

PUBLIC INQUIRY INTO THE DEATH OF JERMAINE BAKER

UPDATE ON RECOMMENDATIONS

1. On 14 October 2022, the Inquiry Legal Team asked the MPS for an update on the progress being made in response to the Chairman's recommendations published on 5 July 2022.
2. The recommendations are listed below by reference to their paragraph number within *Chapter 15: Recommendations* of the Inquiry Report.
3. Where appropriate, the MPS has commented on recommendations not addressed directly to it. These comments reflect ongoing work with our partners in policing nationally and the MPS's commitment to ensuring that the areas for improvement identified in this Inquiry are comprehensively addressed.
4. The Chairman will understand the need for there to be careful consideration and consultation before changes are made to national documents such as Approved Professional Practice Armed Policing (APP-AP) and the National Police Firearms Training Curriculum (NPFTC). Where these documents are being revised by the College of Policing following the Inquiry's recommendations it has at times been necessary for the MPS to await publication of this updated content before making amendments to its own policy and training. As it is hoped is clear from the below, this has not however, prevented the MPS from taking steps now in line with the Inquiry's recommendations where appropriate.

Separation of roles

Recommendation 1: 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 the separation of responsibilities under those roles should also be emphasised.

5. The MPS firearms command, MO19, commenced an internal review on this subject in July 2021, informed by evidence heard during the Inquiry hearings ongoing at that time. As part of that review, Deputy Assistant Commissioner ('DAC') Barbara Gray authorised an interim position requiring the SFC role in any given operation to be performed by an officer from MO19 itself, thereby guaranteeing separation between the SFC and the investigation team. This policy remains in force. The only exception to this rule relates to kidnap operations which might be conducted by a SFC from the Central Crime or Flying Squad Commands. There are clear reasons why the command structure in a kidnap firearms operation is subject to different considerations as set out in APP-AP.¹

6. In September 2021, Chief Inspector Tom Williams led the development of a formal MO19 recommendations paper, incorporating an assessment of practices in other U.K. police forces which included matters relevant to this recommendation. This paper was submitted to the Armed Policing Delivery Group on 23 February 2022. Having considered the paper, and in light of the national impact of the recommendations, a meeting was held on 8 September 2022 between MO19 and national armed policing colleagues to make progress on responding to the recommendations at a national level. It is understood that APP-AP and the National Police Firearms Training Curriculum (NPFTC) are to be updated to emphasise the need for both the role and the function of the SIO and TFC to be separated to ensure a consistent approach is taken in firearms operations across the country. This is a matter that is already addressed in MPS training. This includes learning from this Inquiry and the Chairman's recommendations. If further input to MPS training is required following changes to APP-AP and the NPFTC this will of course be done.

¹ <https://www.college.police.uk/app/armed-policing/command>

Multidimensional risk assessments

Recommendation 2: 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.

7. As the Chairman heard during the Inquiry, MPS firearms trainers have been required to watch certain sections of recorded evidence from the Inquiry hearing in order to inform their teaching. Trainers have been made aware of the deficiencies observed by the Chairman in the production and evaluation of risk assessments by Firearms Commanders within the MPS, and particular focus is now being placed on emphasising multidimensionality at all stages of operational planning and in using the prescribed forms to record this planning. Monitoring of this suggests that the process is much improved. It is understood that the College of Policing is to update APP-AP to include further content in relation to multidimensional threat assessments. Should MPS training require any updates these will be implemented upon the publication of amended APP-AP.
8. The command logs sent out by national armed policing (upon which the MPS FA forms are based) still make recording of multidimensional risk assessments difficult to achieve. MO19 is supporting the College of Policing in the progression of improved practical tools and templates to be used nationally to assist Firearms Commanders in this regard. The need for coherent, structured and national guidance was a feature of a meeting between representatives from MO19, the College of Policing, and others on 8 September 2022. This action now sits primarily with national armed policing, supported where appropriate by input from the MPS.

FA forms

Recommendation 3 - 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.

Recommendation 4: 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 thereof; d. include the provision (and the requirement) for updating the forms during the course of an operation.

Recommendation 5: 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.

