ipcc
independent
police complaints
commission

# Stockwell One

Investigation into the shooting
of Jean Charles de Menezes
at Stockwell underground station
on 22 July 2005

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# Summary chronology

| | |
|---|---|
| 7 July 2005 | Four bombs explode on the London Transport network |
| 21 July 2005 | Four failed bomb attacks on the London Transport network |
| 22 July 2005 | Jean Charles de Menezes shot and killed by officers from the Metropolitan Police Service |
| 27 July 2005 | IPCC Stockwell 1 investigation begins |
| 19 January 2006 | IPCC investigation completed and report submitted to the CPS |
| 14 March 2006 | IPCC recommendations submitted to MPS, MPA, HMIC and Home Office |
| 17 July 2006 | CPS announce decision to prosecute the Office of the Commissioner of the Metropolis for breach of the 1974 Health and Safety at Work Act |
| 13 December 2006 | High Court upholds Coroner's decision to hold the Inquest after the trial |
| 22 January 2007 | Application by MPS to have Health and Safety charges dismissed rejected by court |
| 16/19 February 2007 | Provisional memoranda received by IPCC from MPS and MPA about whether any officer should face disciplinary charges |
| 11 May 2007 | IPCC decide to withdraw the Regulation 9 notices in respect of 10 frontline officers. A further member of the surveillance team should receive management advice in relation to the alteration made to the surveillance log. The decisions on discipline for 4 senior officers should wait until after the trial. |
| 1 October 2007 | Health and Safety trial begins |
| 1 November 2007 | Jury returns a 'guilty' verdict with a rider that the jury attach no personal culpability to DAC Dick, who led the operation |

*OUTSTANDING*

| | |
|---|---|
| Possibly late Spring 2008 | Inquest |
| Date to be determined | Discipline decision for senior officers and any proceedings arising from this |

# Foreword

A. This document is the report of the IPCC's investigation into the fatal shooting of Jean Charles de Menezes by officers of the Metropolitan Police Service at Stockwell Underground Station on 22 July 2005.

B. The report is in three parts:

- The main investigation report that was completed and submitted within six months by 19 January 2006.
- The operational recommendations arising from the incident that were completed and submitted by 14 March 2006.
- A short addendum to the main report that sets out the results of further enquiries requested by the Crown Prosecution Service (CPS) which was submitted in June 2006.

C. The primary purpose of the report was to meet the statutory obligations of the IPCC following an investigation of this kind. These are to advise the CPS of any criminal offence that may have been committed and to provide it with the evidence necessary to come to its decision about any prosecution; to enable the 'responsible authorities' of the officers concerned, in this case the Metropolitan Police Service (MPS) and Metropolitan Police Authority (MPA), to consider what action they may need to take in relation to discipline or other matters; in cases of exceptional gravity such as this, to inform the Home Secretary of the circumstances; and finally, to assist the Coroner in relation to any Inquest.

D. The three parts of the report have been published as they were submitted to the CPS apart from some redactions that have been made for security purposes or to protect the privacy of civilian witnesses. In addition, footnotes have been used to include any significant new material that has become available since the original report was submitted or to provide clarification for the general reader.

E. Any investigation report that suggests criminal offences *may* have been committed *must* be submitted to the Director of Public Prosecutions for consideration by the CPS. This report therefore sets out the criminal offences that may have been committed. 'May' is a low threshold. The CPS then decided quite independently and separately from the IPCC

whether and what charges should be brought. In addition to the report, the CPS was provided with all the evidence that informed the report.

F. On 17 July 2006, the CPS published its decision that no individual should face criminal proceedings but the Office of the Commissioner of the Metropolis should face a criminal charge breaching the 1974 Health and Safety at Work Act. The trial concluded on 1 November 2007 and the jury returned a 'guilty verdict' with a rider that no personal culpability attached to DAC (then Commander) Dick, the officer who led the operation.

G. The IPCC is also responsible for deciding whether any officer should be required to face a disciplinary tribunal in connection with the incident. Once the CPS had made their decision, on 11 May 2007 the IPCC decided that no disciplinary action should be pursued against any of the frontline officers involved in the incident apart from one officer who received words of advice for the alteration of the surveillance log. No decision has yet been made on whether any of the four senior officers in command of the operation should face disciplinary charges.

H. An Inquest into the death of Jean Charles de Menezes is still to take place. The investigation was also undertaken on behalf of the Coroner and we are grateful for his agreement to publication ahead of his Inquest. The Inquest will provide an important opportunity for Mr de Menezes' family to have their own questions answered about the circumstances of his death.

I. Detailed verbal briefings on the progress and conclusions of the investigation were given to members of Mr de Menezes' family and their legal representatives on a regular basis. The legal representatives were specifically briefed on the contents of the investigation report on 6 March and 22 March 2006. IPCC personnel have offered to travel to Brazil and brief any member of Mr de Menezes' family who resides there. This offer remains open. A copy of the report was made available to one member of Mr de Menezes' family and their legal representatives before their judicial review of the Coroner's decision to delay the Inquest until after the trial. Now that the trial is concluded Mr de Menezes' family will receive further copies of the report and the supporting evidence to help them prepare for the Inquest.

J. The lawful, first, proper place to set out publicly the results of the IPCC investigation was therefore at the trial, in open court, in front of a jury. The evidence from the IPCC's

investigation was subject to detailed and exhaustive scrutiny. Much of the material in the report has therefore already been disclosed at the trial.

K. However, the publication of the report does enable the IPCC's operational recommendations arising from the investigation to be made public for the first time. These recommendations were developed in consultation with Her Majesty's Inspector of Constabulary and submitted on 14 March 2006. Copies were sent to the Coroner, the Metropolitan Police Authority, the Metropolitan Police Service, the Home Office and the Association of Chief Police Officers.

L. Much has happened since the conclusion of the IPCC investigation and the submission of its recommendations. The Association of Chief Police Officers published their review of the police response to the threat of suicide terrorism on 7 March 2006. It is now available on their website at http://www.acpo.police.uk/pressrelease.asp?PR_GUID={2C7C85EF-DB78-4E91-A416-BF26D468F468}. Police policies and procedures more generally have continued to develop in response to this and other incidents.

M. The Health and Safety trial does not mark the end of the legal processes concerned with this incident. An Inquest still has to be held and at the appropriate time decisions have to be made on whether any of the senior officers involved in the incident should face a disciplinary tribunal. The trial and these other processes all provide opportunities to deepen understanding of what happened and develop the learning about what needs to happen to prevent similar incidents occurring in future.

N. The recommendations published here therefore are not the final word on the subject. They lay a foundation on which further work has been and will be done by all of those concerned as knowledge and experience develops.

O. The IPCC carried out two investigations following Mr de Menezes' death. The first investigation, known as Stockwell 1, to which this report relates, concerned the circumstances of the fatal shooting itself. The second investigation, known as Stockwell 2, concerned public statements made by the Metropolitan Police Service in the aftermath of Mr de Menezes death. The Stockwell 2 report was published on 2 August 2007. The recommendations sets out here do not relate to the Stockwell 2 investigation.

8 November 2007

# Stockwell One - Investigation into the shooting of Jean Charles de Menezes at Stockwell underground station on 22 July 2005.

(Report submitted to the Crown Prosecution Service for consideration on19 January 2006.)

**To:** **Mr N. HARDWICK**
**Chair, Independent Police Complaints Commission**

## 1 INTRODUCTION

1.1 At 10:06hrs on Friday 22 July 2005 during the course of a major Metropolitan Police anti-terrorist operation called Operation THESEUS a number of undercover surveillance officers from SO12 and a number of armed firearms officers from CO19 followed Jean Charles DE MENEZES onto the northbound Northern Line platform at STOCKWELL Underground station. Mr DE MENEZES had been under surveillance since 09:33hrs that morning when he left a block of flats at 21 SCOTIA ROAD, LONDON, SW2[1]. Mr DE MENEZES stepped into the third coach of a stationary train and within moments two CO19 officers, aiming at his head, shot and killed him. It was their professed belief that he was a suicide bomber.

1.2 Jean Charles DE MENEZES had been followed from 21 SCOTIA ROAD in the erroneous belief that he was one Hussain OSMAN, a man suspected of having been responsible for a failed suicide bomb attack at Shepherds Bush underground station the previous day[2]. Jean Charles DE MENEZES had nothing to do with terrorism and was, at the time of his death, travelling to work from his home address. He was unarmed; he was not carrying an explosive device.

1.3 This report will identify a number of officers by pseudonyms. To assist the reader, the following keys will be used:

- CO19 – specialist firearms department
- Charlies and Deltas – specialist firearms officers
- Some statements will refer to SO19. This is the former name of the specialist firearms department.
- SO13 – Anti Terrorists Branch
- SO12 – Special Branch[3]

[1] 21 Scotia Road is a flat within a block of 9, numbered 14 -22 Scotia Road. The premises have a communal door.
[2] Refer to footnote 1.
[3] SO12 and SO13 have now been combined to form the Counter Terrorism Command SO15.

- Hotels and Tangos – Special Branch surveillance team
- Room 1600 – Special Branch operations room at New Scotland Yard NSY)
- Central – members of Special Branch who were working in Room 1600 on 22 July 2005
- Trojan - tactical advisers
- NETTLE TIP – codename for the suspect OSMAN

1.4 This was a moving operation which has at times been recorded on CCTV images. A DVD has been prepared showing the route taken by Mr DE MENEZES from SCOTIA ROAD to STOCKWELL underground station. The DVD will also show relevant entries from the surveillance logs as they correspond with the CCTV footage. The DVD is an exhibit to the investigation.

1.5 This report will detail events leading up to the death of Jean Charles DE MENEZES. A second part of the report will be submitted in respect of the complaint made by the family of Mr DE MENEZES in regarding the delay in advising of them of his death. The second part of the report will also cover any recommendation/lessons learnt in respect of the investigation.

1.6 The report to the Crown Prosecution Service will contain documentary cross referencing with the statements, exhibits and transcript files.

## 2 INSTIGATION / ADOPTION OF INVESTIGATION BY IPCC

2.1 Following the death of Jean Charles DE MENEZES the Metropolitan Police Service ('MPS') referred the matter to the IPCC on Monday 25 July 2005 when the Commissioner of the Metropolitan Police personally referred the matter to the Chair of the IPCC.

2.2 It was not entirely clear from the referral form subsequently sent to the IPCC what the basis of the referral was. There are three alternative ways in which a matter could have been referred: as a complaint, as a recorded conduct matter or as a death or serious injury referral under the new procedure contained in paragraph 14C of Schedule 3 to the Police Reform Act 2002 ('the 2002 Act'), as inserted by paragraph 12 of Schedule 12 to the Serious Organised Crime and Police Act 2005 ('the 2005 Act'). The IPCC treated the referral as a referral under the new procedure because there had, at that time, been no complaint and the MPS had not recorded a conduct matter against any officer serving with that force.

2.3 Under the Police (Complaints and Misconduct) Regulations 2004 complaints and misconduct matters have to be referred to the IPCC by no later than the end of the working day following the day on which the alleged misconduct occurred or the complaint was made. The procedure for dealing with a death or serious injury referral that is contained in Schedule 12 to the 2005 Act requires a referral to be made within a time specified in regulations. On 22 July 2005 no such regulations were in force.

2.4 As in the case of complaints and misconduct referrals the IPCC has to determine whether there should be an investigation and if so determines it must then determine the mode of investigation.

2.5 Having regard to the seriousness of the matter and to the public interest the IPCC determined that there should be an independent investigation. An independent investigation is an investigation where the IPCC uses its own staff, as opposed to a police force, to carry out the investigation.

2.6 Pursuant to paragraph 19 of Schedule 3 to the 2002 Act I was appointed as the senior investigator for the investigation along with members of my team on Tuesday 26 July. As this is an independent investigation my team and I have all the powers and privileges of a constable for the purposes of the investigation.

2.7 I took control of the investigation from the MPS on Wednesday 27 July 2005 when the Service provided to me relevant material then in its possession. Thereafter I carried out an independent investigation on behalf of the IPCC.

2.8 On 30 September my deputy, Steve Reynolds, submitted a report to the Commission under paragraph 21A of Schedule 3 to the 2002 Act, as inserted by paragraph 20 of Schedule 12 to the 2005 Act. His report indicated that the death or serious injury investigation identified that certain officers may have committed criminal offences or behaved in a manner that would justify the bringing of disciplinary proceedings. Those issues of performance of duties by the eleven officers that were the subject of that report are, in part, the subjects of this report. Subsequently 4 additional officers were added to this category.

2.9 On 30 September 2005, as a consequence of the report submitted by Mr Reynolds, the IPCC wrote in accordance with paragraph 21A of Schedule 3 to the 2002 Act on 30 September 2005 to the MPS and to the Metropolitan Police Authority. These bodies were the appropriate authorities for the officers. They were provided with copies of the report. In accordance with paragraph 21A(5) of Schedule 3, the letter required the two bodies to record the matters in relation to the eleven officers under paragraph 11 of Schedule 3 to the 2002 Act. It also required the bodies to inform the IPCC when the matters had been recorded so that notices under regulation 9 of the Police (Conduct) Regulations could be served on the officers.

2.10 Those notices were served on the officers between 7 October and 16 December 2005.

## 3 TERMS OF REFERENCE

3.1 To investigate the circumstances under which Jean Charles DE MENEZES was shot dead by police officers at STOCKWELL Underground station on 22 July 2005, this to include:

1. Conducting the investigation, and communicating its findings in a manner, which sustains public confidence in the investigation process.

2. Supporting the appointed IPCC Commissioner in ensuring that family support and concerns are fully taken into account.

3. Examination of the information that led to the surveillance of the block of flats in which Jean Charles DE MENEZES lived in SCOTIA ROAD, London SW2. This to include an examination of compliance with RIPA and associated risk assessment.

4. The command structure of the operation to include details of the numbers and types of specialist officers deployed, and the tactics available to them.

5. The qualification and training of those involved, including the command team, and their suitability to carry out their role.

6. Details of the briefing given to the officers involved and any description or photograph of any suspect made available.

7. Whether or not the operation was designated as a 'KRATOS' operation and the policy, operational tactics and authority levels of 'KRATOS'.

8. The details of the mobile surveillance operation from SCOTIA ROAD to STOCKWELL Underground station:

a) The means of communication between command and

operational officers and between operational officers.

b) The levels of Command and Control during the live operation, the information passed to control and the directions relayed to the officers on the ground.

c) To establish the degree of certainty or uncertainty as to the identity, capability and intentions of the supposed suspect.

9. Details of police action once Jean Charles DE MENEZES had reached STOCKWELL Underground Station.

10. Establishing the manner in which the family of Jean Charles DE MENEZES were treated by MPS officers following his death.

11. An examination of whether or not the policy and operational authorities of 'KRATOS' were followed and were effective, and whether 'KRATOS' is compliant with Article 2 of European Convention on Human Rights.

12. To report on the actions and statements of the Metropolitan Police Service from the time of the incident on 22 July 2005 to the formal handover of the investigation to the IPCC, to ensure that the IPCC investigation meets its obligations under Article 2 of the European Convention on Human Rights.

And to make recommendations regarding any possible criminal or misconduct culpability revealed, and learning or improvement opportunities.

3.2 A separate investigation is being conducted into a complaint made by the family of Jean Charles DE MENEZES. This investigation is being lead by Senior Investigator Michael GRANT. This investigation is known as STOCKWELL 2.

3.3 The Terms of Reference for STOCKWELL 2 are as follows:

To determine:

1. What information about the circumstances surrounding the death of Jean Charles DE MENEZES was placed in the public domain by the MPS between 1000 on Friday 22 July 2005 and 1200 on 27 July 2005, including information provided to other bodies who in turn placed it in the public domain?

2. The extent to which the information placed in the public domain was accurate or inaccurate.

3. Who, within the MPS, was responsible for placing the information in the public domain.

4. Did those within the MPS who placed, or were responsible for placing, the information in the public domain seek at any time, to verify the accuracy of the information before it was placed in the public domain?

5. To the extent that the information was inaccurate, did those within the MPS who placed, or were responsible for placing, the information in the public domain know or should have known that the information was inaccurate at the time it was placed in the public domain.

6. To the extent that the information was inaccurate, at what date and time did those within the MPS who placed, or were responsible for placing, the information in the public domain discover that it was inaccurate.

## 4 BACKGROUND

4.1 On the morning of 7 July 2005, four explosions occurred on the London Transport system. Three were on underground trains at respectively RUSSELL SQUARE, ALDGATE, EDGWARE ROAD and one was on a bus at TAVISTOCK PLACE. As a result of these explosions 52 innocent people lost their lives. It was discovered, as a result of police inquiries, that four suicide bombers had been responsible for the explosions.

4.2 Following those explosions the subsequent police operations revealed that the four suicide bombers had travelled from Luton to London Kings Cross via a Thameslink train. All four were captured on CCTV at Luton and Kings Cross.

4.3 The identities of the suicide bombers revealed that three lived in West Yorkshire and one in High Wycombe.

4.4 The police investigation was also to reveal that a vehicle parked in Luton Railway Station by the suicide bombers contained explosives and shrapnel.

4.5 While it was quickly established that the four suicide bombers had died in the 7/7 bombings, a major police investigation was commenced to establish the identities of any other people connected with the explosions.

4.6 The atmosphere of fear for those living and working in the capital cannot be over estimated. The United Kingdom had never experienced suicide bombings, but within 24 hours of the widespread joy felt in the capital of London being selected as the city to host the 2012 Olympic Games there was a state of fear and panic. There were numerous reports of unidentified packages being left in public areas and a high profile police presence was maintained at all railway stations in the capital.

4.7 Deputy Assistant Commissioner Peter CLARKE is the Head of the Anti-Terrorist Branch (SO13). He states that following the attacks on 7 July, the threat level in respect to the threat posed to the UK from international terrorism was raised from Level 3 (substantial) to Level 1 (Critical). Deputy Assistant Commissioner CLARKE further states that the threat level has never been at the Critical level before. The definition of Critical is that: 'Available intelligence and recent events indicate that terrorists with an established capability are actively planning to attack within a matter of days (up to two weeks). An attack is expected imminently'.

4.8 Deputy Assistant Commissioner CLARKE in his statement to the IPCC details the scale and intensity of policing activity following the 7/7 bombings; in the week prior to the attacks on the 7 July, the total number of officer days where police officers were used, over and above normal policing duties, across the Capital was 6,916. In the following week this number rose to 12,673. Across London, the high level of aid from the uniform police strength was maintained in the following weeks. 8,929 additional officer days were recorded in the week of the 14 to 21, July and 9,217 were deployed between 21 and 27 July. The largest single commitment came on 28 July when 4,100 officers were deployed in Central London and on the transport systems.

4.9 Deputy Assistant Commissioner CLARKE indicates that the real concern about the possibility of further attacks is reflected by the number of people stopped at this time under the power given by Section 44 of the Terrorism Act 2000. Using the powers under this Act, 1,295 people were stopped in May 2005; 861 people were stopped in June 2005 and in July 2005, the figure rose to 4,750.

4.10 DAC Clarke also records the fact that in periods of heightened tension and an enhanced awareness of the threat from terrorism, the police will receive more calls from the public about people who have aroused their suspicions. The Computer Aided Despatch system used by the

MPS indicates that calls categorised as suspect terrorist calls rose from 2 in the 2 weeks prior to 7 July to 104 in the period up to 21 July.

4.11 Between 7 and 21 July 2005 more than 3,900 calls were received by the Anti-Terrorist Hotline.

4.12 On the afternoon of Thursday 21 July 2005, London experienced attempts by suspected terrorists to detonate explosive devices on the London public transport system. Devices were discovered at WARREN STREET, OVAL and SHEPHERDS BUSH Underground stations and a device was found on a bus at Hackney. A further device was later discovered near to HMP Wormwood Scrubs.

4.13 Commander John MCDOWALL from the Anti Terrorist Command took charge of the investigation into the attacks on London on 21 July 2005.

4.14 He states that during the afternoon of 21 July 2005 he was engaged on reviewing the evidence from that day together with the evidence from the bombings of 7 July to see if there was any link between the incidents.

4.15 During a conference held on the afternoon of 21 July 2005, Commander MCDOWALL made the decision to use the Special Branch Control Room, known as Room 1600, as the Operations room for the proactive operations to trace the persons responsible for the attempted bombings. This was as a result of concerns expressed by SO12 (Special Branch) following the 7/7 operation, which had been run from an operations room known as Central 3000. SO12 were concerned over the room's capacity for communications links and the fact that other agencies would be present.

4.16 During a later meeting on the afternoon of 21 July 2005, Commander MCDOWALL received an update on the suspected devices. It was revealed that they were viable explosive devices and that the reason they had not exploded was unclear. It was believed that the devices were peroxide based explosives, which raised fears of links to the 7/7

bombings. The devices recovered on 21 July were similar to each other in nature and construction.

4.17 During the evening of 21 July 2005, Commander MCDOWALL held a command meeting. The discussion centred on the overwhelming need to ensure public safety and to find and arrest at least four very dangerous individuals who had attempted to commit mass murder. There was an added fear that the individuals would re-gather the next morning and attempt to cause explosions and achieve their objectives.

4.18 The command team also discussed a media appeal because at this stage, photographs from CCTV cameras were available from the different scenes.

4.19 At 04:20hrs on 22 July 2005, Commander MCDOWALL was approached by Detective Chief Inspector A from the Anti Terrorist Branch with information concerning evidence found from the device recovered at the Shepherds Bush scene relating to the identity of a suspect person. A South Bank gym club card in the name of Hussain OSMAN had been found in the rucksack containing the explosive device.

4.20 Inquiries following the 7/7 bombings indicated that a common feature linking those involved was the membership of gyms.

4.21 The South Bank gym club was visited by Police Officers during the early hours of the 22 July and it was discovered that the suspect Hussain OSMAN had given his address as 21 SCOTIA ROAD, SW2. This was also the address used by another suspect.

4.22 The name of the second suspect was a name of interest to the Metropolitan Police.

4.23 During the meeting with Detective Chief Inspector A the images from the CCTV cameras from the scenes of the failed explosions were compared with the photographs for the suspects Hussain OSMAN and

a second suspect on their gym records and these, according to the statement from Commander MCDOWALL, were good likenesses.

4.24 The vehicle belonging to the second suspect was also discovered to be parked in the near vicinity of SCOTIA ROAD.

4.25 Further enquires also revealed another possible address for the second suspect at 61a PORTNALL ROAD, LONDON, W9.

4.26 At 0455 hours, Friday 22 July 2005, Commander MCDOWALL made a decision that an operation should be mounted around the address in SCOTIA ROAD.

## 5 JEAN CHARLES DE MENEZES

5.1 Jean Charles DE MENEZES was born on 7 January 1978 in Brazil.

5.2 Mr DE MENEZES arrived in the United Kingdom on 13 March 2002 travelling on a Brazilian passport. He was initially granted entry to the U.K. as a 6-month visitor, with a prohibition on taking employment or using public funds.

5.3 On 10 September 2002 Jean Charles DE MENEZES completed an application form for an extension of stay in the UK as a student, and his application form was endorsed to the effect that he was studying English at the Stanford School of English, 1393a LONDON ROAD, NORBURY, and SW16 4XF.

