stakeholders, the College will review current guidance on the recording of briefing relating to armed operations.

Recommendation 9 (chapter 15 paragraph 15.9)

The College of Policing's Authorised Professional Practice – Armed Policing (APP-AP) should clarify that, during the course of an operation, any relevant intelligence should be briefed out to the firearms officers even if it is appropriate, in the circumstances, to provide clarification or a limitation warning together with the intelligence.

Recommendation 10 (chapter 15 paragraph 15.10)

When intelligence is being provided, the use of any language that is capable of misinterpretation is to be avoided. Training to address this point should be provided to all officers and staff directly or indirectly involved in armed operations.

Recommendations 9 and 10 relate to the content and language utilised in briefing.

Commanders are trained to recognise and differentiate between facts and assumptions, and to ensure that where, based on incomplete intelligence, assumptions have been made they should make that clear to those being briefed. These principles can be appropriately applied to operational circumstances. It is not practicable however to issue specific guidance that could be equally applied to a variety of situations and commanders are made aware that the briefing provided may have an influence on the officers threat assessment.

APP provides the following guidance:

'Commanders should seek verification of intelligence and information, be aware of the potential for reported information to be wrong or based on assumption, and be aware that there may be intelligence gaps or failures.

The TFC should ensure that only information and intelligence that is up to date, reliable and relevant is included in the briefing, and that it is appropriately linked to the working strategy. Anecdotal information which may be untested or based on inappropriate assumption should be excluded from briefings and officers should be reminded of the need to separate and distinguish between factually based briefing content and anecdotal information.

All staff involved in situations where AFOs are deployed must be given as full a briefing as possible. The TFC is responsible for ensuring that the briefing is accurate and includes the most current information and intelligence, which supports the threat and risk assessment and prioritised working strategy. The information and intelligence provided must be specific, and relevant to the operation being briefed. All briefings should be appropriately recorded'

APP-AP and the NPFTC provides the guidance and training required to create an appropriate degree of national consistency in respect of command, tactics and terminology. It includes specific terminology where necessary to ensure common language, understanding and interoperability. This extends to other areas of policing and is evidenced by the introduction of previously undefined 'tipping points' and 'thresholds' to ensure common understanding between firearm commanders and investigators.

As a consequence of this recommendation, the College is reviewing current APP to assess whether further guidance can be included in respect of providing information with 'limitation warnings'. The College will also review the relevant curriculum content to identify additional opportunities to clarify or introduce clear language and terminology.

Recommendation 16 (chapter 15 paragraph 15.16)

Sustained public protection

APP-AP should be amended to cover the following:

a. Sustained public protection should never be the object of an operation unless and until there is a clearly recorded note of the possible charge(s) that are anticipated, the evidence that will be required to establish guilt, the evidential (and, if appropriate, geographical) tipping points, and the probable sentence – expressed if necessary as a range within which the sentence is likely to fall, at the conclusion of any trial.

b. This may necessitate the involvement of the Crown Prosecution Service (CPS), whose early advice should be sought if there is any uncertainty as to any of the matters set out in paragraph 15.16a.

c. Written sentencing guidelines exist for almost all serious offences and, like the Criminal Procedure Rules (see paragraph 15.21), should be readily accessible to inform any opinion as to the probable sentence (see paragraph 15.16a).

As a consequence of this recommendation, the College and NPCC are seeking legal and CPS advice in respect of necessary amendments to current guidance.

Recommendation 17 (chapter 15 paragraph 15.17)

Police medic training

Police medic training should emphasise that, in cases of catastrophic external torso haemorrhage, the immediate action is to apply direct pressure and then progress directly to using haemostatic gauze. Chest seals should only be used where there is no evidence of ongoing catastrophic haemorrhage.

The College of Policing publishes and licences the First Aid Learning Programme (FALP) used by police forces. The programme is endorsed by the NPCC and the Health and Safety Executive (HSE). FALP is made up of five modules and the learning standards for each module provide the learning required for specific roles within a policing context. This programme allows Chief Constables to make decisions on first aid training, ensuring that officers and staff are giving a suitable standard of first aid to injured people.

The FALP Programme Specification sets high level learning objectives and provides detail on what minimum skills should be taught. It is for forces to ensure that the skills taught are relevant to their first aid needs assessment.

A working group is currently reviewing the FALP with the objective to re-prioritise those learning outcomes that preserve life. The management of catastrophic bleeding has already been established as a priority. The working group will recognise the burden of any additional training and a reasonable expectation as to a police officer or member of staff can feasibly achieve in their capacity as a first aider.

Recommendation 18 (chapter 15 paragraph 15.18)

Training on the CLIO system of command officers

Training should be made mandatory for command officers in the use of the Computer Logging of Intelligence Operations (CLIO) system and the Serious Organised Crime Tasking and Briefing (SOCTAB) system (a firearms version of CLIO which has specific tabs created in it and lends itself to firearms deployments). This should include training

This recommendation is addressed within the response to recommendations 3, 4 and 5.

Recommendation 19 (chapter 15 paragraph 15.19)

Uniformity and unequivocalty of commands

Advice should be given by the College of Policing about the benefits of uniformity in instructions and commands. Ultimate discretion as to what is said must be left to the CTSFOs, based on the situation that confronts them, but the protocol should encourage agreement to be reached on the command/instruction that is to be given.

Armed officers train extensively in practically based scenarios where clear communication is practiced and assessed. Where practicable in the circumstances, instructions or communication will be provided by a single officer. This is however not always practicable or realistic where multiple subjects and officers are involved.

As a consequence of this recommendation, the College is consulting with NPCC, MPS and operational commanders and practitioners to review current guidance and assess the potential for greater clarity.

Recommendation 20 (chapter 15 paragraph 15.20)

Returning to work after a shooting

There needs to be proper and objective consideration by the NPCC as to whether, and if so when, it is appropriate for a firearms officer to return to active deployment following their part in a fatal shooting. Such consideration must always occur at an appropriately senior level in the organisation and take account of the views of the family of the deceased and all relevant public interest matters. A proper audit trail must be kept of the process.

Current post incident APP includes the following guidance.

'An officer's authorisation to carry a firearm operationally should not automatically be removed because of their involvement in an incident, nor should they be automatically excluded from firearms training or other related duties. The force should make an evidence-based assessment in consultation with the IIA, the force PSD and the occupational health advice provider, as to when officers/staff should be permitted to resume their duties. This includes duties or roles in which they have regular access to firearms. A chief officer should regularly review, in consultation with the IIA, any decision to restrict or remove a KPW from their core role.

Officers who have discharged their firearm must complete a mandatory occupational health post-incident support programme provided by their force.'

As a consequence of this recommendation, the NPCC will consult with stakeholders in developing further guidance in respect of officers returning to work in any capacity following their involvement in a 'police shooting'.

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I trust that this is helpful but if I can provide any further information or clarification, please don not hesitate to contact me.

Yours sincerely



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