9. Unsurprisingly, these recommendations were not addressed to the MPS directly. As set out above “FA forms” are MPS documents based upon command logs provided by the College of Policing. Whilst the forms can be tailored to match local requirements any significant change would create considerable difficulty where (for example) deployments cross jurisdictional boundaries. This is therefore something which must first be addressed at a national level.
10. Change to the command logs is something that the MPS has raised in the past (see the evidence of Superintendent McKibbin at 29/62/14-19). The MPS is actively assisting the College of Policing and the NPCC in the progression of work relating to this recommendation. In particular, the SFC/TFC command logs (FAs 2 and 3 in the MPS) are being reviewed under a project led by Ian Davies on behalf of the NPCC.
11. The MPS was one of the forces running a pilot programme, in connection with the above, to trial the use of the I.T. platform CLIO as a replacement for the FA forms in relation to planned deployments. As the Chairman is well aware, CLIO provides a flexible IT platform through an online document management system. In this respect, CLIO enables Firearms Commanders to add in or update content more easily than has been the case with FA forms (updates to the latter requiring the amendment of standalone documents that must be sent from device to device). A difficulty was encountered during the CLIO trial that this method would require information to be added to the system by officers outside of the firearms command to ensure that a

complete auditable record was created. Whilst this has worked well in certain operations (such as kidnap), experience in deployments in other areas has been more mixed. For CLIO entries to replace the FA forms would require substantial additional training to officers outside of the firearms command. At present therefore the MPS is still using the FA forms. The necessary additional training required following the pilot is being considered by the MPS along with learning from other forces that have participated in the pilot.

12. More broadly, and while the work at a national level is ongoing, internal guidance has been issued to all CTSFO Tac Advisors within MO19 regarding the need to tailor FA5 forms to a given operation, and to identify the use of any copy used in previous forms (chiefly the tool kit or menu of firearms tactics text) by the use of highlight or other signifier within the text. The MPS will give further, formal guidance to Firearms Commanders in light of the NPCC project's findings, recommendations or requirements in due course.
13. As noted above in relation to *multidimensional risk assessments*, the MPS has already taken steps to set aside time during training days to focus trainees on the usage and completion of the FA forms.
14. Once the command logs are revised at a national level through the NPCC project, the MPS will ensure that training is provided in their use and completion. This will also provide an opportunity to tailor the revised template to address MPS specific procedures in which recommendation 4 will again be considered.

Contain and call out

Recommendation 6: 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.

15. This recommendation is not addressed to the MPS, but the MPS has made clear to the NPCC its willingness to support and participate in such a review. This was a subject of discussion between Superintendent McKibbin and representatives from the NPCC

at a meeting in relation to the recommendations of the Inquiry Report held on 8 September 2022.

16. The MPS continues to train all firearms officers in the use of containment and call out as a tactic, in line with the training materials provided during the Inquiry hearings.

Recording of planning meetings/briefings

Recommendation 7: 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: The NPCC and/or College of Policing should ensure that these amendments are reflected in the guidance and training given to forces nationally

17. The MPS has issued internal guidance to all SFCs and TFCs that planning meetings for authorised armed operations must have comprehensive minutes recorded to ensure operational clarity and to provide an audit trail. The latest iteration of the MPS Police Use of Firearms Standard Operating Procedure (PUoF SOP) is consistent with APP-AP in relation to this.
18. This recommendation applies only to the *MPS Armed Policing Standard Operating Procedure (SOP)* which is the document referred to at paragraph [17] above. Amendment to the PUoF SOP however will have a limited effect upon officers in non-firearms roles. The MPS accepted at the Inquiry that there were shortcomings in notes

and minutes of meetings from some officers in both the firearms command structure and from the Central Crime Command. The MPS agrees with the broad terms of this recommendation and that such record keeping should be implemented where practicable. Having considered this recommendation in light of the evidence heard at the Inquiry, there has been a meeting between the organisational learning team designated to this Inquiry and the MPS Senior Investigation Officer (SIO) course director in order to review training and policy documents relating to SIOs on such operations to ensure that they and the colleagues they supervise are reminded of the need to keep a proper record during such planning meetings. This will ensure that this recommendation is not confined to officers in firearms roles.

19. The recommendation in relation to the recording of all firearms briefings is still being reviewed in conjunction with the College of Policing and national colleagues. For the reasons given by Superintendent McKibbin during the Inquiry hearings at 29/107/4-108/12, this is a complicated matter, and any solution must be functional, proportionate and effective. The MPS is reviewing this matter but considers that it would not be appropriate to institute the policy until consideration of the issue has been completed at a national level. The MPS has been involved in discussions with key armed policing stakeholders, including at the meeting on 8 September 2022, concerning what instructions from an OFC may be regarded as recordable *briefings* and as to what systems and safeguards would apply to preserve officer anonymity and the covert nature of armed policing.
20. The MPS understands that following this recommendation the College of Policing will review APP-AP in respect of recommendation 7 (a-c) and in particular the content on the recording of all firearms briefings. Once this is published, the MPS will consider any necessary amendments to the PUoF SOP.