5.4 On 31 October 2002, Mr DE MENEZES was granted leave to remain as a student in the UK until 30 June 2003.

5.5 The Home Office Immigration file shows no record of Mr DE MENEZES after 30 June 2003[4].

5.6 When Mr DE MENEZES first arrived in the UK he lived at 101 KINGS AVENUE, LONDON, SW4. At the time of his death he was residing at 17 SCOTIA ROAD, LONDON, SW2 with his cousins Patricia and Vivienne.

5.7 It is apparent that at some stage while resident in the UK, Jean Charles DE MENEZES either learnt or used his previous skills to work as an electrician.

5.8 During the period between 2003 and 22 July 2005, he became friends with a Mr Gesio DE AVILE. Mr DE AVILE states that he had known Jean Charles for approximately 2 years. On Thursday 21 July 2005 Jean Charles and Mr DE AVILE spent

[4] Evidence emerged during the course of the criminal trial into the Health and Safety charge that Mr de Menezes was lawfully in the country on 22 July 2005.

the day together preparing to give an estimate for a job on 22 July.

5.9 Gesio and Jean Charles parted company at 16:00hrs on 21 July and they planned to meet at Kilburn Station between 09:00hrs – 09:30hrs on Friday 22 July.

5.10 Mr DE AVILE called Jean Charles at 08:45hrs on the morning of 22 July and he was informed by Jean Charles that he had got up late and would be with him in approximately one hour.

5.11 Mr DE AVILE states he received a call from Jean Charles, approximately 30 minutes later informing him that the tube (underground) was not working and he would catch a bus. The likelihood is that this call was made when Jean Charles was at BRIXTON Underground station when he was seen by the surveillance team to use his mobile phone.

5.12 That was the last time Gesio DE AVILE heard from Jean Charles; he made attempts to contact him but the telephone went into voicemail.

5.13 At 01:00hrs, Saturday 23 July Gesio received a telephone call from the Police. Twenty minutes after the call DI B arrived at Gesio's home. The contact between the Metropolitan Police Directorate of Professional Standards (DPS) and the family of Mr DE MENEZES will form the basis of the second part of this report.

O

5.14 Following his death, the body of Jean Charles DE MENEZES was formally identified at 19:30hrs, on Saturday 23 July 2005 at Greenwich Public Mortuary, Miller House, 3 DEVONSHIRE DRIVE, London SE10 by his cousin Alex Alves PEREIRA.

## 6 THE POLICE OPERATION

The objective of Operation THESEUS 2 was to arrest the suspects responsible for the failed bombings on 21 July 2005.

A command structure was established. Assistant Commissioner Alan BROWN was already performing the role of 'Gold London'. This role involved setting the strategic objectives for the overall response in London to the attempted bombings. He had no specific role on Operation THESEUS 2.

At approximately 06:50hrs on 22 July 2005 Commander MCDOWALL, who was the Gold Commander for the firearms operation, set the following strategy:

To control the premises at SCOTIA ROAD through covert surveillance, follow any person leaving the premises until it was felt safe to challenge them and then stop them. If the stops identified other residents of the flats then any intelligence opportunity would be maximised. The overall aim was to establish whether the two suspects were present in the flat and if they came out to arrest them safely.

The objective was to detain one or all of the suspects and to establish the whereabouts of any others who posed a threat to the public. Any stop, which involved someone other than a suspect, would have the potential to provide intelligence relating to the address. The objective was to increase 'police control' of the premises and enhance the safety of all concerned in the operation[5].

Commander MCDOWALL decided that a Designated Senior Officer (DSO) was also required as it was envisaged that an Operation KRATOS scenario could well develop. Operation KRATOS is a national policy for dealing with suspected suicide bombers and is described in more detail within Section 9 below. A small cadre of officers at Commander Rank perform the DSO role within the Metropolitan Police and Commander Cressida DICK was appointed to undertake this role on 22 July. Although there appears to be some confusion nationally as to whether the DSO sits as a Gold or Silver Commander in a KRATOS scenario, it is abundantly clear from Commander DICK's decision log and interview that she saw herself as being in charge and having responsibility to safely achieve the strategic aims set by Commander MCDOWALL. Interviews with the Silver

[5] The strategic objectives for the operation featured predominantly during the trial are as follows: to control the premises at Scotia Road through covert surveillance; to follow any person leaving the premises until it was felt safe to challenge them and then stop them; to detain one or all of the suspected terrorists or establish the whereabouts of others who posed a threat to the public; if the stops did not produce suspects, intelligence would be gained to establish the internal layout of the premises; if either of the subjects was identified, they were to be arrested; a unit from SO19 was to be in attendance at the scene; overall aim was to try and establish if the two terrorists were present in the flat, and if they came out, to arrest them safely.

Commander DCI C and tactical advisors further confirm the understanding that Commander DICK was the person in charge.

Commander DICK works within the Specialist Crime Directorate[6] and is responsible for the Metropolitan Police's response to gun crime, life threatening situations and organised crime. As a consequence she has extensive experience in planning and commanding operations relating to kidnapping and other high-risk crimes in action where fast time decision-making is essential. Due to her onerous 'on call' responsibility within the Directorate she withdrew from the 'on call' DSO roster. However, since that time she states that she had kept herself fully up to date with Operation KRATOS issues.

Commander MCDOWALL also appointed Silver Commanders for the operation.

Detective Chief Inspector C was appointed as the Silver Commander[7]. He is a Senior Investigating Officer attached to the Anti Terrorist Branch, SO13. The Manual of Guidance on Police Use of Firearms states that the ultimate responsibility for the management of the incident and deployment of resources rests with the Silver Commander after consultation with a tactical advisor. He was an experienced Silver Commander having been involved on many operations particularly when he was working on Operation TRIDENT. He attended a two-day Silver Commanders course at Gravesend during 2004. It would appear, however; that on 22 July 2005 it was Commander DICK who held the ultimate responsibility and that DCI C was operating as her ground commander.

[6] This officer is now a Deputy Assistant Commissioner in Specialist Operations.
[7] For the purposes of this report the Silver Firearms Commander is Detective Chief Inspector C.

Detective Superintendent Jon BOUTCHER was appointed as a Silver Commander within Room 1600; his role was to be the link between SO13 resources engaged on Operation THESEUS 2 and Room 1600.

Detective Superintendent Jon BOUTCHER was appointed as Senior Investigating Officer for the proactive investigation to identify the persons responsible for the 7 July bombings. On 21 July 2005 he was on duty at New Scotland Yard (NSY) when he became aware of the failed explosions on the transport system. He attended a number of meetings and learnt of the similarities between the devices used on 7 July and 21 July.

Detective Superintendent BOUTCHER made arrangements during the evening of 21 July for an SO12 armed surveillance team and CO19 to be put on standby. He ensured that Room 1600 was ready for use and staffed for the coordination of command and control of the operation.

Detective Superintendent BOUTCHER also obtained a Firearms Authority for the Specialist Firearms officers from CO19.

Detective Chief Superintendent Tim WHITE of SO13 authorised the CO19 firearms deployment at 23:50hrs on 21 July 2005.

Detective Superintendent David JOHNSTON is an officer attached to SO12. At 05:45hrs on Friday 22 July 2005, he was at NSY when he provided firearms authority for SO12 for self-protection and the protection of the public.

On arrival at NSY Detective Superintendent JOHNSTON attended Room 1600 where he was briefed on the circumstances relating to the two suspects Hussain OSMAN

and the second suspect. He was advised that the first suspect Hussain OSMAN bore a strong resemblance to the CCTV pictures captured at Shepherds Bush and that the second suspect resembled the suspect seen at Warren Street.

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At 06:00hrs Detective Superintendent JOHNSTON authorised a directed Surveillance Authority under Part II of the Regulation of Investigatory Powers Act 2000. The authority was for Operation THESEUS 2 with the subjects being Hussain OSMAN and the second suspect. The authority was granted on the grounds of National Security, for preventing/detecting crime and in the interests of public safety. A risk assessment was also completed in relation to this authority.

Detective Superintendent Robert CUMMINGS is an officer attached to the Serious Crime Directorate (SCD7) of the MPS. At 05:45hrs he received a phone call from Commander DICK requesting that he attend NSY to assist her in connection with Operation THESEUS 2. Detective Superintendent CUMMINGS's normal policing role includes being a joint unit commander of the Flying Squad, and because of these continued involvement in 'Crimes in Action' he is experienced in covert operations. He therefore tasked himself to ensure observations points were identified in order to assist the surveillance teams and he was also tasked by Commander DICK to establish a loggist to make a contemporaneous record of her decisions and rationale. The notes that were recorded were only of Commander Dick's verbal instructions. No policy file entries were recorded by the loggist.

Both Commander DICK and DCI C were supported by Senior Tactical Advisors. These were both highly experienced Specialist Firearms Officers of the CO19.

Many officers who have provided witness statements or been interviewed under caution have asked to be identified by a pseudonym to ensure their anonymity at this stage of the investigation. The Tactical Advisors are known as Trojan 80 and Trojan 84. Trojan 80 advised Commander DICK within Room 1600 at NSY. Trojan 84 accompanied DCI C and both were located with the team of Specialist Firearms Officers from CO19.

CO19 provide specialist-armed support to the Metropolitan Police. Armed Response Units are usually deployed to spontaneous incidents while the more highly trained Specialist Firearms Officers are deployed on pre-planned operations. A team of Specialist Firearms Officers were deployed to support the arrest operation on 22 July 2005. These have used the pseudonyms of Charlie's or Delta's.

The principal officers are both very experienced. Charlie 2 has 20 years police service and has been a firearms officer for 16 years and a Specialist Firearms officer for 14 years. Charlie 12 has 22 years police service. He has been a firearms officer for 14 years and a Specialist firearms officer for seven years.

Two Surveillance teams from SO12 were deployed at SCOTIA ROAD to control the premises and to follow any persons coming out of the communal block of flats. Some of these officers were armed for their own protection and the protection of the public. Their training does not enable them to be used as a resource to arrest armed suspects[8]; CO19 would normally undertake this task. During July 2005 each surveillance team had a member of the military attached to them. Those soldiers were unarmed. The surveillance

[8] Evidence was given at the Central Criminal Court that armed officers from SO12 would have been used as a last resort.

teams have used the pseudonyms Hotel or Tango. The team leader was 'James'[9].

An Observation van was parked having a view of the communal doorway of Flats 14 -22 of SCOTIA ROAD, a total of 9 flats. 'Frank' was secreted within the van. An Observation Post log was maintained by 'Derek' and then handed over to Tango 9. They were located in a separate vehicle. A Surveillance log was also recorded contemporaneously by 'James' before a hand over to 'Ken'. Surveillance officers made supplementary amendments to the log at the de-brief at the conclusion of the operation. DC H located at Room 1600 recorded occurrences on the CLIO log. CLIO is an intelligence recording system used by the Specialist Crime Directorate for dealing with critical crimes in action such as kidnaps.

SO13 deployed four officers to assist with the arrest of the suspects or to de-brief anyone coming from the flats in an effort to gain intelligence on the suspects or the lay out of the premises. It is always desirable in terrorism cases to conduct the arrest in a sterile manner to maximise forensic opportunities. SO13 officers were to provide this expertise.

Command and Control of Operation THESEUS 2 was from Room 1600. It was chosen because it affords good access to intelligence sources. Room 1600 is not usually used to command the response to crimes in action such as kidnaps that necessitate the co-ordinated use of surveillance and armed resources. Commander DICK and her tactical advisor were located within Room 1600 with between 20 to 30 other personnel who were performing a range of functions.

[9] Some witnesses who gave evidence during the Health and Safety Trial were given pseudonyms. The report has been amended to ensure consistency.

At 06:50hrs Friday 22 July 2005, Commander MCDOWALL chaired a briefing where the firearms strategy was outlined. Present at that meeting were the Silver Commanders for both SCOTIA ROAD and PORTNALL ROAD, and Trojan 80, the tactical adviser to the DSO.

Commander DICK did not attend the briefing until 07:15hrs although, according to her interview, she had been in NSY since 05:00hrs.

Commander MCDOWALL states he spoke personally to Commander DICK after the briefing to ensure she had all the information and assistance she needed. There was a discussion and agreement between the two Commanders of the understanding of their roles being performed including their respective positions. At the conclusion of the hand over, Commander MCDOWALL was no longer involved in the operational aspects of the investigation, although he remained as Gold Commander.

Commander MCDOWALL undertook to provide Commander DICK with an intelligence update in writing. This was handed to Commander DICK at 09:20hrs.

Detective Inspector I is attached to SO13 and he is the staff officer to Commander MCDOWALL. He states that his role was to assist him in his command role and to record as far as possible the key meetings, events and decision taken by Commander MCDOWALL and Detective Chief Superintendent WHITE of SO13.

Both Commander DICK and Trojan 80 had loggists recording their decisions. Commander DICK subsequently recorded these decisions into her Decision Log several hours later on in the day. 'Pat' undertook the role of Surveillance Monitor. He listened to the radio transmissions

of the Surveillance team and maintained a typed Surveillance Running Log of key occurrences that was projected onto a screen within Room 1600.

The Surveillance team communicated with each other by covert Cougar radios. The Firearms team were able to monitor these transmissions. The Firearms team used Airwave radios to communicate with one another. Commander DICK and DCI C had a telephone link, as did Trojan 80 and Trojan 84. It was agreed that open lines would be maintained between them if an identified suspect was sighted. Various members of the Surveillance and firearms team also made use of mobile phones. DCI C was together with Trojan 84 in a vehicle driven by Delta 10. He was therefore able to monitor all communications.

The structure of the operation enabled both Commander DICK and DCI C to become immediately aware of any sighting of a suspect by the Surveillance team. Commander DICK would hear it via the Surveillance monitor in Room 1600 and DCI C would hear it from the Surveillance radio and from the Surveillance team leader. This structure was then to be underpinned by open telephone lines between Commander DICK and DCI C replicated by an open line between Trojan 80 and Trojan 84.

The decision to undertake a surveillance operation was made at 04:38hrs; SO12 called out a surveillance team at 05:00hrs and were in position in SCOTIA ROAD at 06:04hrs. No decision was made to call out any specialist firearms resources. Therefore, when the CO19 officers reported for duty at LEMAN STREET they were the first firearms officers to be allocated to the operation. On arrival at LEMAN STREET, the officers received an initial briefing from Trojan 84, went through the procedure of booking out their weapons and then travelled to NIGHTINGALE LANE police

station where they received a further briefing from DCI C. The CO19 officers were not deployed on the ground until after 09:30hrs, by this time Mr DE MENEZES had already left his home address. NIGHTINGALE LANE police station is approximately two miles from SCOTIA ROAD.

## 7 GEOGRAPHY

7.1 A DVD will be produced by the Metropolitan Police Computer Aided Modelling Bureau, showing the route from SCOTIA ROAD to STOCKWELL Underground station to assist whatever tribunal deals with this matter.

7.2 The DVD will include a map of the area in which Mr DE MENEZES travelled and plans of STOCKWELL Underground station and the carriage as well as a 3D animation of the sequence of events showing movements of Mr DE MENEZES, the officers and witnesses on the tube[10].

[10] The Crown Prosecution Service produced an enhanced version of the DVD, which was agreed by the defence, to assist the court.

## 8 LAYOUT/ CCTV

8.1 A map of Mr DE MENEZES route and plans of STOCKWELL Underground station, the Underground train and carriage are appended to the report.

8.2 There has been extensive reporting in the media of concerns about the lack of CCTV evidence on the Northern Line platform and the Northern Line train. In view of the fact that so much evidence was obtained from CCTV images for both the 7/7 incidents and the 21/7 attempted explosions this is a cause for concern.

8.3 While the bus on which Mr DE MENEZES travelled from his home to STOCKWELL had CCTV fitted there are occasions when it would seem that there was no recording.

**Bus CCTV**

8.4 On 22 July 2005, Jean Charles DE MENEZES commenced his journey from SCOTIA ROAD. He boarded a number 2 bus, registration number LJO3MXL, at TULSE HILL which was approximately five minutes walk from his flat.

8.5 This vehicle is owned by Arriva Buses and is equipped with a CCTV system, which incorporates 10 cameras. Following the fatal shooting of Mr DE MENEZES the bus, from which he travelled from his home address to STOCKWELL Underground, was secured at the West Norwood bus garage as a crime scene.

8.6 At 17:05hrs on Friday 22 July 2005 Detective Constable K from the Hi Tech Unit of SO13 attended West Norwood bus garage where he recovered the hard drive of the CCTV recorder (MJB1) from vehicle LJO3MXL. Witness XA, who is employed by London Transport as a CCTV analyst was present. On 23 July 2005, Detective Constable K handed the bus hard drive to Detective Constable L from the DPS.

8.7 On the same day Detective Constable L took the exhibit MJB1 to the

Metropolitan Police laboratory at NEWLANDS PARK. The IPCC recovered MJB1 from NEWLANDS PARK on 10 August 2005.It was received from witness XB.

8.8 On 12 August 2005, the exhibit MJB1 was examined by witness XC who is a CCTV engineer. Witness XC stated that the system was running off an old software package. Witness XC produced a DVD from the images.

8.9 Witness XD, an auto electrician employed by Arriva Bus Company, who is responsible for the maintenance of CCTV on Arriva buses, was asked by an IPCC investigator to retrieve the available information from the hard drive. It was during this examination that two five-minute time gaps were discovered for the relevant period when Mr DE MENEZES was travelling on the bus. The relevant periods are 09:32.57 seconds to 09:37.17 seconds and 09:56.14 seconds to 10:01.47 seconds. Witness XD could not explain the gaps in the recordings but thought that vibration could be a reason.

8.10 On 31 August 2005 witness XE, a software test engineer was asked by an IPCC Investigator to examine the hard drive from the bus. As soon as witness XE saw the hard drive he noticed the ‘rubber feet’ on the unit. Arriva buses are replacing these feet as they do not sufficiently reduce the vibrations, which can cause problems with the recording.

8.11 Witness XE then examined the hard drive and, as a result of analysis of the information, he stated that the hard drive had the highest level of ‘high level vibration count’ that he had ever seen. The examination showed the unit was having recording problems in June and July and should have been replaced. In his professional opinion the hard drive had not been tampered with.

**Borough CCTV**

8.12 On 22 July 2005, witness XF, who is employed in the CCTV Control Room for Lambeth Council handed to the Metropolitan Police tapes from cameras 1 – 14 and 60 – 67 which cover BRIXTON and STOCKWELL Underground stations.

8.13 On 10 August 2005, witness XG who is also a CCTV operator for Lambeth Council, handed to an IPCC investigator the tapes for 22 July 2005 for camera 83, which covers TULSE HILL.

**Private CCTV**

8.14 Witness XH from National Westminster Bank in BRIXTON produced a video tape for the period 08:30hrs – 11:30hrs on 22 July 2005.

8.15 Witness XI from National Westminster Bank in SOUTH LAMBETH ROAD was also able to provide a CCTV recording for the period relevant to the investigation

**STOCKWELL Underground Station**

8.16 The available CCTV evidence shows Jean Charles DE MENEZES walking calmly into STOCKWELL Underground station just after 10:00hrs on Friday 22 July 2005. He was wearing a denim jacket, T-shirt and denim jeans. He was not carrying anything.

8.17 Mr DE MENEZES is seen on the CCTV to select a copy of the Metro newspaper. He then walked to the ticket barrier, used an Oyster card and walked through the turnstile. He then turned left towards the escalator to the Northern line and walked down on its left hand side. There are no recordings, which cover the lower end of the escalator or platform, the relevant tapes, when seized by the MPS, were found to be blank.

8.18 Witness XJ is the station supervisor at STOCKWELL Underground Station. He details the procedure for changing the CCTV tapes and the fact that they are changed every 24 hours. At 03:09hrs on the morning of 22 July witness XJ changed the tapes of STOCKWELL Underground

station and pressed the record button on all three tape machines. The tape for VCR number 1 is exhibited as CC/1.

8.19 On the 25 July 2005 witness XK attended STOCKWELL Underground station following a report that VCR 1 was not working. He met Detective Constable L from the Metropolitan Police at the station.

8.20 Following a test on the equipment it was established that the signal between the multiplexor and VCR was broken.

8.21 Witness XL is a senior communications engineer. On 26 July 2005, he was notified of a fault on the CCTV system at STOCKWELL to the extent that VCR number 1 was not recording. A colleague of his had reported the previous day that a cable had been damaged and possibly severed.

8.22 On arrival at the station, witness XL and another colleague, witness XM entered the control room and saw that VCR number 1, which is a time-lapse video recorder fed by eight cameras, was giving an audio/video loss alarm. All eight cameras are fed down one cable into the VCR. It was not picking up an input from the cable and, as a result, was giving off an audible alarm. Witness XL commented that while this was an unusual problem it could have been due to the station being re-furbished.

8.23 On further examination a cable was found to be damaged. This was in an area of the station where work had recently been carried out. Witness XM is of the opinion that the cable connector had been stood on, causing it to break.

8.24 Witness XN is the Senior Consultant in Forensic Video at, BSB (Forensic) Limited. He is listed in the UK register of expert witnesses. On 29July 2005, at the request of the IPCC, he attended STOCKWELL Underground station to examine the CCTV system.

8.25 Witness XN was also asked to examine the tapes taken from VCR

number 1 from the period 11/7/05 to 22/7/05. He reports that the majority of tapes, including the tape for 22 July 2005, contain a silver screen with the text No Signal. This text is consistent with the signal to the video recorder being disconnected or broken. Witness XN also indicates that when the tapes were changed, the audible alarm would have been heard by the persons changing the tapes.

**Underground Train**

8.26 Witness XO is employed as a Technical trainer. He teaches track maintenance and repairs. His company are responsible for the maintenance of trains and depots on the Northern and Jubilee London Underground lines. At 15:15hrs on Friday 22 July 2005, witness and his colleague witness XP attended STOCKWELL Underground station.

8.27 Witness XP is a Contracts Manager. His duties include the download and removal of recorded information from Northern line trains. An underground train has six cars. They are split into two units of three. The car in the middle of each unit is called the trailer car. On each trailer car there is a digital video recording system. The system records cameras that are located on each unit of the train. Each car has two cameras. The digital video recording system includes a removable hard drive device which is enclosed in a steel caddy. It is locked and the key is kept in a key safe.

8.28 Witness XP states that that the hard drives were missing from the train entered by Mr DE MENEZES because they had been removed after the 7/7 bombings. He further states that he has checked the documentation for the two units and there is no record of any replacement. Some trains on the Northern line were fitted with new hard drives after 7/7.

8.29 Witness XP also states that the units had been correctly removed from the train and the hard drives correctly shut down. He saw no evidence of the unit being removed by anyone other than trained staff.

8.30 Police Officers, Detective Inspector M, Detective Sergeant N, Police

Sergeant O, Detective Constable L and Police Constable P all detail their involvement in the seizure of CCTV evidence.

8.31 Given the significance of CCTV evidence in criminal investigations and the widespread use of CCTV on public transport systems, the amount of potential evidence that is missing is a matter of concern. The IPCC investigation has revealed that in each of the three major areas, (bus, station and train) there are explanations for the lack of CCTV evidence. From the independent evidence available, it is the opinion of the IPCC Senior Investigator that no CCTV material has been destroyed and there is no evidence of a cover-up to withhold this evidence from the investigation.