Intelligence briefings

Recommendation 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: 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.

21. This is a complex issue for the reasons explored in detail in the Inquiry hearings. Whilst there is an obvious difficulty inherent in providing guidance to cover the multitude of situations which Firearms Commanders and AFOs will have to deal with during a deployment, the MPS has conveyed its willingness to assist the College of Policing in a review of APP-AP on this point.
22. The MPS is actively reviewing what steps can be taken to address the issue of consistency of language between firearms officers and other staff working directly or indirectly in armed operations alongside the forthcoming review of APP-AP which will also address these points.

Covert Monitoring Posts

Recommendation 11: Only those officers who have received the requisite training and accreditation should be posted to a Covert Monitoring Post (CMP).

Recommendation 12: There should be clear and unequivocal written guidance for the CMP from the TFC as to the key information and intelligence that is being sought.

Recommendation 13: The training referred to in paragraph 15.11 must emphasise the importance of covert monitoring officers (CMOs) making accurate notes of: (a) what they have heard; and (b) what they have passed on.

Recommendation 14: CMPs should not be established without the appointment of a properly trained CMP manager, whose responsibility it should be to appoint a team of CMOs, once satisfied from proper assessment as to their qualifications and ability.

Recommendation 15: When a CMP is being used to gather evidence or intelligence, the MPS (and other forces) should consider developing an SOP to ensure that the information is adequately recorded to provide a clear audit trail.

23. As the Inquiry is aware, significant work has been undertaken in recent years to improve CMP practices within the MPS. These steps have continued following the publication of the Inquiry Report. Representatives from the MPS Covert Policing Command (MO3) and Covert Governance Command (MO5) have worked in tandem to ensure that the provision and quality of training to relevant operatives is in line with the recommendations. A Senior Leadership Team meeting was held on 27 July 2022 to discuss those efforts.
24. Guidance has been issued within MO3 and MO5 reaffirming the position in Surveillance Manual of Standards (MoS) 2021 (and the previous Manual of Guidance 2019) that only officers who are trained and authorised to perform CMP roles may perform those roles, and no CMP can be instituted without the appointment of an accredited CMP Manager. A significant amount of work has been done to increase the numbers of appropriately trained officers.
25. In line with the Surveillance MoS, the MPS requires the SIO in a given operation to appoint the CMP Manager. It is then the responsibility of the CMP Manager to appoint appropriately trained staff to operative roles within the CMP. The TSU operative dealing with an application for technical surveillance support must check that a CMP Manager has been appointed during the initial strategy meeting with the investigative team (at the end of which the TSU confirm or refuse technical support to the operation as planned).
26. All CMP operatives are now trained in line with the requirements of the applicable MoS. Between 2014 to C2018 55 MPS officers attended the “H2 CMP” course provided by the College of Policing. In 2019 the MPS Covert Standards Board approved the creation of a CMP Working Group with a view to taking on the governance of training in relation to CMPs and improve the standard of delivery. As a result of the work of this group, the MPS now has 172 H2 trained staff. There are 4

more courses being delivered through to January 2023, this will provide a further 60 H2 trained managers to the existing pool.

27. In addition to this, a one-day MPS CMP operatives awareness training input course was introduced. This training covered key aspects of what an operative might encounter within a CMP, how it should be recorded, dealt with and the decision making process. During February 2020, this training was provided to 350 officers who are now appropriately trained CMP operatives (not managers). Since that original awareness training package, there has been further training delivered to around 130 more operatives.
28. In both the H2 training and the CMP operatives awareness course, the issues of accurate and consistent note-taking, together with effective and organised dissemination systems are comprehensively explored, as referenced within the Surveillance MoS.
29. The recommendation that written guidance be provided by the TFC to CMP operatives as to the nature of the operation and intelligence sought has been reviewed by the National CMP Working Group, at which the MPS is represented. An amended Surveillance MoS is now in draft which directly addresses this recommendation under the governance of the NPCC lead.
30. Finally, the MPS recognises the need to improve information sharing and recording tools, both for live operational purposes and to ensure a clear audit trail. At present, there is ongoing work at a national level to improve electronic logging systems for situational awareness and decision case management. The MPS is contributing as a key policing stakeholder in the development of the planned Dynamic Decision and Case Management System (D-DaCS) which is in the design stage. In light of anticipated significant changes to digital platforms used in CMPs, the MPS has not yet developed an SOP. Instead, the MPS has focused on reinforcing the national Surveillance MoS as it presently stands via internal guidance and training as described above. Further consideration to introducing an SOP will be given following the introduction of the technical solutions being progressed by the NPCC and other partners.