## 9 OPERATION KRATOS

9.1 Following the 11 September 2001 terrorist attacks in the USA, the Metropolitan Police Service reviewed their strategies to combat the increased threat of suicide bombings. Research was conducted throughout the world to determine tactics to counter the threat of a suicide bomber within the UK.

9.2 The tactics needed to be Human Rights compliant and to take into account the fact that most explosives used by suicide bombers are extremely sensitive to impact and that terrorists will spontaneously detonate their devices if they believe they have been identified. Legal opinion was sought from Treasury Counsel regarding the police duty of care to the public, liability of a force for the safety of its officers, the self-defence issue for a police officer shooting a suspected suicide bomber and the consequences of failing to act against such a terrorist. The legal advice was consistent; within the strict confines of a clearly defined last resort approach that such a shooting was lawful.

9.3 It has been recognised that unlike the threat posed by, for example, the IRA bombing campaigns, as soon as a terrorist adopts a suicide strategy an entirely new approach is required. The essential difference between the two threats is that the suicide bomber intends to die in his terrorist attack. Such an attack will be designed to inflict maximum casualties and, if confronted, the terrorist is very likely to initiate a spontaneous detonation. In such circumstances loss of life is inevitable unless it is possible to devise a way of:

(i) making the police confrontation at arms length;

(ii) timing the confrontation so as to avoid the presence of innocent third parties.

(The police experience in Madrid highlighted the problem in an

acute form. During the investigation into the Madrid bombings in 2004, a number of people lost their lives when the terrorist suspects detonated a device as the police approached.)

9.4 It follows that in some situations it has been recognised that any form of negotiation to the point where the bomber can be disarmed is impractical. If the bomber is in a populated area and cannot be controlled/disarmed at a distance which provides for third party safety (third parties include the police), a lethal shot may well be the only way to prevent a detonation of the device causing third party death/injury.

9.5 The approach, which has been adopted by the Metropolitan Police Service, has been the creation of strategies which incorporate, in defined circumstances, the possibility of an interception and immediate critical shot in order to protect both the public and the officers engaged in the interception.

9.6 In October 2003 a draft paper entitled 'Operation KRATOS PEOPLE' was circulated to police forces. By this time, the Association of Chief Police Officers (ACPO) Committee on Terrorist and Allied Matters had assumed overall responsibility for the completion of this work. Consequently the ACPO Committee on the Police Use of Firearms made a number of changes to the Firearms Manual reflecting the KRATOS thinking if it was absolutely necessary to deploy lethal force against a suicide bomber:

> 'It may not be appropriate to issue a warning, the shot may be to the head to avoid detonating an explosive device and that a decision to shoot may have to be taken on the command of a senior officer who has sufficient information to justify use of lethal force'[11].

[11] The words were not in fact incorporated in the Police Use of Firearms Manual, however the manual is currently under revision and guidance will be incorporated that deals with these issues.

9.7 A UK version of Operation KRATOS PEOPLE was circulated to all police forces by the Metropolitan Police Service. However there was no national policy other than that established within the ACPO Manual on the Police Use of Firearms that had incorporated the changes mentioned above.

9.8 Within the Metropolitan Police Service Operation KRATOS PEOPLE was adopted to provide a flexible range of operational responses to deal with a number of scenarios involving a suspected suicide bomber in a spontaneous incident. These would usually be in response to a report from a member of the public. Another policy entitled Operation C was written to deal with the threat of a suicide bomber at a pre planned public event, for example Trooping the Colour. A significant difference between these operations is the use of a series of code words in Operation C communicated by the Designated Senior Officer in charge to initiate a sniper to direct a critical shot at the suspected terrorist.

9.9 It should be noted that the police operation devised during the early hours of 22 July 2005 did not fall precisely within either 'Operation C' or 'KRATOS'; there was pre-planning but the incident which unfolded was a fast moving event and more spontaneous than is envisaged in the Operation C manual. Of itself, that did not make anything done unlawful as the general principles remain the same.

9.10 The Police Service has a duty to prevent crime and to protect the general public. That duty must include the formulation of strategies designed to counter various types of terrorist activity. If a strategy is to include a pre-emptive fatal strike, it is self evident that it will need to have inbuilt safeguards. Operation KRATOS (strategy and procedures) and the CO19 Firearms Tactical Options paper (21 July 2005) were designed to so provide.

9.11 KRATOS policy attempts to create a protocol for managing an incident so as best to prevent a detonation and injury/loss of life.

Tactical options dictate that the use of conventional firearms tactics (arrest at an address or other location) at an earlier stage will always be a preferred option. Where a suspect carrying a bomb has been identified and immediate action is absolutely necessary a critical head shot is said to be justified by the policy.

9.12 The deployment strands of Operation KRATOS are threefold: target/subject identification, confirmation and neutralisation. Neutralisation can involve a without notice killing if that is the only available option, whereas, in a secluded location it may involve keeping the suspect confined in some way while being disarmed.

9.13 If Operation KRATOS policy and its operation is to be lawful it must accord with domestic law and it must be Convention compliant. **See Section 19 below.**

9.14 Neither those in command of Operation THESEUS 2 nor those on the ground assert that the shooting of Jean Charles DE MENEZES was the product of a formal 'KRATOS policy' decision. A direct KRATOS decision is not advanced by those in Room 1600 and the two CO19 officers who shot DE MENEZES do not suggest that they acted on such a direct instruction.

9.15 Operation KRATOS PEOPLE states that the Silver Commander has a responsibility to maximise the intelligence available, to initiate armed action and to ensure that all officers are briefed. This is consistent with the ACPO Manual on the Police Use of Firearms that states unequivocally that the ultimate responsibility for the management of a firearms incident and the deployment of resources rests with the Silver Commander.

9.16 As a result of 687 calls received by the MPS relating to potential suicide bombers between 7 and 31 July it became necessary to delegate the initial response to Borough Commanders. Consequently a Standard Operating Procedure (SOP) was written to support this. Although the document was drafted on 21 July

2005 it was not published until 27 July 2005, and therefore was not in force at the time of this incident. The draft document appeared in the Post Incident Review undertaken by DAC GRIFFITHS.

The SOP builds in three stages:

(i) KRATOS PEOPLE – to be assessed;

(ii) KRATOS PEOPLE – suspected at which point a DSO is called in to the Information Room at NSY; and

(iii) KRATOS PEOPLE – declared – which is a decision that can only be taken by the DSO who also takes responsibility for setting the strategy and determining what action on the ground is deemed necessary. This includes authorising the preferred option of armed intervention[12].

9.17 There appears to be some confusion as to whether the DSO or Silver is responsible for the tactical delivery within a KRATOS operation, including the initiation of armed action, i.e. authorising if necessary the critical shot. There is similar confusion as to whether the DSO is or is not acting as a Silver Commander. Since 22 July 2005 a review has been undertaken by ACPO. Amongst its recommendations are that the DSO should be referred to as DSO- Silver.

9.18 On 21 July 2005 'Andrew' and Trojan 80 documented and risk assessed a number of tactical options that could be deployed against a suicide bomber in an attempt to make an arrest.

9.19 It is clear that Operation THESEUS 2 on 22 July 2005 did not fall precisely within either Operations KRATOS or Operation C. It was a pre-planned operation to arrest a suspected terrorist who had been in possession of a bomb the previous day. Commander DICK drew on her knowledge and experience of both types of operation to set up a structure to enable the arrest of a suspect. In effect she

[12] It is understood that the MPS have revised their plans since the 22 July 2005.

made herself the Silver Commander assuming responsibility for all aspects of the firearms operation. DCI C was her Ground commander having specific responsibility for managing the debriefing of persons not suspected to be terrorists and supporting her in the decision making regarding the firearms part of the operation. This Command Protocol is described in Commander DICK's Decision Log entry 10.

9.20 Witness ZAC was a former firearms instructor. Following the events of 9/11 he was involved in the training of Operation TAVISTOCK which involved a table top exercise attended by many high profile people from politics, the media and the legal profession including the judiciary.

9.21 In early October 2002 he was involved in the provision of training on Operation C to four Designated Senior Officers, including Commander DICK. The training consisted of three areas: an update on the issues of suicide bombers and the possible effects they could have; the tactics that could be put in place to deal with suicide bombers; and refresher training on the responsibilities of Gold and Silver Commanders.

9.22 Commander DICK has extensive training and experience as Silver and Gold Commander in firearms and other police operations.

## 10 SUMMARY CHRONOLOGY

**21 July 2005**

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|---|---|
| 12:36hrs | First reports coming in of an explosion at the OVAL. Others follow regarding attempted explosions at WARREN STREET, SHEPHERDS BUSH and HACKNEY ROAD, E2. |
| 14:22hrs | First meeting at NSY regarding the explosions. Commander MCDOWALL (Gold Commander S013) present. |
| 17:15hrs | Commander MCDOWALL attends meeting at NSY with explosive officers regarding the explosives used. Outcome – not a stunt, real bombs with deadly intent. |
| 18:15hrs | Commander MCDOWALL briefs command team on the man hunt that is now under way. |
| 20:15hrs | Commander MCDOWALL discusses operation KRATOS scenarios with senior officers. |
| 22:10hrs | Command meeting at NSY leads to authorisation of firearms teams to be deployed to assist with detaining suspects if man hunt is successful. |

**22 July 2005**

| | |
|---|---|
| 00:50hrs | Review of CCTV images takes place from the four scenes. |
| 01:00hrs | Commander Cressida DICK woken at home requesting she attends NSY at 07:00hrs the following morning to be a KRATOS commander. |
| 02:15hrs | Intelligence recovered from rucksack left by suspect in area of SHEPHERDS BUSH. Gym club card gives name of Mr Hussain OSMAN, enquiries made earlier give address for OSMAN as 21 SCOTIA ROAD. |
| 04:20hrs | Commander MCDOWALL compares photos from gym to the CCTV images from the attempted bombings. good likeness for attempted bombing at SHEPHERDS BUSH. Covert sweep requested for SCOTIA ROAD. Vehicle which is linked to suspects later found in the vicinity. |
| 04:55hrs | Commander MCDOWALL makes and records decision to mount |

| | |
|---|---|
| | directed surveillance at SCOTIA ROAD address. Gold firearms strategy set, and DSO confirmed for potential operation KRATOS, this being Commander Cressida DICK. |
| 05:00hrs | Commander DICK arrives at NSY. |
| 05:15hrs | Tango 1, Surveillance (Red team) leader receives briefing from 'Alan'. |
| 05:40hrs | Tango 1 briefs red team on operation. |
| 05:45hrs | Authorisation given for Surveillance personnel to carry firearms for their own protection and the protection of the public. |
| 06:00hrs | RIPA Authorisation for directed surveillance on suspects obtained. |
| 06:04hrs | Observation Point commenced at SCOTIA ROAD. |
| 06:50hrs | Commander MCDOWALL briefs Silvers and firearms advisors. |
| 07:15hrs | Commander DICK arrives to the above meeting, as she is late she requests a second briefing, which she gets from Commander MCDOWALL. |
| 07:45hrs | CO19 receive briefing from Trojan 84. |
| 07:50hrs | SO12 surveillance team (grey team) receive briefing from D/I WHIDDETT and 'Colin'. |
| 08:45hrs | DCI C briefs CO19 at NIGHTINGALE LANE police station. |
| 08:55hrs | Grey team are deployed at SCOTIA ROAD by 'James'. |
| 09:00hrs | SO13 team arrive at NIGHTINGALE LANE police station for briefing. They are briefed by DCI C at conclusion of CO19 briefing. |
| 09:33hrs | Jean Charles DE MENEZES leaves flats via communal exit at SCOTIA ROAD. |
| 09:36hrs | Jean Charles DE MENEZES walks towards TULSE HILL. |
| 09:39hrs | Jean Charles DE MENEZES on Number 2 bus towards BRIXTON. Described as a 'good possible' identification for suspect. |
| 09:42hrs | Described as 'may or may not' be suspect. |
| 09:46hrs | Described as 'not identical', surveillance team withdrawing. |
| 09:47hrs | Jean Charles DE MENEZES off bus, using phone, then runs back to bus. |
| 09:49hrs | Jean Charles DE MENEZES sitting on upper deck. |
| 09:59hrs | Surveillance team asked to give a percentage of identification and replied 'impossible but thought that it was suspect'. |
| 10:00hrs | Jean Charles DE MENEZES commences to alight. |
| 10:02hrs | Jean Charles DE MENEZES walks from bus to STOCKWELL |

| | |
|---|---|
| | Underground. |
| 10:03hrs | Jean Charles DE MENEZES enters station and goes through ticket barrier. |
| 10:05hrs | CO19 to State Red. |
| 10:06hrs | Jean Charles DE MENEZES was shot. |

## 11 BRIEFINGS

11.1 Commander DICK received a telephone call from Commander ARMOND at approximately 01:00hrs on Friday 22 July 2005 requesting her to report for duty at NSY at 07:00hrs to 'do KRATOS Commander'. She arrived at her office at approximately 05:00hrs and briefed herself from documents and training presentations on Operations KRATOS and Operation C.

11.2 At 06:50hrs she went to Room 1600 where she met 'Alan' who informally briefed her regarding developments concerning locating the suicide bombers from the previous day. He explained how CCTV images and correspondence found in bags had identified some of them and indicated where suspects someone someone called OSMAN and a second suspect were possibly residing.

11.3 At 07:15hrs Commander DICK was asked to attend the SO13 Conference Room where a number of Senior Officers were already being briefed. At the conclusion of this she received a separate briefing from Commander MCDOWALL who undertook to confirm the intelligence picture as it stood in writing. They also discussed and agreed their respective roles. Commander DICK established that the strategy was to control, challenge and stop the suspects and that, if the suspects were located inside premises, the likely option would be containment and call out by negotiators.

11.4 Commander DICK established that the possible explosives used on 21 July appeared to be peroxide based, as were the devices on the 7 and that they were very volatile. She was left in no doubt that the events on the 21 had been serious attempts and that detonation could have been achieved by simply putting two pieces of wire together.

11.5 During the briefing all the senior officers present were shown CCTV footage of one of the suicide bombers entering STOCKWELL station. There then followed footage of him attempting to detonate a bomb on

the tube, causing panic amongst passengers and being challenged by a passenger before removing his rucksack and escaping up the escalator.

11.6 Commander DICK then agreed with Commander MCDOWALL that any challenge of a suspect on the street of a suspect would be done near to, but at a safe distance from, the premises so not to alert anyone still inside. Commander DICK then viewed still images of the four suspects and then confirmed with Trojan 80 that the surveillance team and firearms team had copies of these photographs.

11.7 There were two locations under surveillance; PORTNALL ROAD, LONDON W9 and SCOTIA ROAD, LONDON SW2. Each location had its own Silver Commander, DI T for PORTNALL ROAD and DCI C for SCOTIA ROAD. The Silver Commanders had already been briefed and deployed before Commander DICK attended the briefing. She consequently telephoned each of them to ensure they were fully briefed on the intelligence, objectives and command structure.

11.8 'Colin' was the night duty surveillance supervisor for SO12. At 04:50hrs as a result of intelligence developed by SO13 he deployed the stand by surveillance Red team to SCOTIA ROAD. 'Alan' briefed the team leader 'Derek' who in turn briefed his team. 'Derek' was provided with photographs of the persons responsible for the attempted bombings the previous day. The Blue team were then called out at 05:05hrs and the Grey Team at 06:30hrs. At 07:10hrs 'Colin' accompanied by DI Andrew WHIDDETT, briefed the Blue team and repeated the briefing to the Grey team at 07:50hrs.

11.9 'Colin' informed the surveillance teams that suspect one Hussain OSMAN had been identified as the suicide bomber at SHEPHERDS BUSH underground station and the second suspect was identified as the bomber at WARREN Street. There was correspondence linking both men to 21 SCOTIA ROAD. A further suspect was identified at 60 CORFE HOUSE, DORSET ROAD, LONDON SW8. A Nissan Primera vehicle, was linked to these men and registered to 61a PORTNALL ROAD. The Red team had located this vehicle in SCOTIA ROAD. 'Colin'

provided a photograph of each of the suspects to the Blue and Grey surveillance teams. He also informed the teams that the suspects were likely to have suffered burns as a result of the failed bombings. Code names were allocated to each suspect; OSMAN - NETTLE TIP the second suspect – REGAL WAVE and a suspect at CORFE HOUSE as RAPID SPEED.

Trojan 84 commenced duty at the CO19 base at LEMAN STREET at 07:00hrs and contacted Trojan 80 who was at NSY. Trojan 80 repeated some of the intelligence concerning OSMAN and SCOTIA ROAD. Trojan 84 then briefed the specialist firearms team at approximately 07:45hrs. He informed them that they were to be deployed near to SCOTIA ROAD. He explained the set up at NSY regarding the Room 1600 to ensure the team knew that there was a structure in place to ensure that up to date intelligence would be available. He also informed the team that a DSO was co-located with Trojan 80 and that as a result of the structure they should trust the intelligence that was being provided because it was the best available. He added that the team: 'may be required to use unusual tactics because of the environment they were in and that they should think about this'. 'Terry' asked for clarification. Trojan 84 added that; in relation to a critical shot, the instruction would come direct from DSO and what it also meant was that if they were deployed to intercept a subject and there was an opportunity to challenge but the subject was non-compliant a critical shot could be taken.

11.10 Trojan 84 then travelled to NSY to meet DCI C, while the firearms team deployed to NIGHTINGALE LANE Police station. DCI C then briefed the team at NIGHTINGALE LANE.

11.11 By everyone's account DCI C delivered a comprehensive intelligence briefing. He informed the team about the explosives found in West Yorkshire as a result of the enquiries following the 7 July bombings. He informed them about the explosives and firearm found in the bombers car that had been left in Luton before they travelled to London. He confirmed links between the bombers on the 7 with those on the 21. As a

consequence of what had been found he confirmed that the terrorists had the capability to attach a device to themselves that would be difficult to detect. He described the individuals involved in the bombings as being ‘deadly and determined’ and ‘up for it’.

11.12 Trojan 84 then briefed the officers that any subject coming from the flats would be allowed to ‘run’ and that an interception would take place as soon as possible away from the address so not to compromise it. The CO19 team then deployed to a TA Centre close to SCOTIA ROAD.

11.13 ’Ralph’ has stated that given all the information he received during the briefings in relation to the suspects there was no doubt in his mind that there was a very real likelihood of having to deal with a deadly and determined suicide killer, who would not hesitate to kill himself, innocent members of the public and members of his team.

11.14 The ACPO Police Use of Firearms manual (Ch 4 7.7) advised that the content of a briefing may directly affect the response of armed officers to any perceived threat from the subject. During their respective briefings, both DCI C and Trojan 84 made a conscious effort to ensure that the Specialist Firearms Officers were not under briefed. They considered they had a duty of care towards the team to ensure that they were aware of the threat that was facing them. The terrorist threat facing London at this time was unprecedented.

11.15 The SO12 Surveillance team were undoubtedly committed to identifying and locating the suicide bombers from the day before. Failure to identify a terrorist could have had catastrophic consequences. It was understandable in the circumstances for them to maintain surveillance on an individual until they were absolutely certain that he was not a terrorist. The Specialist Firearms Officers (SFOs) from CO19 were undoubtedly equally committed to contain and neutralise an identified terrorist. Failure by either of the teams could well have resulted in the mass murder of members of the public and the police officers. The briefings that the officers received could only have heightened their desire to arrest the terrorists and add to the apprehension concerning

the danger to which they were being exposed.

## 12 SURVEILLANCE

12.1 DC U commenced a Surveillance Running log within Room 1600 at 04:38hrs.

12.2 'Frank' deployed with the SO12 surveillance Red team to the SCOTIA ROAD area and surveillance commenced at 0604. He maintained a surveillance log and recorded any relevant sightings by his team until 08:45hrs when he handed over responsibility for the log to Tango 9.

12.3 'Frank commenced direct observation on the communal entrance to the block of flats in SCOTIA ROAD, SW2 that included number 21. 'Frank' is a member of the SO12 surveillance team. He was secreted in an observation van that provided a clear un-obstructed view of the entrance. He was equipped with a video camera that allowed him to take video footage. The camera was not continually switched on and was only operated when activated by 'Frank;. There was no facility to relay images back to Room 1600. 'Frank' loaded the camera with what he assumed was a blank tape on 20 July 2005; it was not an original sealed tape.

12.4 Subsequent investigation by the IPCC has revealed that 'Frank' had the necessary leads to connect the camera to the vehicle's electrical system, but chose instead to rely on the camera's battery, switching the equipment off when not in use.

12.5 At 0605 'Edward' saw the Nissan Primera vehicle parked near to the flats in SCOTIA ROAD.

12.6 Between 07:36hrs and 11:02hrs 'Frank' observed eight people leave the flats. Six of these were captured on the video recording. These images have been copied onto a composite DVD produced on behalf of the IPCC, that shows all the relevant CCTV images gathered during Mr DE MENEZES' journey onto the platform at STOCKWELL Underground.

12.7 At 08:33hrs 'James' deployed the Grey surveillance team in the TULSE

HILL area in order to follow suspects away from the premises. He maintained a log of relevant radio transmissions until 'Ken' joined him and took over that responsibility.

12.8 'Nick' was deployed in Room 1600 as Silver Firearms Liaison. He gives evidence of a phone call he had with 'Derek', the red team surveillance team leader. 'Derek' expressed concerns about the distance between SCOTIA ROAD and the current CO19 team location at NIGHTINGALE LANE. He was also concerned about access that any subject would have to nearby buses, which were still running. He discussed these concerns with Trojan 80. Commander DICK made the decision to allow the buses to continue to operate because she thought it might alert any suspects if they stopped operating.

12.9 At 09:33hrs 'Frank' needed to urinate in a plastic container while inside the observation van. At this time he saw a male person exit the flats. He described the person as IC/1 (Identity Code 1- White) 5'8", dark hair, beard / stubble, blue denim jacket, blue jeans and wearing trainers. He checked the photographs of the suspects that he had been provided with and transmitted over the radio to his colleagues that 'it would be worth somebody else having a look'. He was unable to switch on the video camera while using his radio. The person sighted coming out of the flats was Jean Charles DE MENEZES.

12.10 Shortly before 09:39hrs 'James' saw Mr DE MENEZES walking in UPPER TULSE HILL towards TULSE HILL. He described him as about 5'10" tall of stocky build with collar length black hair and stubble, with a wide face. He described his complexion as being similar to a light skinned North African. 'James' examined the photographs provided to him during the briefing and was of the opinion that the male was 'possibly identical' to the subject NETTLE TIP. 'Tim' heard 'James' describe Mr DE MENEZES as a 'good possible likeness to the subject NETTLE TIP'.

12.11 'Harry' also observed him at this time. He saw Mr DE MENEZES looking over his shoulder and acting in a wary manner. He appeared nervous.

'Harry' was not able to identify the male as being identical to the first suspect OSMAN.

12.12 'Tim' was directed to attempt to record video footage of the male person, but he was never able to get himself in a position to achieve this. Similarly, 'Ken' deployed on foot in attempt to provide a better identification but due to his radio malfunctioning he was unable to transmit or hear what was being communicated. Because of this he was unable to get into a position to observe Mr DE MENEZES' face. He was able to see Mr DE MENEZES turn left into TULSE HILL and board a number 2 bus towards BRIXTON.

12.13 At 09:39hrs 'Ivor' saw the bus move northbound towards BRIXTON and he saw Mr DE MENEZES sitting at the extreme rear nearside of the bus. 'Ivor' boarded the bus between TULSE HILL and BRIXTON. At about 09:47hrs Mr DE MENEZES stood up. At this time 'Ivor' received a phone call from 'Harry' enquiring as to the identity of the subject being followed. 'Ivor' stated that he could not positively identify the male as the first suspect Hussain OSMAN, (NETTLE TIP) but that he had distinctive 'Mongolian eyes'. 'Harry' relayed this information to the remainder of the team. CCTV has been retrieved from the bus and provides the first recorded image of Mr DE MENEZES during his journey.

12.14 At 09:46hrs Trojan 80's loggist notes 'Not ident male as above discounted. Surveillance team to withdraw to original positions.' Although this is consistent with the uncertainty of the surveillance team regarding the identification, this event is not mentioned in any of their evidence.

12.15 At 09:47hrs 'Graham' observed Mr DE MENEZES get off the bus in BRIXTON ROAD, just south of BRIXTON Underground station. 'Ivor' saw him walking for about 20 metres before he ran back towards the bus he had just left. He joined a queue boarding the bus while using his mobile phone.

12.16 'Laurence' also observed Mr DE MENEZES walking away from the bus.

Initially he only had a side view of his face, but as he drove past him he managed to get a full frontal view of his face for a split second. Shortly afterwards he joined up with 'James' and 'Ken' and informed them that he did not believe that the person was identical to NETTLE TIP.

12.17 Hotel 11 also saw him get off the bus, and then rejoin the queue and use his mobile phone. From a distance of 10 metres Hotel 11 considered the person to be a similar likeness to the photograph he had seen previously. It is at this point that CO19 officers and those in Room 1600 state that they were made aware that Mr DE MENEZES was acting nervously or 'twitchy'. There is no evidence from the surveillance team of this at this time or later.

12.18 Detective Superintendent V from SO12 states that there are no technical means within Room 1600 to record communications and that it is the role of the Surveillance Monitor to make notes of the transmissions.

12.19 Some of the staff within Room 1600, including 'Owen', described the environment there as being very noisy and indicate that it was necessary to shout to ensure that senior officers were aware of what was going on. Commander DICK however was satisfied that the room was operating effectively. She was aware that the surveillance team were following a person and trying to determine whether or not he was one of the suspects. Commander DICK states 'Pat' then informed her "it is him, the man is off the bus. They think it is him and he is very, very jumpy." This is recorded within her loggist's notes.

12.20 DCI C was at the TA Centre when he heard over the surveillance radio that the person being followed on the bus had been identified as NETTLE TIP. He was in no doubt this was a positive identification. Trojan 84 and Delta 10 returned to the vehicle having also heard this. The CO19 units commenced making their way towards BRIXTON. Open telephone lines were established between Commander DICK and DCI C and between Trojan 80 and Trojan 84.

12.21 An SO13 debrief team led by DS Piers DINGEMANS had been deployed

to debrief the unidentified person and were making ground to catch up with the bus. Given the apparent identification of the subject, they were stood down at approximately 09:55hrs, despite the fact that CO19 were not then in a position to respond.

12.22 Commander DICK sought additional confirmation regarding identification and through 'Pat' asked the Surveillance team to give a percentage indication of how certain they were. This was a check that Commander DICK knew was used frequently during surveillance operations regarding kidnaps and hostage scenarios. D/Superintendent BOUTCHER made a similar request on a scale of 1 – 10. 'James' received this message and considered this to be a 'ridiculous question' and one impossible to answer. He informed 'Pat' that when he briefly saw the male at 0939 he thought he was a 'good possible' for the subject NETTLE TIP' but since that time none of his team had been able to get a close look at him. He did not communicate to 'Pat' that in fact one of his team, 'Laurence', had indicated that he did not believe that the person was identical to NETTLE TIP. He also failed to relay that 'Harry' was not able to identify the male as being identical to the first suspect. OSMAN.

12.23 'James' stated that he thought it was the subject and that was the reason for the continuation of the surveillance. He agreed to ask his team if anyone could give a percentage but got no reply. This was relayed to 'Pat' and then to Commander DICK. Although 'Pat' does not himself recall saying this, Commander DICK and others in her presence heard 'Pat' say words to the effect that 'They can't give a percentage but they believe it is NETTLE TIP'.

12.24 'Laurence' had boarded the number 2 bus at approximately 09:55hrs along STOCKWELL ROAD. He located Mr DE MENEZES on the upper deck and sat 3 rows behind him. 'Laurence' sent a text message to 'Harry' to update him. As the message was being sent Mr DE MENEZES got up and moved towards the stairs. A few moments later 'Laurence' received a call from 'Harry' and he verbally updated him on Mr DE MENEZES' movements.

12.25 The CO19 team together with DCI C were doing their best to catch up with the surveillance team and were travelling towards STOCKWELL on blue lights and sirens. Commander DICK and Trojan 80 were considering their tactical options. Interception on the bus had been considered but rejected as being too dangerous.

12.26 At approximately 10:03hrs Mr DE MENEZES got off the bus at STOCKWELL. 'Ken' witnessed this. He looked at his face and believed that he was possibly the subject NETTLE TIP. Still unsure, 'Ken' saw Mr DE MENEZES walk past the National Westminster bank. He states he transmitted that the unknown male in denim was off the bus on a reciprocal route passing the bank. He then watched him cross over the road and into STOCKWELL Underground station.

12.27 At this time, our investigation has since revealed that none of the surveillance team had positively identified the subject as NETTLE TIP. Furthermore none of them agree that they heard anyone communicate that it was a definite positive identification. Conversely it seems that the Senior Officers in Room 1600 and the CO19 team including DCI C all believed that a positive identification had been established. As CO19 reached STOCKWELL, the Firearms Team Leader 'Ralph' heard over the radio that; 'it was definitely our man and that he was nervous and twitchy.'

12.28 Despite the belief within Room 1600 that NETTLE TIP had been identified it should be noted that every entry on the Surveillance Running Log refers to the person as being 'U/I male', U/I meaning unidentified.

12.29 Commander DICK in consultation with Trojan 80 decided that 'the subject believed to be NETTLE TIP cannot be allowed to enter the tube system. He must be arrested before by SO19' (Decision Log 16). Her decision was communicated directly to both Trojan 80, who was next to her and to DCI C who had an open phone link. In turn both of these relayed the instructions to Trojan 84. (Trojan 84 being with DCI C and having an open phone link with Trojan 80).

12.30 Central 1614 entered Room 1600 and heard the surveillance monitor commenting that the man under surveillance was on a bus. He then heard he was getting off the bus and the surveillance monitor asking Senior officers whether he should be stopped. He states that Commander DICK and a senior SO13 officer shouted, 'yes stop him'. It then became apparent that CO19 were not at STOCKWELL station and there appeared to be some confusion as to who this command was relayed to. Someone asked 'Who has been told to stop him' and a reply of 'SO12' was given.

12.31 At this point CO19 had still not reached STOCKWELL Underground station. 'Ivor' sought a decision from Room 1600 via 'James' regarding the armed SO12 officers doing the stop. Although this was not a preferred option Commander DICK agreed that this might well be necessary. However as this was being communicated, DCI C informed her that CO19 had arrived at STOCKWELL Underground station. It should be noted that the CCTV evidence shows that the CO19 officers entered the underground station some two minutes after Mr DE MENEZES had passed through the ticket barriers[13].

12.32 Trojan 84 was told by DCI C to intercept the subject and by Trojan 80 to stop the subject getting on the tube. Trojan 84 then transmitted over the radio to the CO19 officers that 'they want us to stop the subject getting on the tube'. At this point 'Ralph' communicated that the CO19 officers were going State Red. (This indicates to the firearms team and the surveillance team that CO19 now has control and that an armed interception is imminent).

12.33 When 'Ralph' received the message from Trojan 84 that, 'he's to be stopped getting on the tube', he took it to mean CO19 were to intercept and detain him if possible. However, given the intelligence they had and the fact that he believed this to be a confirmed suicide bomber getting onto a train, he felt there was a genuine possibility that the suspect could be shot and killed in order to save life.

[13] During the criminal proceedings 'Ralph' gave evidence that, had CO19 been given the order to go to 'State Amber' whilst travelling towards Stockwell tube station, they would have been in a position to intercept Mr de Menezes when he got off the bus prior to entering Stockwell tube station.

12.34 Commander DICK, DCI C, Trojan 80 and Trojan 84 remain satisfied that this was an unambiguous command to stop and intercept the person believed to be NETTLE TIP. However some other officers who heard this communication perceived it differently.

12.35 The following are either direct or summary quotations of perceptions from certain police officers at the point Mr DE MENEZES entered the station:

12.36 Acting Detective Superintendent X who was within Room 1600 states he heard Commander DICK say 'the male must not be allowed to get on a train at all costs'. Charlie 11 interpreted this as an intervention from the DSO that they were to be immediately deployed to stop the suspect from taking any action. Charlie 6 interpreted this as an instruction to stop a suicide bomber. He believed he may have to shoot this man in order to stop him killing members of the public and himself. 'William' believed that this was a KRATOS incident and he needed to engage the subject and be convinced that the rounds would not over penetrate and stop the subject immediately from detonating any device. He considered he must be stopped at all costs. In a subsequent statement he adds 'this all leads me to believe this to be a KRATOS incident if the male did not comply immediately with police actions or requirements.' 'Vic' states 'I heard who I believed to be [Trojan] 84 say, 'They've said he's to be stopped. Do not let him on the tube. Do not let him get on the tube', the tone of voice and urgency of this radio transmission, combined with all the intelligence meant to me that he must be stopped immediately and at any cost. I believed that a bombing of the tube could be imminent and must be prevented'.

12.37 There is no evidence that Commander DICK used any code word associated with Operation C or gave any order for the man to receive a critical headshot without challenge.

12.38 Despite Commander DICK's decision, it was too late to prevent Mr DE MENEZES going into the station. He picked up a Metro Newspaper

from a stand then used his Oyster card to go quite normally through the automatic barrier. He used the escalator to descend towards the platform. He walked down the moving escalator on its left side and was seen to run near at the end towards Platform 2 for the North bound Northern line and onto a train.

12.39 Some seconds later officers from CO19 arrived at the barriers and attempted to jump over or push through them. This was undoubtedly the origin of later press reports that Mr DE MENEZES had jumped over the barriers while being chased[14].

12.40 'Ivor' followed Mr DE MENEZES onto the train. He entered a carriage in front of him and turned right taking a seat facing the platform with a glass panel to his right. 'Ivor' took a seat to his left with two or three passengers sitting between them. 'Geoff' sat down two seats to the left of 'Ivor'.

12.41 'Ken' took a seat some 20 yards to the right of Mr DE MENEZES. 'Malcolm' entered the train but could not immediately see Mr DE MENEZES. He then returned to the escalator to establish communications with those above ground and saw four or five officers who he recognised from CO19 running down the escalators.

12.42 A CO19 officer boarded the train near to 'Ken' and asked 'Where is he' 'Ken' indicated towards his left. As far as 'Ken' was concerned he was merely indicating towards the subject of their surveillance. Another CO19 officer entered the carriage and again 'Ken' indicated towards Mr DE MENEZES[15].

[14].Subsequent analysis calculated times to be one minute and 32 seconds from Mr de Menezes going through the ticket barrier to the first CO19 officer crossing the same point.
[15] Refer to footnote 14.

## 13 THE SHOOTING

13.1 In addition to the police officers, there were 17 passengers in the carriage at the time the incident commenced. They have seen or heard various parts of the traumatic incident. Some of them, undoubtedly due to shock, have provided what are assessed to be somewhat inaccurate accounts of what happened. Every statement taken from these 17 witnesses will be submitted to the Crown Prosecution Service.

13.2 There is no doubt that officers shouted ‘armed police’ as they ran down the escalators and onto the platform in an attempt to clear the area of passengers. It is perhaps significant that none of the 17 witnesses recall hearing the police officers shout ‘police’ or ‘armed police’ immediately prior to the shooting, whilst the eight police officers on the train recall either shouting or hearing this. Those officers have been interviewed under caution concerning allegations that they have conspired to pervert the course of justice.

13.3 This report details the police officers accounts and those of the passengers.

13.4 On seeing CO19 officers on the platform ’Ivor’ got up from his seat and placed his foot by the train door to prevent it from closing. He shouted ‘he’s here’ and indicated towards Mr DE MENEZES. He heard the word ‘police’ shouted and turned towards Mr DE MENEZES who had got up and walked towards the police officers. ’Ivor’ considered that Mr DE MENEZES was agitated and noticed that his hands were held below his waist and slightly in front of him. He continued to walk towards ’Ivor’ and fearing for the safety of everyone on the train he grabbed Mr DE MENEZES around his torso and pinned his arms to his side. He then pushed Mr DE MENEZES back into the seat that he had been sitting on.

13.5 Charlie 2 having heard the order to stop him getting on the tube believed this was relayed from the DSO and that this suspect was a

suicide bomber who had entered the tube in order to blow up a train. On entering the ticket hall he saw Charlie 12 and climbed over the ticket barriers. At the bottom of the escalators a male, presumably 'Malcolm' indicated that the suspect was on the northbound tube. Charlie 2 drew his handgun as he reached the train and another male, presumably 'Ken' who was on the train, indicated towards Mr DE MENEZES. Charlie 2 followed Charlie 12 onto the carriage.

13.6 Charlie 2 saw a person he believed to be a surveillance officer point at a male who Charlie 2 described 'as Asian, dressed in jeans wearing a bulky looking denim jacket'. Mr DE MENEZES stood up and was grabbed by the surveillance officer who pushed him back onto the seat.

13.7 Charlie 2 was convinced Mr DE MENEZES was a suicide bomber about to detonate a bomb. He states that he honestly believed that unless he acted immediately everyone present was about to die. He formed the opinion that the only option was to shoot the man in the head and kill him instantly to prevent any detonation. Charlie 2 ran forward and reached over the top of 'Ivor' shouting 'Armed Police'. He held his gun to Mr DE MENEZES' head and fired.

13.8 Charlie 2 was aware that Charlie 12 was also firing. Charlie 2 cleared a blockage in his gun and continued firing until he was certain that the threat had been eliminated.

13.9 Upon hearing the command State Red Charlie 12 had run into the underground and down the escalators. He was the first to reach the train and was aware that Charlie 2 was right behind him. He was directed to Mr DE MENEZES by people he presumed to be surveillance officers.

13.10 Charlie 12 described Mr DE MENEZES as Asian looking wearing a 'bulky' denim jacket.

13.11 Charlie 12 states that Mr DE MENEZES advanced towards them. His hands were down by his side. Charlie 12 shouted 'armed police' and

pointed his gun. He considered that Mr DE MENEZES was closing them down and he thought that he was about to detonate a bomb and kill everyone. He believed he had to shoot him first.

13.12 'Ivor' then grabbed Mr DE MENEZES and pushed him back into the seat. Charlie 12 states that the only option was to shoot Mr DE MENEZES in the head to kill him instantly and save the lives of those present. He did not consider there was any alternative. He fired a number of shots; he was aware of other gunshots and being hit in the face by debris. He believed he would not be safe until the man was dead. He states that he honestly believed the male to be a suicide bomber. Mr DE MENEZES fell towards the floor and as he did so Charlie 12 fired again.

13.13 Charlie 5 entered the carriage and saw 'Ivor' lurch towards another male who was either standing or attempting to stand. He heard shouts of 'armed police' and heard several shots fired. He then grabbed hold of 'Ivor' and forced him to the ground, and pointed his pistol at his head before 'Ivor' identified himself as a police officer.

13.14 'Terry', another team leader, followed Charlie 2 onto the train and became aware of a struggle taking place. He states he heard challenges of 'armed police' and called out 'armed police' himself. He states he heard cracking noises in front of him, the struggle continued and he formed the opinion that shots had been fired but was initially unsure by whom. After a momentary pause the shots resumed. He saw Mr DE MENEZES slumped over the seat, face down. 'Terry' was concerned about the possibility of a concealed explosive device and began to order an evacuation of the remaining people in the carriage.

13.15 Delta 4 heard the shouting and shots being fired. He looked into the carriage and saw Charlie 2 and Charlie 12 struggling with Mr DE MENEZES who was on his knees bent onto a seat. He then heard the sound of more shots and saw Charlie 2 and Charlie 12 move aside. He saw wounds to Mr DE MENEZES' head. Delta 4 then instructed other officers to get off the carriage, as he believed that Mr DE MENEZES

was a suicide bomber.

13.16 Delta 9 was directed towards the carriage and saw Mr DE MENEZES sitting on the far side of the carriage. He could hear shouts of ‘armed police’. Mr DE MENEZES suddenly stood up and was grabbed by ’Ivor’. He saw Charlie 2 and Charlie 12 either side of Mr DE MENEZES who appeared to have gone rigid. Delta 9 thought he was resisting and could see his hand down to his right side. Delta 9 bent down and controlled the lower half of Mr DE MENEZES body and tried to get to his hands to stop him detonating a device. He then heard a number of shots fired and saw blood coming from Mr DE MENEZES face. He then shouted for people to get off the train.

13.17 ’William’ ran onto the platform. He believed this was a KRATOS incident and believed that he had to engage the subject if the subject did not immediately reply. He would need to be convinced that the rounds would not over penetrate and stop the subject from detonating any device. On reaching the platform he heard shots being fired. He then saw a person in the tunnel, on the tracks. He challenged this person and pointed his firearm at him. He was subsequently identified as the train driver who was taking refuge.

13.18 It is apparent that the actions of the surveillance officers who boarded the carriage caught the attention of the other passengers. Some witnesses refer to a man of Asian appearance carrying a rucksack. Although not of Asian ethnicity it would appear that they are referring to ’Ivor’.

13.19 Witness YA was a passenger on the train. He saw what he thought to be a group of armed police officers. As they passed him he heard someone say ‘he’s here’ and someone say ’get down’ He then heard the sound of gunshots.

13.20 Witness YB was a passenger on the train with his girlfriend YC. As the train was stationary at STOCKWELL he became aware of someone running past him and heard the word ’here’ spoken. He then saw a

man entering the carriage wearing a red T-shirt and pointing a small black handgun towards a man sat opposite him. He saw three other armed men. The first gunmen pointed his gun at the right side of the man's head from a distance of about 12 inches. He describes the person as wearing a denim jacket and blue top and formed the impression that he was reaching for the left side of his trouser waistband.

13.21 Witness YC sat to the left of Witness YB she saw men entering the carriage carrying different types of firearms and heard someone shout get out. A shot was fired and she saw a man opposite her in the seat with a wound behind his left ear. She believes six or seven shots were fired.

13.22 Witness YD was a passenger on the train when it arrived at STOCKWELL. Her attention was first drawn to a man with a rucksack and she became concerned regarding his actions. This person would appear to be 'Ivor'. Suddenly she became aware of a lot of shouting coming from a group of men at the door to the carriage. She heard either 'this is it' or' there he is'. She then recalls a seeing a man sitting two seats away with a gun to his neck, the gun was pointed directly into the joint between the man's neck and head. The man holding the gun was standing over the other man holding the gun at arms length. She then saw flashes and heard a quiet popping noise. She was not able to identify any of the men as police officers neither did she hear the word 'police' shouted

13.23 Witness YE was a passenger on the train when it reached STOCKWELL. He became aware of people running towards the train and heard someone who he assumed was a police officer say something like 'that's the man, that's the one'. He was pointing at man wearing a blue denim jacket, black T-shirt and jeans. He states this man was carrying a small rucksack that he described in some detail. Two other police officers entered the carriage and held the man down. The officers were wearing hats with the word 'Police' on them. The man was held down by the two officers and he saw one of them with a

handgun shoot the man four or five times.

13.24 Witness YF was a passenger on the train when it reached STOCKWELL. He was sitting with his back to the platform. He heard a noise and saw about four men who he assumed from the caps they were wearing were armed police officers. Immediately he was aware of something happening inside the carriage to his right. Four or five officers appeared to be pinning someone to the floor. He particularly noticed one officer 'knelt down in a prone position' and another pointing a machine gun at someone on the floor poised ready to fire. He heard some shots and assumed the officer with the machine gun must have fired them.

13.25 Witness YG was a passenger on the train. His attention was drawn towards an Asian man who ran into the carriage. The Asian man remained standing. A few seconds later two or three males entered the carriage who he assumed to be police officers wearing bulletproof vests. They shouted 'down get down' and went straight over to the Asian man and tackled him to the ground. He then left the train and heard a number of loud bangs.

13.26 Witness YH was sat in the carriage with his back towards the platform. He heard some banging and the words 'get down'. He saw an Asian man run onto the train wearing a thick padded coat, which he thought unusual for the time of year. He appeared to be pursued by three people who he assumed to be police officers. The Asian man stumbled and seemed to almost trip over before he was bundled to the floor by the police officers. Two officers pinned him down and one leant forward and shot the Asian male about five times. Witness YH appears to be mistaking 'Ivor' when describing the actions of the Asian male.

13.27 Witness YI was a passenger on the train and saw what he recognised to be armed police officers enter the carriage and bare their weapons. He heard shots fired almost immediately. He realised they were firing at someone sat two or three seats away from a partition but had no idea whether it was a male or female.

13.28 Witness YJ was a passenger on the train when it reached STOCKWELL. She saw a group of men enter and heard someone shout ‘Get out’. She looked to her right and saw another group with their backs towards her and saw a group and at least one person down on the floor. She heard two shots and got off the train.

13.29 Witness YK was a passenger on the train. She saw what she believed to be armed men enter the train and fire shots into the ceiling.

13.30 Witness YL was a passenger on the train. When the train was at STOCKWELL she became unnerved by the actions of an Asian man with a rucksack. This was undoubtedly ’Ivor’ and she was concerned enough to leave the train. She then saw three or four men run into the carriage she had just left and heard six or seven loud bangs in quick succession.

13.31 Witness YM got onto the train at STOCKWELL when he heard shouting and footsteps. He states between two and twelve people entered the carriage and he heard someone shout ‘Get off’ He immediately left the train. He saw one of these men was carrying a gun and assumed he was a police officer. As he ran away from the train he heard between three and ten loud bangs.

13.32 Witness YN was a passenger who got on the train at STOCKWELL. He heard sounds of running and shouting and saw eight armed men board the carriage who he assumed were police officers. He heard one say ‘don’t move’ but was unclear who this was directed at. He decided to get off and as he was walking up the stairs heard a gun shot.

13.33 Witness YO also boarded the train at STOCKWELL. Armed police officers charged onto the train so he decided to get off. As he left the platform he heard a succession of bangs.

13.34 Witness YP was a passenger on the train at STOCKWELL. He became aware of a man standing by the doors shout to someone outside. He

saw a group of between ten and fifteen men enter the carriage and heard shouting. He then heard four or five bangs coming from the other end of the carriage and then left the train.

13.35 Witness YQ boarded the train at STOCKWELL and was aware of a commotion. She heard a thud and was aware of a scuffle taking place to her right. She heard someone shout 'get off' so she left the train. As she got off the train she heard a gunshot and then as she ran away heard more shots.