Sustained public protection

Recommendation 16: 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).

31. The MPS is carefully considering this recommendation and any contribution it can make to the College of Policing's response to it. The MPS considers that sustained public protection is a broader concept than simply the conviction and imprisonment of offenders for specified periods. The MPS nonetheless welcomes the invitation to the authors of APP-AP to give further and more detailed guidance on the matters to be considered and recorded when sustained public protection must be considered.

Police medic training

Recommendation 17: 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

32. The MPS has already taken steps to ensure that this learning is cascaded within MO19. On 30 September 2021, Senior First Aid Advisor Sue Warner completed an internal review of current training and use of haemostatic gauze within the MPS. Her review concluded that there is no gap in current training. The current training follows the DCRABC system – Danger, Catastrophic bleeding, Response, Airway, Breathing and

Circulation. Once danger is removed catastrophic bleeding is the first thing to be addressed using direct pressure and either – tourniquet or haemostatic dressings, then the response and airway. Current training addresses the selection of the appropriate equipment and during scenario training the officers are encouraged to continually re assess the casualty and adapt the treatment. The training is clear that haemostatic dressings can be used for wounds on the neck, clavicle and armpit for catastrophic bleeding and that the chest seals are for chest wounds that penetrate through to the lungs and are causing breathing issues. Nonetheless, she recommended that a specific scenario be included in training going forward that addresses a catastrophic bleed from the upper chest/neck area to ensure the officers select the correct equipment and have the opportunity to discuss why a chest seal would not be the right item in these circumstances. Insp. Dan Sterne (MO19) has reviewed subsequent training sessions and confirmed that this scenario is dealt with in the lesson on haemostatic dressing (‘chito-gauze’) as recommended by Sue Warner.

33. The MPS has also consulted with national armed policing as to the appropriate action to be taken in respect of effecting this recommendation into national guidance and training requirements.
34. The Chairman will note that emergency first aid was a major feature of the Manchester Arena Inquiry and a great deal of work has been done in this area by both national armed policing and police forces in response.

Training on the CLIO system of command officers

Recommendation 18: 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 to enable the CLIO system to be compatible with the FA forms.

35. MO3 has led work on improving CLIO training and usage at a command level.

36. Whilst CLIO is utilised nationally the MPS version of CLIO is available to MPS staff trained in its use who require to use the facility, with potential for interoperability should an outside force require it and be able to pass certain IT security aspects. CLIO has the ability to store and manage various bespoke operation types depending on the user requirements which have to be digitally built by a local system administrator. The SOCTAB “CLIO Build” is a bespoke operation type within the current MPS CLIO System built by the local system administrator. The SOCTAB operation is available to those MPS staff with roles associated to it and can be accessed by them, if required. The CLIO Foundation Course does not currently cover use of this element as it is a specific requirement for firearms deployments. MO19 has a number of trainers accredited by the software provider to develop and deliver this aspect. Specialist Crime have a number of “Train the Trainers” accredited by the software provider. The stakeholders working on the ongoing National D-DaCS project have factored the requirement to integrate these capabilities into an ongoing procurement process for any future interoperable system.

Uniformity and unequivocalty of commands

Recommendation 19: 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.

37. The MPS is in consultation with the College of Policing in relation to this issue, in line with the evidence given by Chief Firearms Instructor Philip Taylor. The MPS welcomes any and all assistance from the College of Policing and specialist firearms bodies as to best practice in firearms operations.

Returning to work after a fatal shooting

Recommendation 20: 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.

38. As this is a national recommendation the MPS does not consider it would be appropriate to respond at this stage.

Weapons

Recommendation 26: Consideration should be given by the MPS, Home Office and the NPCC to finding a more suitable solution for smashing windows during the course of an armed operation, so that an officer who is holding a firearm does not need to take their hand off their main weapon to utilise a life hammer.

39. MPS firearms no longer use a glass hammer to smash windows in the course of an armed operation. Following an internal review and resourcing exercise, each firearms officer has now been issued with an extendable X-ball device, which can be used more easily with one hand at short ranges. Each firearms team has also been issued with a longer device that can be used by a team member at a distance, enabling officers closer to the vehicle to maintain firearms cover in the usual way, without removing their hands from their weapons.

28 October 2022