13.36 Witness YR was a passenger on the train at STOCKWELL when he heard a lot of noise and shouting coming from the concourse. He saw a man jump onto the train and thought he was being chased and saw him stumble. Another man shouted 'get down, get off'' He then heard two bangs and decided to leave the train. He then heard another two bangs.

13.37 Witness YS was sitting on a bench on the platform at STOCKWELL Underground station, with the stationary train in front of her. She was aware of a man holding the door who spoke to three men who ran into the carriage. She saw one of them had a large gun and assumed they were police officers, although she wasn't sure. She heard some scuffling and then heard shots, there was a pause and she got up and saw a man about 15 feet away pointing a gun downwards who fired two more shots. The shots made her doubt that they were police officers and then seeing other passengers running she left the platform.

13.38 Witness YT was a passenger in an adjacent carriage. He heard some shouting then heard a loud sort of bang. After the first shot he looked towards where the noise had come from and saw what appeared to be a scuffle. Everyone was panicking. He then heard more shots and saw a man with an outstretched arm pointing a gun at a man leaning back against the seat or on the floor.

13.39 A number of CO19 officers did not reach the carriage until after the shots were fired. However their statements have been included in the statement bundle submitted to the CPS as they corroborate the

evidence regarding the briefings and orders to stop the subject getting onto the tube. These officers are Charlie 3, Charlie 6, Charlie 7, 'Sam', Charlie 11, 'Vic' and Delta 10.

## 14 POST EVENT EVIDENCE

14.1 Following the fatal shooting of Jean Charles DE MENEZES, there was a certain amount of panic involving the other passengers on the Northern line train and also passengers using the station for the purpose of catching the Victoria line services.

14.2 While the words spoken by Police Officers entering the train may be in dispute, the message to the passengers on board the train was clearly to leave immediately.

14.3 From viewing the CCTV and post incident video of the scene it is clear that mobile phones, wallets, luggage etc. were discarded as passengers fled either to the escalator to leave the station or across the platforms where some boarded a Victoria line service.

14.4 An instruction was given by the MPS to close the gates to STOCKWELL Underground station when the CO19 officers entered the building. The CCTV video evidence shows the passengers leaving the station.

14.5 The distress of those involved can be understood given the events of 7 July and 21 July. The identified witnesses who remained at STOCKWELL were taken to a nearby YMCA premises by the Police to either obtain details or to obtain statements.

14.6 Some of the passengers from the Northern line train ran onto the Victoria line service, they then left that train at the first station along the line at Pimlico and made their way to a nearby public house, after a while they telephoned the Police to notify them that they were witnesses. The Police attended the scene and unfortunately proceeded to take statements from them while they were in the public house, with music playing in the background.

14.7 One of the witnesses who was interviewed by a police officer in the

public house has expressed her concern at the way her statement was taken. Her statement took four hours to record, and while the statement was being taken, the television in the public house was showing the coverage of the incident.

14.8 The witness YD is also critical of the officer who obtained her statement. While her statement was being taken a witness appeared on the television screen and the officer commented "You have to be careful what you say in this sort of situation, or it will be just one more copper with a family losing his job or worse". Witness YD was also unsure about where the male person she was describing got onto the train. She could not recall if it was CLAPHAM NORTH or STOCKWELL. She states the officer said "Let's just say CLAPHAM NORTH" and this is what was recorded in her statement[16].

**Persons attending the scene post incident**

14.9 Witness ZA is an Ambulance Technician at 10:17hrs he attended the scene with Paramedic ZB and Nursing Student ZC who was acting as an observer for the day. On arrival at STOCKWELL Underground station, the ambulance crew were asked to wait until the scene was safe. They were then escorted to the Underground train and saw the body of Jean Charles DE MENEZES lying on the floor of the train. They witnessed the trauma to his body and the human tissue splattering in the carriage.

14.10 At 10:26hrs a HEMS doctor ZD arrived of the scene. He saw Mr DE MENEZES lying on the floor of the carriage with obvious unsurvivable head injuries and there was no sign of life, he was certified dead at 10:30hrs. Witness ZAD, who is employed by the HEMS service at the Royal London Hospital, produced the HEMS notes relating to the incident.

14.11 DCI C was above ground at the time of the shooting. He describes going down to the platform at 10:25hrs. He met 'Terry' and was given

[16] The officer concerned has received advice in respect of this issue.

a description of the incident which he describes as follows:

> *'He stated that the man had been identified by surveillance, leaning on a yellow upright pole near the double doors of the carriage. He was challenged but did not comply and the officers thought he was going to escape. As a result 9-10 shots were fired at the suspect'.*

14.12 This account of the incident does not accord with that of any of the police officers who were below ground and who subsequently made statements. However, it is the first account which was given by any police officer and should be read in conjunction with the account recorded by Doctor Kenneth SHORROCKS. See 14.16 below and Section 20.

14.13 Witness ZE, a photographer employed by the MPS, attended the scene of STOCKWELL Underground station. He took a series of photographs at the scene and also made a video recording. Witness ZF, a photographic technician, subsequently printed the photographs taken by witness ZE.

14.14 Witness ZG, a photographic officer employed by the MPS, also attended STOCKWELL Underground station, and took 113 digital images of the scene.

14.15 Witness ZAE is a Forensic Scientist, from the Forensic Science Laboratory at LAMBETH, he attended the scene with a colleague. He saw the body of Mr DE MENEZES on the Underground train. He noted the presence of various spent cartridge cases and bullet fragments throughout the carriage together with a single unfired round of ammunition. On 23 July 2005, witness ZAE also attended the post mortem on the deceased.

14.16 Doctor Kenneth SHORROCKS is a Home Office Pathologist he attended STOCKWELL Underground station at 13:33hrs Friday 22 July 2005, at the request of the Metropolitan Police. On arrival at the

station he was met by Detective Chief Inspector ZI from the DPS and witness ZAE from the Forensic Science Service. Doctor SHORROCKS received a verbal briefing and he used this to complete the history section in his subsequent post mortem examination report. The following has been recorded *'This man's death occurred as part of the emergency relating to the planting of bombs on the public transport in London. On the morning of 22 July 2005 he was pursued by armed police officers as a result of surveillance. He was followed into STOCKWELL Tube Station where he vaulted over the ticket barrier. He ran downstairs and onto a tube train where he stumbled. The officers then immobilised him and a number of shots were fired. At present time I am not sure as to any further details.*' (The details contained in the history section of the post mortem report are not correct).

14.17 The significance of this statement relates to the fact that the post mortem was not conducted until 23 July 2005. However the remarks contained in the history section were given to him in his verbal briefing on 22 July 2005 and not at any later time.

14.18 During the course of the post mortem a series of photographs were taken by witness ZH, a photographer employed by the Metropolitan Police Service.

14.19 Doctor SHORROCKS carried out the post mortem on Saturday, 23 July in the presence of the following people: DCI ZI, DC ZJ, witness ZH, DS ZL, DS ZM from the Metropolitan Police. Witness ZN, a Radiographer. Her Majesty's Coroner, Mr John SAMPSON and his Coroner's Officer, ZO. A Pathologist representing the Police Federation, and, witness ZAE a Forensic Scientist.

14.20 The cause of death was recorded as: 'Multiple gunshot wounds to the head. The cause of death is severe disruption to the brain'.

14.21 Witness ZAF, a forensic scientist, carried out an examination on the blood and urine samples from Jean Charles DE MENEZES. No

alcohol was detected in either specimen.

14.22 An examination of the samples for drugs revealed that Mr DE MENEZES had taken cocaine at some time prior to death. The presence of some unchanged cocaine in his blood at the time of death indicates a relatively recent use of the drug prior to his death. Witness ZAF states that it is reasonable to assume that he may have been under the influence of the drug at the material time.

**Post-Incident Investigation by The Metropolitan Police**

14.23 Following the death of Jean Charles DE MENEZES, a call was received by the DPS at 10:38hrs on Friday 22 July 2005 .

14.24 Detective Superintendent ZP from the DPS commenced a decision log. The detail recorded in the decision log 1 is as follows: *"At 10:38 hrs on Friday 22 July 2005 a call was received to specialist investigations from Inspector ZAG that SO19 had shot dead a man at STOCKWELL tube station. He stated that as a result of an armed covert operation linked to the tube bombings in the last two weeks. A male Asian/Pakistani had been confronted and shot …"*

14.25 Detective Superintendent ZP also received information via the Commissioner of the Metropolitan Police that despite the matter being a mandatory referral, the IPCC would be excluded from the scene.

14.26 Detective Superintendent ZP briefed his team including Detective Chief Inspector ZI, Detective Inspectors ZM and B. The officers from DPS attended the scene, while the Anti Terrorist branch retained primacy. The officers from DPS were engaged in ensuring the integrity of the scene, interviewing witnesses and forensic retrieval.

14.27 In accordance with the post-incident procedure of the Metropolitan Police, a member of the Directorate of Professional Standards

attended LEMAN STREET Police Station for the post-incident procedure.

14.28 Family Liaison Officers from DPS were identified and Detective Chief Inspector ZI met the Coroner Mr SAMPSON and Dr SHORROCKS at the scene.

14.29 At 15:00hrs on 22 July 2005 Detective Superintendent ZP recorded that the identity of the deceased was believed to be Jean Charles DE MENEZES.

14.30 A decision was also taken to identify the last person Jean Charles DE MENEZES spoke to Gesio DE AVILE once this information had been obtained from Jean Charles DE MENEZES' mobile phone.

14.31 Detective Chief Inspector ZI attended the scene at STOCKWELL Underground station with Detective Superintendent ZP. They both received a briefing from Trojan 84. ZI also briefed the Coroner and Dr SHORROCKS. Detective Chief Inspector ZI has stated that at no time did he give Dr SHORROCKS the information that is contained in the history within the post mortem report. Detective Inspector ZM confirms the statement of Detective Chief Inspector ZI, regarding the information given to Dr SHORROCKS.

14.32 Detective Inspector B attended the home address of Gesio DE AVILE and recovered some of the personal possessions of Jean Charles. It was through the contact of Mr DE AVILE that the relatives of Jean Charles DE MENEZES were traced.

14.33 Detective Superintendent John PRUNTY a Senior Investigating Officer with the Anti Terrorist Branch, contacted D/Superintendent ZP at 21:45hrs on 22 July 2005 to notify him that the Anti Terrorist Branch did not consider Jean Charles DE MENEZES to be linked to the events of 21 July and formally handed over the scene to the DPS. The DPS remained in control of the investigation until 27 July 2005 when the inquiry was handed over to the IPCC.

## 15 EFFORTS OF THE IPCC TO TRACE FURTHER WITNESSES

15.1 The investigation into the death of Jean Charles DE MENEZES was formally handed over to the Independent Police Complaints Commission (IPCC) on 27 July 2005.

15.2 In an attempt to obtain additional witnesses to the incident, an entry was placed on the IPCC website.

15.3 The incident attracted international and national media coverage and the referral to the IPCC was widely reported.

15.4 On 29 July 2005, one week after the incident IPCC Investigators and Case Managers attended STOCKWELL Underground station and carried out an appeal for witnesses. The appeal was held between 08:30hrs and 11:00hrs. Witness appeal boards were also placed around the station, and on major junctions nearby.

15.5 Posters were placed on notices boards on the Northern and Victoria lines.

## 16 BALLISTICS

16.1 At 20:55hrs on 21 July 2005 'Andrew' from CO19 made a decision to arm Specialist Firearms Officers from CO19 employed on Operation THESEUS 2 with 9mm 124 grain hollow point bullets for their Glock hand guns. This was instead of the normal 9mm 95 grain ammunition.

16.2 His explanation for this decision makes reference to the attempted bombings on 21 July and to police intelligence and experience which indicates that suicide bombers when confronted by the police may detonate their devices. Where a suicide bomber is to be shot dead medical advice has indicated that a brain stem shot will be the only way to immediately incapacitate the suspect thereby preventing them from initiating a device. Accordingly officers may only have one chance to incapacitate a suicide bomber.

16.3 The 9mm 124 grain hollow point bullet used is also by Aircraft Protection Officers, and was chosen because it does not pass through the body and consequently produces more energy than a 95 grain bullet. It is seen as a more effective bullet as it has a greater chance of immediately incapacitating a suspect. In making this decision 'Andrew' to a scientific evaluation report.

16.4 On 24 or 25 July a Superintendent from CO19 was informed by 'Andrew' that he had authorised the use of 9mm hollow point ammunition for use in Glock Self Loading pistols by SFOs employed on Operation THESEUS 2. 'Andrew' informed him that he had consulted with HMIC who had informed him that he was empowered to authorise such use. However Andrew' asked the Superintendent to review his decision, which was documented in the Operation Log being maintained at NSY.

16.5 The Head of SC1, (Public order and Police co-operation) in the Home Office. Part of his responsibility is to support the Home Secretary in relation to a range of issues, including the police use of firearms. Section 53 Police Act 1966 as amended by the Police Reform Act 2002, gives

powers to the Home Secretary in relation to equipment used by the police. To date the Secretary of State has not used these powers either generally or in relation to ammunition to be used by police forces. It therefore remains an operational matter for Chief Officers to decide which ammunition is appropriate for use in the particular circumstances faced by their officers.

16.6 The Assistant Commissioner with the Metropolitan Police with overall responsibility for the Specialist Firearms Command, CO19 confirms that the decision to deploy 9mm 124 grain hollow point bullets is a decision for the Chief Officer of police or his delegate following consultation with the Home Office.

16.7 He states that consultation has occurred since 22 July 2005 and that a decision to continue using such ammunition in KRATOS operations has been made.

16.8 The Assistant Commissioner referred to recent legal advice obtained from Edmund LAWSON QC. The Metropolitan Police Service has waived legal privilege and disclosed this advice. Mr LAWSON concludes that in his opinion the authorisation of the use of 9mm 124 grain hollow point bullets lay within the power of the Metropolitan Police or its delegate. He adds that the use of this ammunition in a war situation would prima facie offend against the Hague Convention, which does not apply to police operations. They can be justified as a necessary counter measure to suicide bombers.

16.9 Witness ZAE is a Forensic Scientist who attended the scene of the shooting at STOCKWELL Underground station and noted the injuries to MR DE MENEZES and the presence of various spent cartridge cases and bullet fragments throughout the carriage. He noted bullet damage to an armrest, seats and a widow surround. Witness ZAE also attended the post mortem.

16.10 As a result of two further examinations of the carriage witness ZAE concludes that Mr DE MENEZES sustained his fatal injuries while sitting

in seat two and bent over at the waist to his left such that his head was above seat three with all the shots being fired from his right side. He rules out the possibility that Mr DE MENEZES was on the floor when he was shot. He concluded that the shots had been fired from a range of 1cm to about 8cm.

16.11 Witness ZAE examined all the weapons used by the SFOs deployed to STOCKWELL and concluded that the only weapons used at the scene were those fired by Charlie 2 and 12. Witness ZAE test fired the Glock Self loading pistols fired by Charlie 2 and 12 and was satisfied they were in good working order and confirmed neither was prone to accidental discharge as a result of rough handing or jarring. He noted that three of the recovered cartridge cases had been fired from Charlie 2 weapon (exhibit KEM/13) and six from Charlie 12 weapon (exhibit KEM/3). He was unable to associate any fired bullet material from either pistol. A total of nine shots were fired, seven entered Mr DE MENEZES, one miss-fired and one missed the body.

16.12 On 30 September 2005 information was received by the Metropolitan Police that the undertakers who had embalmed the body of Mr DE MENEZES had recovered some bullets from his face. Enquiries were made and the embalmer, witness ZR admitted that while working on the skull he had found pieces of lead together with other tiny fragments embedded in a piece of bone just below the right eye socket. He removed the two larger pieces and placed them in a stainless steel bowl in the embalming room.

16.13 These pieces of lead were recovered and are now in the possession of the IPCC. Enquiries were made with the Coroner John SAMPSON, who was present at the post mortem and the pathologist Dr SHORROCKS who both confirmed that it was not usual practice to dissect a body to find such fragments and that the autopsy had been conducted in accordance with Home Office guidelines. This issue is not the subject of complaint and is included merely for completeness.

## 17 DELAY IN IPCC TAKING ON THE INVESTIGATION

17.1 Following the fatal shooting of Jean Charles DE-MENEZES, the procedure for post-incident shooting came into force, as in all cases of fatal shootings within the Metropolitan Police.

17.2 The two principal officers Charlie 2 – 12 were conveyed to LEMAN STREET Police Station.

17.3 Constable ZS is the CO19 Police Federation representative. On 22nd July 2005, he attended LEMAN STREET Police station where he met the two principal officers. He saw that both officers had blood on their faces, in their hair and on their clothes. Both officers were anxious and showing signs of stress and they requested to take a shower immediately.

17.4 Constable ZS obtained authority from the Post-Incident Manager for the officers to shower. He then took possession of the officers' clothing.

17.5 Chief Inspector ZT is attached to the CO19 firearms section of LEMAN STREET. He was appointed as the Post-Incident Manager. At 1015 Chief Inspector ZT commenced a post-incident log. He was engaged in conversations with the DPS.

17.6 A forensic medical examiner attended the premises and examined the two principal officers, along with other members of the team.

17.7 At 1245 Chief Inspector ZT spoke to the specialist firearms officers involved, and advised them of the post- incident-procedure. He advised them to obtain refreshments, but not to speak to each other in any detail regarding the incident.

17.8 At 17:30hrs, Chief Inspector ZT states he was advised by the Federation Representative, Constable ZS, that the two principal officers, on legal advice, would not be making any notes at that time.

17.9 On Saturday 23 July 2005, Chief Inspector ZT returned on duty at

10:45hrs. At 11:50hrs, he states that he was told that the person shot was not connected with the terrorist incidents. As a result of this, ZT advised the two principal officers and the other team members. At approximately 14:00hrs the officers began to make their statements.

17.10 Detective Inspector ZU is attached to the DPS. He was appointed to conduct the DPS role within the post-incident procedure, and he made contact with Chief Inspector ZT. D/Insp. ZU completed a decision log in relation to his duties on the post-incident-procedure.

17.11 ZV and ZW are both police officers involved in the post-incident procedure in relation to the checking of ammunition and weapons.

17.12 Witness ZX is the staff officer to the Commander for CO19. He handed to the DPS a number of documents including the ammunition register and booking out log for the 124 grain ammunition.

17.13 Disclosure Sergeant ZY was on duty at LEMAN STREET police station on 22 July and he seized a number of exhibits including firearms and clothing.

17.14 Chapter 6 of ACPO Manual of Guidance on Police Use of Firearms deals with the post-incident procedures.

17.15 Concern has been expressed both by parties in this investigation and in other police shootings about the way officers make their statements following such a fatality. In relation to the fatal shooting of Jean Charles DE-MENEZES the incident occurred at 10:06hrs on Friday 22 July 2005. The officers involved then returned to LEMAN STREET Police Station where they had their welfare considered. This included a medical examination and access to legal representation. As a result of legal advice, no notes or statements were made by the two principal officers until the following day.

17.16 On 23 July 2005 the officers returned to duty and at approximately 11:50hrs the two principal officers were advised that the man they had

fatally wounded was not part of the SO13 Anti-Terrorist investigation. At approximately 14:00hrs on 23 July some 28 hours after the incident the officers commenced writing their statements in a briefing room at LEMAN STREET.

17.17 Section 2.56 – 2.62 of the ACPO Manual of Guidance on Police Use of Firearms covers the issue of making notes. Paragraph 2.57 states "Initial notes (eg pocket notebook, incident log page for each officer, or a pro forma) should be made as soon as practicable, subject to any individual legal advice received to the contrary". It is known that at 17:30hrs on Friday 22 July 2005, the two principal officers, on legal advice, were informed not to make any initial notes. It is also apparent from the statement of Police Constable ZS that both officers were in a distressed state following the incident.

17.18 Paragraph 2.62 State 'Formal statements should not normally be required immediately but, providing initial notes are made, can be left until witnesses (including officers) have overcome any initial shock of the incident and are able to better recollect their experiences at the time'.

17.19 In this incident no initial notes were obtained. It is worthy of comment that eight officers have been interviewed under caution in relation to alleged comments about the terms 'armed police' being used prior to Mr DE MENEZES being killed. The fact that the officers made their notes together will attract comment. It is understood that it is general practice that officers are to be treated as witnesses of truth unless and until they are suspected of criminal offences. It follows that they are permitted to make their notes together.

17.20 Following the shooting of Jean Charles DE MENEZES, the Commissioner of the Metropolitan Police wrote to Sir John GIEVE, Permanent Secretary, at the Home Office informing him that he had given a direction that the IPCC would not be given access to the scene of the shooting and the matter would not be referred to by the IPCC. Indeed at 10:55hrs, on 22 July 2005, 49 minutes after the fatal shooting, Detective Superintendent ZP of the Directorate of Professional

Standards recorded in his policy file the direct order from the Commissioner was that the IPCC was to be excluded.

17.21 Chief Inspector ZT also recorded in his decision log at 10:48hrs only 42 minutes after the shooting that the IPCC were to be excluded. He states that he was told that this was on the authority of the Commissioner of the Metropolitan Police and the Prime Minister.

17.22 The pressures under which the Metropolitan Police were operating following the events of 7 July and 21 July are self-evident. However, the fact that the independent body established by an Act of Parliament to investigate complaints and serious incidents involving the police, and which has independently investigated every fatal police shooting since 1 April 2004 was now to be excluded from the scene, is a major concern for an independent investigation, and should never occur again.

17.23 The fact that there was such concern over the problems with the CCTV tapes at STOCKWELL and the fact that the hard drives on the train were missing highlights the problem. This issue could have been resolved a lot earlier had they been under the control of the IPCC.

17.24 The London and South East Regional offices are within 20 minutes driving time of STOCKWELL. While the organisation does not have all the resources of the DPS, a senior investigator could have been despatched to take command and control of the scene. It is fully recognised that the Anti Terrorist Branch may well have had primacy of the scene, but a verbal memorandum of understanding concerning priorities could have been agreed at the time, as it would have been between SO13 and the DPS.

**The Surveillance Log**

17.25 The failure to allow the IPCC access has also been highlighted by the fact that the surveillance log 165330 has been altered.

17.26 The log was commenced at 08:30hrs on 22 July 2005. The names of the officers involved are recorded.

17.27 As the operation was in progress, the majority of the entries were made in the log by 'James'. At 12:35hrs an entry appears in the log, "Log seized by me after instructions from SIO DCI ZI prior to surveillance debrief." The officer seizing the log is Detective Chief Inspector ZAH from SO12.

17.28 At 20:40hrs, a debrief by SO12 was held at LEMAN STREET police station and the log was handed back to the officers to add their amendments to the log. On page 11 of the log, 'Laurence' has completed the majority of the entries. From a visual inspection of the entry, it appears that a word has been added to the text. As a result, the surveillance log 165330 was sent for forensic analysis.

17.29 Witness ZAI is a Senior Document Consultant employed by Berkeley Security Bureau. He is registered as an expert witness in the UK Register of Expert Witnesses. He examined the log. Witness ZAI states the word 'NOT' was inserted after the entry had been written and concludes that the word had been written with a different pen.

17.30 Witness ZAI was also asked to establish whether on the line above that containing the word 'NOT' the word 'AND' has also been inserted. This appears to have been written by 'Laurence'. Witness ZAI carried out an Electrostatic Detection Apparatus (ESDA) on the entry. He is of the opinion that the original entry read **'a split second view of his face. I believe it was NT. I told'** The entry was changed to read '**a split second view of his face AND I believe it was NOT NT. I told'**

17.31 Further tests were carried out by Witness ZAI to try and establish the author of the inserted word 'NOT'. To establish the author the original statements of all the SO12 surveillance team were examined. Witness ZAI had only one three letter word to try to establish the author and as such his conclusions were as follows:

'Harry' – I found some similarities between the word 'NOT' and the writing of 'Harry'. The similarities are very slight but are such that I cannot exclude the possibility that 'Harry' wrote the word. However, this is by no means a certain opinion.

'James' – I found some similarities between the word 'NOT' and the working of 'James'. The similarities are slightly stronger and are such that I cannot exclude 'James' as the possible author of the word 'not'. This is not a certain opinion.

17.32 The significance of the word 'NOT' is that it changes the whole meaning of the sentence. The briefing commenced at 20:40hrs and at 21:45hrs SO13 formally handed the investigation over to the DPS. They had established that Mr DE MENEZES was not part of their investigation into the 21 July suspects. An inference arises that because SO12 had been involved in the surveillance of Mr DE MENEZES, the log was altered to distance the surveillance team from the identification.

17.33 Had the IPCC been involved at the commencement of the investigation, the surveillance log would not have been released for amendments to be made[17].

17.34 The family of Jean Charles DE MENEZES and their legal representatives expressed concern that the IPCC were not present at the post mortem.

17.35 Following the shooting of Mr DE MENEZES, Deputy Assistant Commissioner ZAR conducted a review of the incident. This review was referred to by Commander DICK in her interview.

[17] Following the initial submission of this report to the Crown Prosecution Service, further analysis was undertaken in respect of the log by the Forensic Science Service. Please see addendum to this report, pages 151 to 152.

## 18 INTERVIEWS WITH ACCUSED OFFICERS

18.1 Fifteen officers from the Metropolitan Police Service have been the subject of interviews under caution.

18.2 The offences notified as being investigated range from murder, gross negligence manslaughter, misconduct in a public office and attempting to pervert the course of justice.

18.3 The officers were interviewed at 90 HIGH HOLBORN, the regional offices of the IPCC.

18.4 Commander Cressida DICK who was represented by Mr John HARDING from Kingsley Napley Solicitors was interviewed in respect of offences of gross negligent manslaughter and misconduct in a public office.

18.5 Detective Chief Inspector C was represented by Mr Charles LONG from Edward Hays Solicitors. He was interviewed for the same offences as Commander DICK.

18.6 Trojans 80 and 84 were represented by Mr Scott INGRAM from Russell Jones and Walker and were also interviewed for the same offences as Commander DICK.

18.7 These four officers were interviewed on the basis of their command and control roles, Trojan 80 was the tactical adviser to Commander DICK, and Trojan 84 was Tactical adviser to DCI C.

18.8 Charlie 2 and 12 were both interviewed for the offences of murder, gross negligence manslaughter and misconduct in the public office and attempting to pervert the course of justice. They were represented by Mr Scott INGRAM of Russell Jones and Walker. These two officers were the principal officers who fatally shot Jean Charles DE MENEZES. The two officers were also interviewed in respect of the offence of attempting to pervert the course of justice in respect of comments recorded in their statements that the words “armed police” were uttered before Mr DE

MENEZES was shot.

18.9 Charlie 5, 'Terry' and Delta 9 are all officers from CO19 and they are represented by Mr Scott INGRAM from Russell Jones and Walker. They were interviewed for the offences of attempting to pervert the course of justice in respect of allegedly hearing the words "armed police" being shouted prior to the fatal shooting.

18.10 'Geoff', 'Ivor' and 'Ken' are all members of the Special Branch Surveillance Team They are represented by Mr Colin REYNOLDS from Reynolds DAWSONS Solicitors. They were also present at the underground train with Charlie 2, 5, 12, 'Terry' and Delta 9 when the words "armed police" were alleged to have been shouted.

18.11 'Harry', 'James' and 'Laurence' are also members of the Special Branch Surveillance Team and represented by Mr REYNOLDS. They were interviewed, in relation to 'James' and 'Laurence', for the offence of attempting to pervert the course of justice. This relates to alterations made to the surveillance log when the words "and" and "not" were added making a significant difference to the original meaning of the entry. 'James' was also interviewed in relation to the offence of gross negligence manslaughter in respect of failing to inform Room 1600 of the doubt regarding the identification of the suspect.

18.12 'Harry' was invited to submit a written response. This was due to the fact that Mr REYNOLDS was already in possession of the pre-interview disclosure in respect of 'James' and 'Laurence'. He had instructed both to submit prepared statements and answer no further questions. The evidence in relation to this particular charge is weak against 'James' and even weaker against 'Harry'. The evidence from the forensic scientists indicate that 'Laurence' probably inserted the word 'and', however, he did not insert the word 'not'.

18.13 The above officers will also be the subject of potential misconduct proceedings of the conclusion of any criminal action. The offences in relation to the Police Discipline regulations relate to Code 1 Performance

of Duty and Code 5 Honesty and Integrity.[18]

18.14 Each officer's interview is summarised. If an officer has made no comment in interview a summary will be given in respect of his MG 11 statement submitted prior to the service of any notice under Regulation 9 of the Police (Conduct) Regulations 2004[19].

**CHARLIE 2**

18.15 The officer was interviewed on 21 November 2005. After being cautioned the officer submitted a written statement indicating that he wished to rely on the contents of his MG11 and he did not intend to answer any further questions.

MG11

18.16 Charlie 2 started to make his statement at 14:57hrs on Saturday 23 July 2005.

18.17 He has been a firearms officer for 16 years and a specialist firearms officer for 14 years. At 07:15 Friday 22 July 2005, he went to the armoury at LEMAN STREET Police Station, and amongst the weaponry he booked out, was a Glock 9mm handgun number 292 which was loaded with 17 rounds of 124 grain hollow point ammunition, magazine number 37.

18.18 Charlie 2 records that the ammunition had been specially authorised for Operation THESEUS, due to the nature of threat that existed and that they had to face, i.e. armed terrorists and suicide bombers. Charlie 2 describes the need for the ammunition for the immediate

[18] Before any officer is interviewed in respect of a potential misconduct allegation a Regulation 9 notice under the Police Conduct Regulations 2004 is issued. The notice advises the officers that an investigation is ongoing. In this particular case, 15 Metropolitan Police Officers were served with a Regulation 9 notice. In May 2007 the Regulation 9 notices were withdrawn in respect of 10 officers with no further action being taken. One officer received management advice and 4 officers are still pending the Regulation 9 notice.
[19] Refer to footnote 18.

incapacitation to stop a suicide bomber.

18.19 At 07:45hrs, Trojan 84 briefed the CO19 officers. During the briefing the officers were told they must trust the information coming from Room 1600 and that the officers might use unusual tactics and also that they might be asked to do something they had not done before. Charlie 2 states the information he received at the briefing he took to mean that he may have to face a suicide bomber.

18.20 The officers then went to NIGHTINGALE LANE police station where a further briefing was given by the DCI C. The briefing gave details, of the 7/7 bombings, the 21/7 incidents and information concerning the two suspects Hussain OSMAN and the second suspect. DCI C stated that the men were prepared deadly and determined suicide bombers and they were "up for it". He also informed the officers that devices could be concealed on the body and triggered easily. At 09:15hrs DCI C gave the CO19 officers the relevant warning in relation to the law and guidance on the use of force.

18.21 Charlie 2 then went with other officers to a holding position in a police vehicle. He stated that, at this stage, 'I believed that it was very likely that I would be asked to intercept deadly and determined terrorist suicide bombers.' The officer stated that he heard over the Cougar radio that the surveillance officers were following the second suspect. Trojan 84 gave the order for the CO19 officers to get behind the bus which the suspect was travelling on and the surveillance officers. The officer also states that he heard over the radio the surveillance officer saying it 'this was definitely our man'. He heard it said that the man was 'nervous, acting strangely and was very twitchy'.

18.22 Charlie 2 also states he heard that the 'suspect' had got off the bus and was heading towards STOCKWELL Underground station. Charlie 2 then heard over the radio, 'stop him from getting on the tube, he must not get onto the tube'. The officer believed it was a relayed instruction from the DSO and a suspected suicide bomber had entered the tube station to blow up a train.

18.23 Charlie 2 ran towards the tube station, he climbed over the ticket barrier and when confronted by underground staff, he shouted ‘armed police get back’. The officer then turned left and ran down the escalator. Charlie 2 and his colleague were directed on their journey by surveillance officers. As the CO19 officers (C2 and C12) entered the train, a surveillance officer pointed at what was described as an Asian male (Jean Charles DE MENEZES). The man who was sitting in the second seat away from the glass position. The man got up and advanced towards the officers with his hands down by his side. The surveillance officer (Hotel 3) turned and grabbed the man and pushed him back into the seat.

18.24 Charlie 2 stated he was convinced that the man was a suicide bomber and that he was about to detonate a bomb. He stated that he had an honestly held belief that unless he acted immediately that he and others would die. He then formed the opinion that his only option was to shoot the male in the head and kill him instantly to prevent any detonation.

18.25 Charlie 2 then ran forward, reached over the top of the surveillance officer shouting ‘armed police’. He held his handgun to the head of the suspect and fired. He was also aware of Charlie 12 close by and he heard other shots. The officer states he had a ‘stove pipe’ blockage after one of his shots and is not sure how many shots he fired.

18.26 After the incident the officer was taken back to LEMAN STREET for the post- incident procedure.

**CHARLIE 12**

18.27 Charlie 12 was interviewed on 21 November 2005. At the commencement of this interview he submitted a written statement saying he would rely on his MG11 witness statement.

MG11

18.28 In his MG11, dated 23 July 2005, the officer indicates that he has been a specialist firearms officer for 16 years.

18.29 As with Charlie 2, the officer detailed his weaponry which included a Glock handgun with the 124 grain ammunition. This ammunition was believed to be more effective than the 95-grain ammunition in immediately incapacity on suicide bomber.

18.30 At 07:45hrs, Trojan 84 briefed the officers, Charlie 12 only refers to OSMAN. The Command team was told by Trojan 84 that the officers may have to use unusual tactics that the department had not used before, and the officers would also have to trust the information that they received. At the briefing given by DCI C at NIGHTINGALE ROAD. Charlie 12 was shown two photographs of the suspects HUSSAIN and the second suspect and he was informed that they were a good likeness for the two suspects. Charlie 12 stated that DCI C commander was asked questions and in reply he stated that explosives could be concealed round the body, that they still had access to explosives and that had the bombs on 21 July detonated the destruction would have been the same as 7July. DCI C also described the suspects as, 'Well prepared', 'Up for it' and 'deadly and determined'.

18.31 Charlie 12 summarised his thoughts after the briefing as, *'We were possibly about to face subjects who had training and had attempted to commit atrocities on innocent human beings with complete disregard to their own lives. They had prepared devices in order to achieve this. There was a real tangible danger that if we didn't act quickly and correctly there would be an extreme loss of life"*.

18.32 Upon leaving NIGHTINGALE LANE, Charlie 12 stated he heard communications from the other vehicles, the communications in his vehicle were quiet and at times intermittent. Charlie 12 then phoned the Team leader 'Ralph' to get an update and he was told the suspect was on a bus heading for STOCKWELL. As the CO19 vehicles headed towards

STOCKWELL, Charlie 12 stated he heard the following on the radio “Units beware SO19 units are moving through” C12 understood this to be that they (CO19) were at State Amber, and that means that a possible intervention or action by SO19 might have to take place. Because they had gone to State Amber he believed the subject had been positively identified and was actively being followed.

18.33 As the vehicle that C12 was in got closer to STOCKWELL the communications improved and Charlie 12 was able to hear that the suspect was acting nervously. Trojan 84 then said words to the effect “They said he was to be stopped getting on the tube, he must not be allowed to get on the tube. Charlie 12 then heard ’Ralph’ give the instruction “all units State Red, State Red.” Charlie 12 immediately left his vehicle and sprinted towards the entrance to the tube.

18.34 He was the first specialist firearms officer to reach the station; he jumped over the barrier; was challenged by staff who he pushed away and he drew his handgun before running down the escalator. As he was running down, he could hear armed police being shouted from behind him.

18.35 As Charlie 12 reached the platform, he was aware that Charlie 2 was near to him. They were directed further along the train and as they reached a doorway, a male standing by the doorway gave a clear indication with his arm and said “that’s him.”

18.36 Charlie 12 stated that an Asian man sitting in seat two then looked in his direction and stood up. The man advanced towards him. Charlie 12 stated he shouted “armed police” and brought his weapon to bear on him. Charlie 12 stated the man started to close him down and he thought the man was going to detonate. He believed that he had no alternative but to shoot him before he killed.

18.37 The man who identified the man grabbed the male and pushed him backwards. Charlie 12 then stated that he had to use force immediately otherwise people would be killed and his only option was to shoot him in the head. Charlie 12 then put his gun to his temple and fired a number of

times. As the man fell to the floor Charlie 12 fired again. He is unsure how many times he fired.

**CHARLIE 5**

18.38 This officer was interviewed on 16 November in relation to the offence of attempting to pervert the course of justice in respect to an entry in his MG11 made on 23 July 2005.

18.39 At the commencement of his PACE interview he produced a prepared statement and stated he would rely on his MG11 and declined to answer any further questions.

MG 11

18.40 In his MG11 made on 23 July 2005 at LEMAN STREET the officer describes events leading up to CO19 entering the underground train. He was on the train when he saw a male wearing a baseball hat ('Ivor') lurching towards another male who was either standing or attempting to stand. Charlie 5 then saw his colleagues Charlie 2 and 12 running across the carriage towards the scuffle. It is at this point that Charlie 5 states he heard shouts of "armed police". He then heard several shots being fired. Charlie 5 actually grabbed hold of the man wearing the baseball cap, and pushed his pistol at his head, to which the man shouted 'I am a police officer.'

**'Terry'**

18.41 This officer was interviewed on 15 November 2005. At the commencement of his PACE interview he submitted a written statement indicating that he intended to rely on his MG11 made the day after the incident, and he did not answer any question during his interview.

MG11

18.42 'Terry' made his MG11 on 23 July 2005 at LEMAN STREET. He describes

following Charlie 2 onto the train carriage, he saw the struggle ('Ivor') and he clearly indicates in his statement that he heard the following shouted "police", "armed police" and that 'Terry' also shouted as he entered the carriage : "armed police." The shouts that 'Terry' heard were before any shots were fired.

**DELTA 9**

18.43 This officer was interviewed on 15 November 2005. At the commencement of his PACE interview he submitted a written statement indicating he would rely on his MG11 made on 23 July. He made no comments to any questions asked of him.

MG11

18.44 Delta 9 completed his MG11 on 23 July 2005 at LEMAN STREET Police Station. As he was entering the station he heard that the 'suspect' had headed towards the platform. As Delta 9 reached the train he saw the 'suspect' sitting on the tube, facing the door entrances. Delta 9 states that he heard the shouts of 'armed police.' As he got closer, he heard more shouts of 'armed police'. He then states that the man got up and tried to get away. The man was grabbed by plain clothes officers. Delta 9 saw Charlie 2 and 12 beside the man. He then heard shots.

**'Geoff'**

18.45 This officer was interviewed on 16 November 2005. At the commencement of his PACE interview he submitted a written statement which said that while on the train he was aware of the presence of 'Ivor', but did not have sight of the suspect. He saw 'Ivor' get up from his seat and walk towards a set of double doors and point his arm. 'Geoff' then said he heard a shout from the direction of the doors "police". 'Geoff' cannot remember hearing the word 'armed'. He does state the situation

was fast moving and confused.

18.46 He made no response to any questions asked during his interview.

MG11

18.47 In his MG11 made on 23 July 2005, 'Geoff' describes the surveillance operation leading to Jean Charles DE MENEZES arriving at STOCKWELL Underground station and the significant issue concerning the alleged use of the words 'armed police' remains the same as in his prepared response.

**'Ivor'**

18.48 This officer was interviewed on 18 November. At the commencement of his PACE interview he produced a written statement.

18.49 The statement indicates that he was the officer who pointed out Mr DE MENEZES to the firearms officers. He stated that it was at this moment that he heard shouting which definitely included the word 'police'. 'Ivor' stated he heard shouting from more than one person. He stated he heard the word 'police' but does not recall the word 'armed'. 'Ivor' stated that it is important to emphasise that at the time of the shooting, almost his entire focus was directed toward dealing with the man in the denim jacket who had got up from his seat and who appeared to react to the presence of the armed police officers.

18.50 He made no response to the questions asked of him.

MG 11

18.51 'Ivor' made his MG11 on 23 July 2005. The MG11 is consistent with the prepared response handed to the IPCC on the date of his interview.

**'Ken'**

18.52 This officer was interviewed on 18 November 2005. At the

commencement of his PACE interview he submitted a prepared statement.

18.53 'Ken' stated that he became aware of the presence of armed police officers on the platform shortly after he had boarded the train. They were carrying weapons and one of the officers had a Met Police baseball cap on. He then stated he saw three or four men walk along the platform to an open set of double doors. He heard the words 'armed police' shouted but he is unaware of who said it.

18.54 'Ken' stated he saw 'Ivor' grappling with man who had been the subject of the surveillance operation. He stated again he heard the words 'armed police' shouted and also heard the words 'get down'. 'Ken' stated he heard shots. He then drew his own handgun and also shouted 'armed police'.

18.55 His MG11 made on 23 July 2005, the officer's account is consistent with his prepared statement.

**The alteration of the log**

18.56 'James' and 'Laurence' were interviewed in relation to the alleged alteration in the surveillance log number 165330. This had not been mentioned in the MG11s. 'Harry' was not interviewed but prepared a written response. 'James' was the officer completing the log while the operation was ongoing. 'Laurence' made the bulk of the entries on page 11 of the log.

**'Laurence'**

18.57 This officer was interviewed on 1 December 2005. At the commencement of his PACE interview he submitted a written response but declined to answer any further questions.

18.58 The officer stated that he has no recollection of amending the entry. He further stated that the only time he could have amended the log was when

he read it and realised an error.

**'James'**

18.59 This officer was interviewed on 7 December. At the commencement of the PACE interview he submitted a prepared statement and declined to answer any further questions. In his prepared statement he said he consistently formed the opinion, having seen Mr DE MENEZES, that he was one of the suspects and therefore the surveillance should continue, albeit he remained unidentified throughout. 'James' denies amending the log to include the words 'not' or 'and'.

**TROJAN 80**

18.60 Trojan 80 was the Tactical Advisor (TA) to the Designated Senior Officer in Room 1600.

18.61 Following the incident the officer made an MG11 on 25 July 2005 and was formally interviewed under caution on 22 November 2005.

18.62 The officer holds the rank of Chief Inspector and has been a qualified firearms officer since 1983 and joined CO19 in 1996 as a Tactical Advisor. He has completed a number of courses as well as being involved operationally as a TA. He considers himself as an experienced TA.

18.63 When asked what he considered to be the role of a TA he replied *'To offer options and advice to authorising officers and in this case the Designated Senior* Officer *what firearms options are available in order to achieve the intention of the Operation'*.

18.64 The officer was tasked following 9/11 to develop tactics in relation to Operation KRATOS and suicide terrorism. He stated that at that time there were no specific tactics, so it was his responsibility, along with others, to develop them. Over the last two years there have been numerous table top and live exercises involving senior officers, in relation to KRATOS. Following the failed bombings on 21 July 2005, Trojan 80

and his colleagues, 'Andrew' produced a document in relation to the firearms tactical options available in respect of the operation to trace those responsible.

18.65 During interview, he was asked whether he had worked with Commander DICK before. He confirmed that he had and that he had also been involved in training with her as well.

18.66 He commenced his duties at 06:00hrs on Friday 22 July 2005. He received an update on the events of the night; he went to Room 1600 and was comfortable with the layout and environment. He attended the briefing by Commander MCDOWALL and he also had an input into the firearms strategy. Following the briefing he did speak to Commander DICK about the decision making process.

18.67 During the operation he also confirmed that he had spoken to his colleague Trojan 84. He stated that he didn't have any specific input for the briefing of the CO19 officers but agreed that the mind set of officers is affected by the briefings they are given.

18.68 Trojan 80 confirmed he was happy with the strategy and his role as TA to the DSO.

18.69 Trojan 80 confirmed that the CO19 officers were issued with specialist ammunition as it was considered more appropriate for the role they were undertaking.

18.70 He stated that the surveillance team and firearms team were using Cougar radios and the firearms team also had Met radio and mobile phones. If everyone was in range they could all hear the transmissions which included those in Room 1600. Trojan 80 also had a mobile phone link to Trojan 84.

18.71 Trojan 80 confirmed that his MG11 states that the suspect left the SCOTIA ROAD address at 09:34hrs and he believed that Commander DICK was also aware. As the operation progressed the suspect was confirmed as a

positive identification. He also stated that the room was informed that he, the suspect, was very jumpy. The objective was still to intercept and arrest and he confirmed that it was his belief that this was not a KRATOS deployment per se. When the suspect arrived at the underground station, Trojan 80 stated that because of KRATOS training, CO19 were the best option to use. However SO12 were an option, but CO19 caught up and went to State Red.

18.72 When Commander DICK gave the order for the suspect not to be allowed to get on the underground Trojan 80 spoke to Trojan 84, and he clearly stated the suspect should be intercepted and arrested.

18.73 Trojan 80 stated that the role of the DSO is now known in KRATOS incidents as DSO Silver.

**TROJAN 84**

18.74 Trojan 84 was the tactical advisor to the Silver Commander, DCI C, on the operation.

18.75 On 23 July 2005, he made an MG11 concerning the incident, and he was formally interviewed under caution on 30 November 2005.

18.76 In interview he said his role was to tactically advise DCI C on firearms tactics in relation to the operation. He had attended an eight day tactical advisors course in 2003, has been involved in a number of firearms operations and has undertaken surveillance training in respect of Operation KRATOS. He had never worked with DCI C prior to 22 July 2005.

18.77 On 22 July 2005, he commenced his duty at 07:00hrs. On arrival at LEMAN STREET, he contacted the Operations Room and was advised about the operation. He briefed the CO19 officers. He then drove to NSY where he met DCI C, they travelled together to NIGHTINGALE LANE Police Station, where a further briefing took place.

18.78 He was asked about the briefing he gave to CO19 in respect of the phrase "unusual tactics." He regarded that as a clumsy phrase and he would not use it again. What he meant to say was that the DSO was in place and was fully briefed about the operation. It was meant to give the team confidence. In relation to the phrase 'critical shot', he again emphasised that he referred to this because the DSO was in place.

18.79 He confirmed that the CO19 officers received a comprehensive briefing from DCI C. When asked about the mindset of the officers, he said, *'That was the whole reason for the briefing to affect the mindset, because in effect what, what we were asking them to do they may well have been confronted by a suicide bomber and I wanted them to be clear that they would be supported if they had to make that difficult decision. So in effect that is the whole purpose of the briefing for was to get the mindset right if you like'*.

18.80 When questioned about the intelligence he stated he did not believe it was being over stated concerning the threat which was posed.

18.81 In relation to the command structure for the operation, Trojan 84 was of the opinion that the decisions were always the DSO's and the Silver was more of a ground commander.

18.82 Trojan 84 stated that he understood the objective as the intention to identify the subject coming from the premises and to intercept him away from there.

18.83 Owing to time pressure, he did not carry out a recce of the area prior to the operation commencing. He had an open line on a mobile to Trojan 80. The Cougar radio transmissions were intermittent with the surveillance team and he also had the firearms channel, so there were difficulties with communications.

18.84 He was actually out of his vehicle when the suspect left the premises and he spoke to Trojan 80 to get an update. He was unclear as to where he heard certain commands, but does recall the subject being described as

furtive.

18.85 He accepts that the instruction was that the subject must be stopped from getting on the tube and he stated that the word ‘stop’ to him meant ‘Interception.’ When pressed on the point of what a ‘STOP’ would look like, all he could say was that they were to do what they could to stop the subject getting on the tube, challenge and depending on the response, act accordingly. He confirmed that no instruction was issued for a critical shot to be taken.

**SILVER COMMANDER**

18.86 On 22 July 2005, Silver Commander, who is Detective Chief Inspector C made an MG11 concerning the incident. He made an additional statement on 25 July 2005.

18.87 On 23 November 2005, DCI C was formally interviewed under caution.

18.88 DCI C stated that he had received training in the role of being a Silver Commander in firearms incidents and he performed the role on many occasions. He has not received any training in relation to Operation KRATOS.

18.89 Since the 7 July 2005 DCI C had been the deputy senior investigating officer on Operation THESEUS. He had never worked with Commander DICK or Trojan 84 before.

18.90 DCI C commenced duty at 06:30hrs on 22 July 2005. He attended a briefing given by Commander MCDOWALL at 06:50hrs. It was at this briefing that he was appointed as the Silver Commander for the operation at SCOTIA ROAD. Following the briefing he received a further intelligence briefing from DCI A, who had been working nights. Following the briefing from DCI A, DCI C travelled to NIGHTINGALE LANE police station with Trojan 84. DCI C got the impression that the CO19 teams felt they had not been fully briefed on previous incidents.

18.91 The briefings were not recorded either in audible or written form. He states that he gave CO19 a full briefing on the intelligence of the operation and that of the 7 July and 21 July incidents. He felt that the officers should be given the full facts and the possible links to the different incidents. He informed CO19 of the discovery at Luton, the intelligence concerning devices found and the possibility of body borne devices. DCI C stated the intention of the operation was to identify and detain the suspects.

18.92 DCI C confirmed that in response to a question about the tactics of the terrorist, he told the officers that it was possible that they would change them. It was also stated that the preferred option was for an arrest away from the premises, so nobody could be alerted. While DCI C does not recall saying the word "Well prepared, up for it, deadly and determined", he does agree with those words. DCI C stated that he does not believe he incited the firearms team; he gave them the full facts and his assessment. DCI C also confirmed that he gave a briefing to the officers in relation to reasonable force, and, read from page 10 of the firearms booklet. He also confirmed that at the end of the briefing, each firearms officer understood their specific responsibility and their legal powers.

18.93 In relation to the command structure, DCI C was of the opinion that Commander DICK was in charge of the operation and he believed that Commander DICK was also acting as Gold as well as DSO. DCI C states he spoke to Commander DICK by phone and she made it clear she was in charge, and Commander DICK was in charge throughout every stage of the operation.

18.94 DCI C was questioned about any strategies to arrest the suspect if CO19 weren't available. He stated there weren't any in place, as CO19 were always going to be available.

18.95 DCI C stated that he became aware that the suspect had left the premises as the CO19 officers were moving from NIGHTINGALE LANE to the holding point of the TA centre.

18.96 In relation to communications, DCI C stated that the CO19 and SO12

officers had Cougar radios, Trojan 84 had a mobile phone link to Room 1600, and he had a mobile line to Commander DICK. He further stated that when speaking to her, he had clear communications and at all times Commander DICK was very calm and controlled.

18.97 In respect of the report of the IC2 male seen leaving the premises, DCI C discussed this with Commander DICK who stated he should be followed until SO13 officers could get on the bus. The fact that he was allowed to get onto a bus did not concern DCI C as he was unidentified. DCI C stated that he was at the TA centre when the heard that the man had now been identified as a suspect. OSMAN. The CO19 officers ran to their cars, Commander DICK rang him and he stated 'I'm onto it, I'm aware'. DCI C also rang his SO13 officers and told them to stand clear.

18.98 DCI C stated it would have been difficult for a surveillance team to give 100 PERCENT identification on the first day of an operation, but he says that 'good positive' and 'possibly ident' comments were made.

18.99 DCI C stated that he spoke to Commander DICK and asked her if she would allow the suspect to run, and she said 'No, I want him stopped'. As the suspect was entering the underground station SO19 were still making ground. He recalls SO12 asking whether they should detain him, and then CO19 arrived.

18.100 DCI C stated that Commander DICK clearly stated she wanted the man stopped and he took that to mean stop and detain. He then conveyed that to Trojan 84.

18.101 DCI C also completed an armed operations record. In the document he records the following 'at 10.25. "Walked through by 'Terry' green team. Stated man identified by surveillance leaning on yellow pole. Did not comply, thought he was going to escape. Fired 9 – 10 shots. Body moved from present position re medical and – wallet and mobile on seat opposite. Medical gloves right side on floor by double doors some part of bullet".

**See 14.11 above.**

**Designated Senior Officer. Commander Cressida DICK**.

18.102 On 25 November 2005, Commander DICK was formally interviewed under caution. At the conclusion of her interview she signed a 29 page statement which had been provided to the IPCC the day before the interview.

18.103 During the course of the interview Commander DICK also referred to the loggist's notes, entries in her book 40 and her decision log.

18.104 On 22 July 2005 at about 01:30hrs Commander DICK received a telephone call asking her to report for duty at 07:00hrs to be a Designated Senior Officer in an Operation KRATOS incident. She explained that she was quite happy to do this, but had not done KRATOS per se for 18 months.

18.105 Commander DICK actually arrived at NSY shortly after 05:00hrs, where she refreshed her memory on KRATOS type situations and the legal advices around the issue. At 07:15hrs she attended a briefing given by Commander MCDOWALL. This briefing had already commenced when she entered the room. At the conclusion of the briefing Commander DICK discussed with Commander MCDOWALL the strategy of the operation and she states she was happy with the aims and objectives, and also the command structure. She stated when asked about the command structure of the operation, that she was in charge, and it would have been difficult for her, given her ACPO rank, not to command the operation.

18.106 Commander DICK discussed her experience and training in relation to KRATOS, firearms and crimes in action. She also discussed her professional relationship with Trojan 80.

18.107 Commander DICK confirmed that when she started duty on 22 July 2005, she was refreshed and fit for duty.

18.108 Following the briefing Commander DICK went to Room 1600. This is not an operations room that she was familiar with; she would normally control

incidents from an operations room called 3000.

18.109 In interview, Commander DICK was asked if she was aware of the tactical options document prepared by Trojan 80 on 21 July 2005. She stated she was not aware of it prior to the briefing with Mr MCDOWALL and only glanced through the document.

18.110 Commander DICK confirmed that she never spoke to DCI C face to face before the operation commenced, but they spoke by mobile phone and she explained that the team needed to be flexible to the situation.

18.111 Commander DICK stated that she discussed the strategy with her Silver Commander. She stated she could not hear the surveillance communications, only the surveillance monitors could hear this, but she had an open line with the Silver Commander and her TA had an open line with Silver's TA.

18.112 Commander DICK was referred to the decision log. It was pointed out that the decisions were recorded many hours after they were made. She was asked how they could be accurate. She stated that she had an extremely clear memory of what she had done. Her memory was assisted by her loggist's notes and the 'CLIO' log and she was confident her recorded decisions were accurate.

18.113 The objectives of the operation were, *'to arrest the suspects safely and as soon as we could in order to keep other people safe. We were intending to make the* premises *that we believed they lived in safe, and obtain intelligence and evidence from them'*. In relation to tactical options she stated she considered initially a less than lethal option: tazers and baton rounds and also armed options involving CO19.

18.114 Commander DICK also states that the arrests would be made by CO19 where possible. She was also aware that CO19 had been issued with specialist ammunition.

18.115 Commander DICK commented that the Room 1600, contained a lot of

people, and they were shouting across the room. She was used to this and was content with how it was working.

18.116 Commander DICK was referred to Decision 15. She was asked if this was the first time she was aware of the suspect leaving the premises, she stated it wasn't and that DCI C had contacted her by mobile and told her that he was being followed. She was happy with this course of action. At 09:52hrs the person was thought to be the suspect NETTLE TIP.

18.117 Commander DICK was then shown page one of her loggist's notes in respect of identification. She stated that she wanted the identification to be clear and it was appropriate to carry on with the surveillance. She was aware that he had got back on the same bus.

18.118 Decision 16 of her log indicates that 'the subject cannot be allowed to enter the tube system. He must be arrested before by SO19' and that in the reason, she states 'she has checked and rechecked the identification'. When asked who she had checked with, Commander DICK indicated that the surveillance monitor and DCI C had stated that the surveillance team were sure it was him. Commander DICK stated that she believed the surveillance team were following NETTLE TIP. She also heard the words he was 'nervous' and 'twitchy'. Commander DICK also confirmed in interview that she considered herself in charge at this time, and she also stated she was in charge of the operation from 09:52hrs. (Commander DICK was in charge of the operation from 07:15hrs.)

18.119 Commander DICK stated that she informed her Silver that as soon as the suspect got off the bus he was to be arrested, and that was before she said 'he can't be allowed onto the tube'.

18.120 In view of the behaviour of the suspect, Commander DICK felt that he potentially posed a greater threat if he went into the tube station, and she considered it to be a real and immediate threat.

18.121 Commander DICK accepts she was aware that CO19 had to catch up, but didn't know how far away they were. Decision 17 records that SO12

should arrest if necessary, but 19 preferable.

18.122 As Commander DICK gave the decision for SO12 to carry out the arrest, she was advised that CO19 had arrived on the scene. Commander DICK informed Silver that the suspect must not go down the underground. She confirmed that almost immediately she was informed that he had already entered the underground and she very briefly considered that she should stop CO19. She was concerned that this man posed a real and immediate and very serious threat to the public and also felt it would be difficult to pull back CO19.

18.123 Commander DICK's attention was drawn to a comment by Supt X 'The male must not be allowed to get on the train at all costs', she denied saying 'At all costs'. At no time did she give an order for a critical shot to be taken.

## 19 THE RELEVANT LAW AND ITS APPLICATION TO OPERATION THESEUS

19.1 This report and its recommendations have been prepared upon the basis of the general legal principles set out below.

**Murder**

19.2 Murder within the context of the shooting of Jean Charles DE MENEZES would be the deliberate (non accidental) and unlawful (not in self defence) killing of another with the intention, at the time, to cause either death or very serious injury. A person can be guilty of murder as a primary or as a secondary party. Both of the officers who shot Mr DE MENEZES accept that by their deliberate acts they intended to kill him.

**Self defence and the defence of others**

19.3 Section 3(1) of the Criminal Law Act 1967

> *A person may use such force as is reasonable in the circumstances in the prevention of crime, or in effecting or assisting in the lawful arrest of offenders or suspected offenders or persons unlawfully at large.*

19.4 The test to be applied to a person who relies upon the above section, or on the common law principles of lawful self defence, is a subjective one: 'what is reasonable in the circumstances as he honestly believes them to be in the defence of himself or another.' Beckford v The Queen [1988] A.C. 130.

19.5 The degree of force used must be reasonable in the circumstances confronted by such a person, although the law recognises the problems of the 'agony of the moment' and the inability of 'weighing to a nicety' the particular force to be used. The test is entirely subjective; it is the honest perception of the person using force in self defence which matters.

Self defence can involve the use of pre-emptive force; it can involve the use of lethal force.

Article 2 of the Convention on Human Rights

19.6 Human Rights considerations mean that the application of any strategy must have a legitimate aim, be lawful, proportionate justified and be the least intrusive or damaging to the rights of individuals. Given that the neutralisation option can involve a no warning critical shot, Articles 2(1) and 2(2) (a) Convention rights are engaged:

*2 (1) Everyone's right to life shall be protected by law.*

*2 (2) Deprivation of life shall not be regarded as inflicted in contravention of this Article when it results from the use of force which is no more than absolutely necessary in defence of any person from unlawful violence.*

19.7 Article 2 ranks as one of the most fundamental provisions of the Convention from which no derogation is permitted even in times of national emergency. Its provisions must be strictly construed and any deprivation of life must be subjected to the most careful scrutiny. McCann v UK, 21 E.H.R.R. 97.

19.8 It was emphasised in OSMAN v UK, 29 E.H.R.R. 245 that the state must not only refrain from taking life intentionally, but also that appropriate steps must be taken to safeguard life.

19.9 The term 'absolutely necessary' establishes a test of 'strict proportionality' which has been argued to be higher than the domestic common law standard of subjective reasonable force. (See McCann v UK ante). A shoot to kill policy devised in order to deal with the threat of the suicide bomber is an extreme measure. By definition, it cannot 'fail safe' if there is an operational error. Under domestic law principles, the control of such a policy and its operational use should be subjected, in any event, to the McCann 'most careful scrutiny' analysis.

19.10 It should be noted that OSMAN v UK (ante) imposes a positive duty upon the police to take reasonable steps to protect potential victims from a real and immediate threat to their lives which is attributable to the actual or

threatened criminal acts of a third party.

19.11 It follows that the police, engaged in confronting a suspected suicide bomber, can rely upon all the above principles and in seeking to deal with the extreme threat posed in such a situation can resort lawfully to lethal force.

19.12 Such reliance affects both the senior officers concerned with devising appropriate policy, and in its implementation at an operational level. Junior officers tasked with firearms duties are in the same position. However, all are in law constrained by the same overriding principle that a very high duty of care is required such is the extreme nature of the strategy.

19.13 An officer who orders the use of lethal force or who uses such force in the genuine (and reasonable) belief that he is acting to safeguard the life and safety of others will be entitled to rely on the above defences. The standard heat of the moment subjective assessment will be applicable; he can take all measures which he honestly and reasonably believes to be necessary. Any such use of lethal force will have to withstand the analysis of whether there was any non-lethal alternative which was subjectively assessed as being available. To be lawful, a deliberate killing has to be an action of last resort.

19.14 A genuine error will afford a defence if the principles of self defence apply. However, if there is no reasonable basis for the decision to kill a suspect, the intentional act will be unlawful and given that the intention is, by definition, to kill it will amount to murder.

19.15 In an examination of the issue of self defence/defence of others the quality of the intelligence available, the luxury of time in which to make an analysis of the position and any operational safeguards which were in place will be relevant.

19.16 It follows from the above that a properly structured and properly managed operation which borrows 'KRATOS' strategy and tactics is not unlawful per se. Those who manage such an operation and those who act on

instruction or, in extremis, act instinctively, are not acting unlawfully if they abide by the general principles set out above.

**Gross Negligence Manslaughter**

19.17 In order to establish guilt the following elements must be established:

1. The defendant owed a duty of care to the victim
2. The defendant breached that duty of care
3. The breach caused the death of the victim
4. The breach can properly be characterised as gross negligence and therefore a crime. R v Adomako [1995] A.C. 171

19.18 Element 1. A police officer owes a duty of care to the general public with whom he (or she) comes into contact. That contact may be either direct or indirect. Officers on the street have direct contact; the indirect contact of those at a managerial level (at Scotland Yard) is, for the purposes of the duty of care consideration, the same.

19.19 Element 3. Causation is not an issue. It was the police operation on 22 July which led directly to the death of Jean Charles DE MENEZES.

19.20 Elements 2 and 4 above, are the areas which need to be considered.

See **Section 19.27 on and Section 20 below**.

**Corporate Manslaughter**

19.21 The Metropolitan Police Authority

The Metropolitan Police Authority was established by the Greater London Authority Act 1999, section 310(1) of which, inserted a new section, section 5B, into the Police Act 1996. The section provides that: 'The police authority established under this section shall be a body corporate to be known as the Metropolitan Police Authority.'

19.22 A corporate body can be convicted of gross negligence manslaughter

provided that the conduct concerned can be shown to have been both perpetrated by an identified individual and to be attributable to the corporate body.

Tesco Supermarkets Limited v Natrass [1972] A.C. 153.

19.23 Attributable means, in this context, that the company (corporate body) will have imputed to it the acts and state of mind of those of its directors and managers who represent its "directing will and mind". Per Lord Reid.

19.24 The Metropolitan Police Service does not have a separate legal personality. The Authority employs those of ACPO rank, including the Commissioner. Those officers below ACPO rank are employed by the Commissioner.

**Misconduct in a Public Office**

19.25 In defining this common law offence, the conclusion of the Court in Attorney General's Reference No. 3 of 2003 was as follows:

The defendant must be a public officer acting as such at the material time.

(a) There must be a breach of duty by him and it may consist of an act of commission or omission.
(b) The conduct must be wilful and not merely inadvertent. In other words there must be an awareness of the duty to act or a subjective recklessness as to the existence of the duty.
(c) There must be a serious departure from proper standards and a departure which is not merely negligent but amounting to an affront to the standing of the public office held. A mistake, even a serious one will not suffice.
(d) The seriousness of the likely consequences is a factor in deciding the issue of departure from proper standards.
(e) The subjective test applies to both reckless indifference to the legality of the act or omission and in relation to the consequences of the act or omission.

19.26 All the police officers involved in Operation THESEUS were, for the purposes of a consideration of this offence, public officers. On the high test in the Attorney General's Reference No 3 of 2003 the issue that arises is whether, in the case of any officer, their conduct passes the threshold of a wilful, or, alternatively, a subjectively reckless departure from proper standards, which goes further than a serious mistake.

**Health and Safety at Work etc. Act 1977**

19.27 Section 33(1)(a) of the Act creates a single offence of failing to discharge a duty, which duty can be breached by a number of different failures imposed by sections 2 to 7 of the Act.

Section 3(1):

*It shall be the duty of every employer to conduct his undertaking in such a way as to ensure, so far as is reasonably practicable, that persons not in his employment who may be affected thereby are not thereby exposed to risks to their health and safety.*

Section 7

*It shall be the duty of every employee while at work-*

*(a) to take reasonable care for the safety of himself and of other persons who may be affected by his acts and omissions at work*

19.28 The Health and Safety Executive guidance on prosecutions under section 33(1) and section 7:

> *'In general prosecuting individuals will be warranted when there are substantial failings by them, such as where they have shown wilful or reckless disregard for health and safety requirements, or where there has been a deliberate act or omission that seriously imperilled the health/safety of others.'*

19.29 The guidance is precisely that; it is not a statutory definition of approach. However it is helpful. There are strong parallels with the test enunciated in

the Attorney General's Reference No 3 of 2003. The words wilful, deliberate and reckless all appear.

19.30 For the purposes of the Act, the Metropolitan Police Authority and the Commissioner will be employers; all police officers from the Commissioner on down involved in either devising or in applying policy on or before 22 July 2005 will be employees.

**Perverting the Course of Justice**

19.31 It is a common law misdemeanour to pervert the course of public justice. The offence is committed when one alone, or in concert, acts or embarks on a course of conduct which has a tendency to and is intended to pervert the course of public justice. R v Vreones [1891] 1 Q.B. 360. The offence should only be charged where there are serious aggravating features. R v Sookoo The Times, April 10, 2002. It can be charged as a conspiracy.

**The Roles of Various Police Officers**
**The Metropolitan Police Authority**
**The Commissioner of the Metropolitan Police**

19.32 Should an operational policy (KRATOS) be considered illegal, there would be potential ramifications for the Metropolitan Police Authority and/or the Commissioner.

19.33 The considerations which apply to the many police officers engaged in the operation on 22 July 2005 are varied. It is possible to place the officers into a number of distinct categories in order to examine their potential culpability. Some mid-ranking officers overlap categories; they were responsible for both devising the operational strategy and for its subsequent implementation.

- The legality of the operational strategy (KRATOS)
- Senior officers running the operation at Room 1600
- The Operation THESEUS 2 DSO and her tactical advisor
- Officers who devised and promulgated the operational strategy during the period before 09:30hrs.

- Team leaders/Silvers
- Surveillance personnel
- SO13 Arrest team personnel
- CO19 Firearms personnel

19.34 The last three categories can be subdivided into those who remained above ground and those who were on the platform and/or in the carriage where the shooting took place.

## 20 CONCLUSIONS

20.1 There can be no doubt that on the morning of 22 July 2005 a combination of circumstances between 0500 and 1006 led to the killing of an entirely innocent man. No material has been seen or assembled by the IPCC to suggest that this tragedy was the result of any deliberate act designed to endanger the life of any innocent third party or indeed to kill such an individual. All those involved at both command and operational level were intent upon protecting the general public from a perceived threat of illegal lethal force.

20.2 It is important to recognise that in an examination of what happened on 22 July 2005 the background, detailed at Section 4 above, is highly relevant. Any assessment of the strategy adopted, how it was applied that morning and how individuals performed and reacted must be measured against the background. There is always a danger of assessing judgements with the benefit of hindsight and with the precious luxury of time for a measured consideration of possible options. That the Metropolitan Police force was facing operational problems never before encountered is plain and the constant pressures placed on individuals, over a period of more than two weeks, has been recognised. The purpose of having both carefully designed operational procedures and constant training programmes is to prepare for such events and to ensure, as far as is possible, the safety of innocent third parties in the context of firearms operations. The public has a right to expect that police operations will not create any unjustifiable risk to the innocent. There is no doubt that the public, after 7 July, expected the police to resolve the terrorist threat that faced the country and, above all, to prevent further explosions designed to maim and kill.

20.3 The IPCC has, during the course of its investigation and the assembly of evidence, borne in mind the terms of reference recited at Section 3 above. This investigation has proceeded within the framework of the legal principles set out at Section 19 above. The following central issues have been identified and they have been at the forefront of the investigation:

- Operation ‘KRATOS’.
- The strategy for the operation of 22 July 2005 and its objectives.
- Any shoot to kill strategy which was explained at any briefing on 22 July 2005.
- The management of the operation between 07:15hrs and 09:30hrs.
- The management of the operation between 09:30hrs and 10:00hrs.
- The failure to resolve the incident before Jean Charles DE MENEZES entered STOCKWELL Underground station.
- The translation of a ‘possible’ to a ‘positive’ identification.
- An examination of the justification for shooting DE MENEZES after he had been tackled in the carriage (murder).
- An examination of whether any other officer, apart from C2 and C12, is potentially implicated in the shooting (either at a managerial or operational level) and whether any actions fall into any of the offence categories (other than murder) set out above.
- An examination of the potential gross negligence of C2 and/or C12 in coming to the conclusion that DE MENEZES was a suicide bomber who had to be killed (manslaughter).
- The structure and management of communications.
- An examination of the combined and/or individual operational actions of the three teams (SO12, SO13, CO19)
- The conduct of officers between the time of the shooting and the signing of original witness statements.
- The alteration of the surveillance log.
- The absence of CCTV recordings

**Operation ‘KRATOS’.**

20.4 The IPCC does not regard it as necessary to refer the issue of the legality of such a policy to either the DPP or the MPA because it accepts that, if applied in appropriate circumstances, the Operation KRATOS policy was lawful.

**The Strategy for the Operation of 22 July 2005 and its Objectives**

20.5 Section 6.3 and 6.4 recite the strategic objectives adopted by Commander MCDOWALL.

20.6 Commander DICK was called out at 01:30hrs and was asked to attend a briefing at NSY at 07:00hrs that morning to undertake the role of a Designated Senior Officer in an Operation KRATOS incident. She arrived at about 05:00hrs to prepare herself. She attended Room 1600 before 07:00hrs and received an informal briefing. Commander MCDOWALL commenced a briefing at 06:50hrs on another floor in NSY. Commander DICK had been provided with the wrong location for the briefing.

20.7 Despite the important role of Commander DICK, for which she was selected for, she missed the first 25 minutes of the briefing. That was most unfortunate. While Commander MCDOWALL at the end of the briefing would update her, the delay in her arrival prevented any opportunity to have a face-to-face meeting with her Silver Commanders. Commander DICK was therefore unable to influence the briefings of CO19 personnel by DCI C and Trojan 84.

20.8 There is no doubt that the briefings provided by them included a comprehensive update on the intelligence including the links between 7 July and 21 July and the possibility that the firearms officers may have to confront one of the terrorists who had survived the suicide bombings, the previous day. What the briefing for CO19, and indeed the other teams, did not include was any rider about the circumstances in which the Operation KRATOS policy could be used. That policy was only one option available to the Metropolitan Police for dealing with suspected terrorists and suicide bombers. The CO19 officers were not told that it should only be used as a matter of last resort when they were sure of the identity of the person in relation to whom the policy was to be applied.

That should have been included in the briefing.[20]

20.9 The likelihood of confrontation was a factor in the risk assessments completed in support of the application for surveillance authority. The physical risk to the officers was assessed as High. A generic risk assessment was also included in the Firearms Log maintained by DCI C. An Operation KRATOS risk assessment was completed by Trojan 80 and 'Andrew'. Each of these documents assess the risk to officers by a suicide bomber, they do not assess any risk to the public, in particular to an 'unidentified subject' such as Mr DE MENEZES.

**Any Shoot to Kill Strategy which was explained at any briefing on 22 July 2005**

20.10 The CO19 officers were trained for KRATOS incidents and understood the Command Structure involving a Designated Senior Officer. They were informed that this structure was in place for the operation. Both DCI C and Trojan 84 were determined not to 'under brief' the team and as a consequence made it clear what they could possibly face, namely a suicide bomber.

20.11 Recordings should be made of Firearms briefings. The reason given for there being no recording of this briefing was the need to urgently deploy to the SCOTIA ROAD area. All firearms operations contain the possibility that the operation may result in the use of lethal force. Therefore, briefing for such operations can reasonably be said to be briefings for potentially critical incidents. It is therefore important that all firearms briefings are recorded. This issue will be considered in more detail in the second part of this report.

20.12 The CO19 officers commenced duty at 07:00hrs. They received briefings at LEMAN STREET and NIGHTINGALE LANE prior to being deployed to the TA Centre close to SCOTIA ROAD. It appears they were moving towards the TA Centre as Mr DE MENEZES was leaving

[20] It was accepted by both the defence and the prosecution at the health and safety trial that Kratos was not called.

his flat at 0933. Had he been described as a suspect at that time they would not have been able to prevent him boarding the bus.

20.13 It is clear that at the conclusion of the briefing, the CO19 officers were fully briefed in relation to the possibility that they might have to intercept a suicide bomber. They had also been issued with special ammunition for use in confined spaces.

20.14 DCI C reminded CO19 officers of the requirements under Section 3 of the Criminal Law Act 1967, in respect of the lawful use of force and the need to justify the use of any such force.

**The Management of the Operation between 07:15hrs and 09:30hrs**

20.15 The management of the operation between 07:15hrs and 09:30hrs should have involved giving practical effect to the strategy devised by Commander MCDOWALL so that appropriate resources were in place at SCOTIA ROAD from the earliest possible time. Commander DICK was in charge of the operation following her briefing from Commander MCDOWALL. The policy, which is described at paragraphs 6.3 and 6.4, was, in essence, one of containment, stop and arrest. What occurred between 07:15hrs and 10:06hrs was a failure of that policy. Between 07:15hrs and 09:33hrs there was no adequate effort to put in place police resources at SCOTIA ROAD that would have enabled the Metropolitan Police to give effect to the policy. During those hours there was a series of briefings. None of the eight people who left the flats before Mr DE MENEZES left were stopped in accordance with the strategy and when he left he was simply followed while ineffective attempts were made during the course of half an hour to determine whether he was NETTLE TIP. If appropriate resources had been in place there would have been the opportunity to stop Mr DE MENEZES during the course of his five minute walk from SCOTIA ROAD before catching the bus in TULSE HILL.

20.16 There was confusion between those on the ground and those in

command regarding the access to buses in that locality. The Surveillance team had asked for the routes to be suspended to prevent the opportunity for a suspect, carrying an explosive device, to get on a bus. They had assumed that this had been put in place, as did some of the other staff in Room 1600. Commander DICK thought such a tactic might alert a suspect and as a consequence this did not occur.

20.17 By the time Mr De MENEZES was considered to be one of the suspects the firearms resources were in the wrong place to intercept him. He had travelled towards BRIXTON and the CO19 officers were still at TULSE HILL.[21]

20.18 No alternative tactical options had been put in place or even considered to deal with a scenario of a suspect leaving the address before the arrival of CO19. Observations on the premises had commenced some 3.5 hours beforehand. Those responsible for the murders on 7 July had left their addresses very early that morning. There was no contingency plan available to deal with a suspect who was travelling on public transport.

20.19 Despite the strategic intentions of the operation there were insufficient resources deployed to SCOTIA ROAD at 09:30hrs. A number of people had been allowed to leave the flats without being stopped since the observation post was established at 06:04hrs. Officers from the Anti-Terrorist Branch were not in position to conduct debriefs while CO19 were still re-locating to the nearby TA Centre. It does not seem that any consideration was given to calling out these resources earlier or retaining 'night duty' staff on duty until replacements arrived.

20.20 A fixed observation post from premises would have afforded better control of any suspect's movements out of the flats. Efforts were being made to secure such a position when Mr DE MENEZES was sighted.

20.21 Commander MCDOWALL had set the firearms strategy. This is

[21] Evidence was heard at the criminal trial for the health and safety charge that the surveillance officers referred to Mr de Menezes as PIW (Possibly Identical With).

recorded at Chapter 6 para 6.3. During the briefing which commenced at 06:50hrs the Silver Commanders were appointed.

20.22 At the conclusion of this briefing Commanders MCDOWALL and DICK discussed the strategy, intelligence and chain of command. They have stated that they both knew their roles and responsibilities.

20.23 Following the briefing, DCI C met his tactical advisor. This was the first time these officers had worked together. The two travelled from NSY to NIGHTINGALE LANE police station to brief the CO19 officers.

20.24 At a separate location, at 07:45hrs SO12 officers were briefed in relation to the surveillance operation.

20.25 At the conclusion of the meeting with Commander MCDOWALL, Commander DICK attends Room 16:00hrs and liaised with the tactical adviser and other senior officers, D/Superintendents BOUTCHER, CUMMINGS, and JOHNSTON.

20.26 While these briefings were occurring at NSY and NIGHTINGALE LANE, the observations vehicle was in place at SCOTIA ROAD and people were starting to leave the premises, prior to any specialist firearms officers being in place.

20.27 The Metropolitan Police Service were involved in a rolling operation that had been active since 7 July 2005. Following the events of 21 July the intelligence gained from the devices led to the real possibility of two of the suspects being at SCOTIA ROAD. This information was obtained at 04:50hrs. There is no evidence of any contingency planning being in place to secure the scene prior to the arrival of a fully briefed CO19 specialist firearms team.

20.28 Commander MCDOWALL in his role of Gold Commander was fully committed in respect of the ongoing operation. However, there appears to have been gaps in the planning relating to immediate containment of the premises, and the possibility of people leaving the premises, even

though containment and departure had been recognised within the strategy for the operation.

20.29 If the strategy agreed by the command team was to be successful, the presence of specialist firearms officers was of paramount importance. The absence of SO13 and CO19 officers until after 09:30hrs has had an impact on the operation. The senior officers, having received their own briefings were committed in cascading the information they had received, but this was to the detriment of a contingency to contain the premises.

**The Management of the Operation between 09:30hrs and 10:00hrs**

20.30 Commander DICK has accepted that she was in command of the overall operation to achieve the aims of the strategy.

20.31 When Jean Charles DE MENEZES left his flat, and walked to the bus-stop in TULSE HILL, he was the subject of a surveillance operation by SO12 team lead by 'James'.

20.32 Detective Chief Inspector C, the Silver Commander, was effectively the ground commander with responsibility for SO12, SO13 and CO19 officers. However owing to the fact that he was still with SO13 and CO19 at NIGHTINGALE LANE when Mr DE MENEZES left SCOTIA ROAD, and stationary at the T.A. Centre where DE MENEZES was identified as the suspect at BRIXTON, DCI C was always playing 'Catch up' in respect of the operation.

20.33 'Ralph' and 'Terry' were the team leaders for the specialist firearms officers. After being briefed at NIGHTINGALE LANE Police Station, they made their way to the TA Centre, near to SCOTIA ROAD. However, by this time, Mr DE MENEZES was at BRIXTON Underground station. It was 'Ralph' who received the message from Trojan 84 to go to State Red indicating a firearms intervention.

20.34 The role of the DSO is to command an Operation KRATOS incident. However, Commander DICK clearly saw herself as the officer in charge

of the operation. This meant in effect she was performing the traditional role of a Silver Commander in the implementation of the Gold strategy.

20.35 During her interview Commander DICK made reference to her ACPO rank and the fact that there were a number of superintendents in Room 1600, and it would have been difficult for an officer of her rank not to take command of the operation.

20.36 During the interview with Trojan 80, the tactical advisor to the DSO, he stated that the Metropolitan Police policy has now been changed and the role of DSO is now referred to as "DSO Silver".

20.37 It is clear that the responsibility for the command and control of the operation was with Commander DICK.

**The Failure to resolve the incident before Jean Charles DE MENEZES entered STOCKWELL Underground Station**

20.38 Prior to Mr DE MENEZES leaving his flat, one of the surveillance team leaders had expressed concern over the distance the CO19 officers were from SCOTIA ROAD.

20.39 At 09:33hrs Jean Charles DE MENEZES left his flat. 'Frank', was unable to take any video coverage owing to the need to urinate. He did however transmit a comment after checking the photographs of the suspects that 'It would be worth somebody close having a look'.

20.40 As Mr DE MENEZES walked towards the bus stop, another surveillance officer described him as either 'possibly identical' or 'a good likeness to NETTLE TIP'.

20.41 Instructions were given to other members of the team to obtain a better identification. However, due to problems with their radio or location this did not occur, Mr DE MENEZES then boarded the No. 2 bus at TULSE HILL.

20.42 A member of the Surveillance team also boarded the bus, but when asked by a colleague was unable to give a positive identification.

20.43 A record was made by Trojan 80 loggist to the effect that the male is 'not ident' and the surveillance team will withdraw to their original position.

20.44 Within a minute of the above record being made, Mr DE MENEZES had got off the bus at BRIXTON, walked a matter of twenty metres from the bus, and then turned round and rejoined the queue to get on the same bus. It could be regarded as a failure of the operation strategy not to use the armed SO12 officers to stop him re-boarding the bus.

20.45 Other members of the surveillance team had seen him, some were of the opinion that the man was a good likeness of the suspect; other members did not agree that he was identical to NETTLE TIP.

20.46 Mr DE MENEZES then got back on the bus and travelled towards STOCKWELL.

20.47 By this time DCI C and CO19 had heard the transmissions and were trying to catch up with the bus. The failure of the surveillance team to identify the person as NETTLE TIP meant that Commander DICK was forced into giving the stop order. In the context of what had occurred it is clear that this was more than a normal police stop order and that in those circumstances she should have said that KRATOS had not been engaged and that CO19 should not shoot unless there was an absolute justification.

20.48 When the bus reached STOCKWELL Underground station, Room 1600 were of the opinion that the surveillance team believed they were following the suspect NETTLE TIP. CO19 were not in a position to intercept. Commander DICK stated in interview that she instructed the armed surveillance team to intercept, but almost immediately cancelled this when advised that CO19 were now at the scene.

20.49 However, evidence from the CCTV at STOCKWELL underground station reveals that the CO19 officers did not enter the station until two minutes after Mr DE MENEZES had passed through the ticket barriers[22].

20.50 While two minutes is a very short time period, the delay in CO19 getting to the scene and the failure to get a positive identification had enabled a person, believed to be a possible suspect for attempting to detonate a bomb on the underground system the day before, to get on to the same bus twice and enter an underground station.

**The Translation of a 'Possible' to a 'Positive' Identification**

20.51 The Surveillance team stated categorically that no officer said that it was definitely the subject, whereas CO19 stated that they heard SO12 identify the man they were following as the suspect NETTLE TIP.

20.52 The surveillance team leader, 'James' expressed a level of doubt in communicating to Room 1600 words to the effect that 'they believed the subject to be NETTLE TIP', 'it was a good possible', 'it was believed to be him', 'they could not give a percentage'. Such phrases indicate that while not 100% certain it is thought to be the subject and deployment of CO19 to carry out an armed interception was therefore justified.

20.53 However 'James' did not communicate that some of his team thought that the subject was not NETTLE TIP. This information should have been fully communicated to Commander DICK as it may have influenced her decision-making. ***The Crown Prosecution Service may wish to consider whether this negligence by 'James' that satisfies the test for gross negligence.***[23]

**An examination of the justification for shooting DE MENEZES after he had been tackled in the carriage (murder).**

20.54 Following their briefing, CO19 officers travelled to a TA Centre near to

[22] Refer to footnote 14.
[23] Refer to footnote 30.

SCOTIA ROAD as a holding point. While at these premises the officers heard over their radios that the SO12 surveillance team were following a man believed to be the suspect OSMAN. They were aware he was on a bus.

20.55 The CO19 officers made their way at speed to catch up with the surveillance convoy. However, the bus which Mr DE MENEZES was on, had reached STOCKWELL before CO19 had caught up with it.

20.56 Five members of the surveillance team had followed Mr DE MENEZES into the underground station and three of those officers were in the same carriage with him as the CO19 officers entered the train.

20.57 'Ken' was one of the officers on the train. He saw men whom he believed to be CO19 officers enter the platform. When asked "where is he", he indicated by putting his right hand across his body pointing to the direction of where Mr DE MENEZES was sitting. Within seconds 'Ken' saw his colleague 'Ivor' point towards Mr DE MENEZES who was sitting down and shout "He's here'.

20.58 'Ivor' followed Mr DE MENEZES onto the train. He was sitting close to him and he saw four men moving along the platform who he believed to be CO19 officers. On seeing them, he stood up, walked over to the carriage door, put his foot against the door, thus preventing it from closing. He then shouted 'He's here'. Ivor' states that there was shouting and the word 'Police' was being said. He stated that the man being followed immediately stood up and advanced towards him and the CO19 officers. He stated that the man appeared agitated and his hands were held below his waist.

20.59 'Ivor' stated that fearing for the safety of the public, CO19 officers and himself he grabbed the man by wrapping both his arms around his torso pinning his arms to his side, and pushing him back to the seat where he had been sitting. 'Ivor' then heard gunshots as he was himself dragged away on the floor by armed officers.

20.60 ’Geoff’ describes seeing ’Ivor’ pushing the man back towards the seat from where he had risen.

20.61 ‘Ken’ describes the actions of the man once ’Ivor’ had identified him. He states ‘I would describe as appearing to lunge and bolt forward towards the open door, ’Ivor’ and the firearms officers.’

20.62 Charlie 2 describes the man indicated by a surveillance officer as getting up and advancing towards them. He saw the surveillance officer grab the man. Charlie 2 stated that he was convinced that the man was a suicide bomber and he was about to detonate a bomb. Charlie 2 also indicated that the man was wearing a bulky denim jacket, which was incorrect.

20.63 Charlie 12 described entering the train and the surveillance officer indicating with his arm to a man and saying ‘That’s him’ or words to that effect. Charlie 12 described the man in question looking up and standing up and advancing towards him, despite Charlie 12 stating that he shouted ‘Armed Police’. The man continued to ‘Close us down’. He saw the surveillance officer grab the man. He believed he had no alternative but to shoot him as he would detonate and kill people. Charlie 12 also indicates that he believed that the man was wearing a bulky denim jacket.

20.64 ’Ivor’ had pushed Mr DE MENEZES back to his seat and across so he was leaning over the third seat in the carriage, Charlies 2 and 12 then shot Mr DE MENEZES at close range several times.

20.65 Eight officers have been interviewed in respect of the use of the words ‘Armed Police’. Some officers have indicated the words were used prior to Mr DE MENEZES being confronted but Charlie 12 states it was not shouted by him until Mr DE MENEZES had been confronted. It is surprising when dealing with a suspected suicide bomber, that any police officer would want to identify themselves as this would give the suspect the opportunity to detonate any device.

20.66 The surveillance officers and CO19 describe the actions of Mr DE MENEZES as getting up from his seat and approaching them or closing them down. 'Ken' states he was making for the open doors of the train. The actions of Mr DE MENEZES are not surprising. He was sitting on a train when he probably heard shouting by a number of people. The words could have been 'Armed Police', 'Police', 'Get down', 'Get out'. All are described by various witnesses. He had been in London on 7 and 21 July 2005 and, in common with all commuters, he too was probably in fear of further bombing campaigns. His actions were more likely attempts to leave the train to avoid any further incident.

20.67 There have been two descriptions of the events on the underground train from the police officers who were there. The first description was immediately after the event. 'Terry', who was in the compartment before the shots were fired by Charlie 2 and Charlie 12, told DCI C that the person shot had been leaning on a pole in the compartment and when he did not comply with a challenge he was shot because it was thought that he was going to escape (see paragraph 14.11). 'Terry' must have observed what had occurred. Dr SHORROCKS records on the 23 July 2005 that he was told by DCI ZI of the DPS the previous day that Mr DE MENEZES had vaulted the ticket barrier and had run down stairs (see paragraph 14.16). However, there is no evidence that what Dr SHORROCKS says came from any person present on the train. Those statements could be said to be exculpatory.

20.68 In contrast 36 hours later when the officers completed their MG11s there is no repeat of those accounts. Instead what is recorded is a scene that suggests some degree of panic in the compartment with Mr DE MENEZES rising from his seat and immediately being wrestled back into his seat by 'Ivor' before being shot because the officers believed that he was an imminent danger to them and their colleagues. There is no reference to a pole, no reference to leaping the barrier, no reference to trying to escape apart from 'Ken' who states that Mr DE MENEZES had been trying to escape. That somewhat contradicts the accounts of others and is more in line with what 'Terry' originally reported. If those accounts were accurate then a real issue arises in connection with the

actions of Charlie 2 and Charlie 12 because an escaping terrorist could not be said to constitute the same degree of threat as a suicide bomber who would be likely to detonate his bomb at the first challenge.

20.69 In the event I think that what was recorded on the 23 July 2005 is, subject to the issue about the claimed shouts of ‘police’ and ‘armed police’, probably the most accurate description of what occurred because Mr DE MENEZES did not leap the barrier, he did not run down stairs, he was not leaning on a pole, and if he did attempt to escape he had not got very far before being pushed back into the seat from which he had just risen.

20.70 DCI C had briefed the CO19 officers on the requirements of the use of force under Section 3 of the Criminal Law Act 1967. He also describes the briefing he got from ’Terry’, post-incident, where the officers describe Mr DE MENEZES as trying to escape.

20.71 The actions of Charlie 2 and Charlie 12 should be considered in light of the day’s events and those of the previous two weeks. At the briefing, they were supplied with a full briefing on the capabilities of the terror suspects. During the operation they had heard the man being followed was being identified as one of the suspects from the previous day’s attempted bombings. On arrival at STOCKWELL, CO19 went to State Red, authorising a firearms intervention, following an order from the DSO to stop the man from entering the station and tube train.

20.72 They had seen ’Ivor’ point at the suspect, who they saw get off his seat. ’Ivor’ then grabbed the man and forced him back to the seats. Both officers state they believed they had to act immediately to prevent loss of life to the people on the train.

20.73 The question arises as to what ’Ivor’ was indicating when he identified Mr DE MENEZES as ‘He’s here’ or ‘That’s him’. Was it that he was the suspect or simply as the man the surveillance team had followed? However, the actions of ’Ivor’ in grabbing the man actually increase the likelihood that he was indicating the suspect.

20.74 Charlies 2 and 12 clearly believe they were acting in self defence, and had the right in law to use the force they did. **The Crown Prosecution Service may wish to consider whether the actions of Charlie 2 and Charlie 12 amount to murder in the context of their justification for the shooting of Mr DE MENEZES and having regard to the fact that there were explanations given for the shooting at that time which did not accord with the accounts given 36 hours later.**[24]

**An examination of whether any other officer, apart from Charlie 2 and Charlie 12, is potentially implicated in the shooting (either at a managerial or operational level) and whether any actions fall into any of the offence categories (other than murder) set out above.**

20.75 From the point in BRIXTON when they state that they believed that Mr DE MENEZES was the suspect, CO19 officers began to make ground towards STOCKWELL. By this time he had been under surveillance for some 20 minutes. All tactical options to stop an identified subject depended on the availability of CO19. No other options had been considered until virtually the last minutes when a decision was made by Commander DICK to use armed surveillance officers to carry out the stop because to the absence of CO19. This decision was then countermanded almost immediately with the arrival of CO19.

20.76 The absence of any other options resulted in Mr DE MENEZES being allowed to enter an environment that was very difficult to command and control. The worst-case scenario for this operation was that a suspected suicide bomber should be allowed to enter the underground system and detonate a device. Had this been a terrorist followed to STOCKWELL, the failure to apprehend him sooner could have resulted in an even more catastrophic outcome resulting in many deaths.

20.77 The order given by Commander DICK was to stop the suspect getting onto the underground station and subsequently the underground train. When interviewed she was asked to explain the word “Stop” and her

[24] Refer to footnote 30.

response was that “Stop” is a common word in policing terms and it was meant as “stop and detain”. This opinion is supported by DCI C and Trojan 80 and 84.

20.78 However, the way the order was received by CO19 must be considered. Following a full briefing, many of the CO19 officers have described that they believed that they would have to confront a suicide bomber. The CO19 officers have stated that they believed the man being followed on the bus had been identified as one of the suspects for the failed bombings on 21 July 2005. They had been in a situation of trying to ‘Catch up’ with the surveillance team since their briefing had finished. And as they approached STOCKWELL underground station they hear that the suspect had entered the underground station and they received an order to stop him getting on the underground train. I do not believe that the use of the word ‘Stop’ can be related to normal policing duties. With the mind set of the CO19 officers believing that a suicide bomber had entered the underground station, to receive such an order to stop him from DSO cannot be related to normal duties. They had not had the benefit of a rider to their briefing of the sort to which I refer at paragraph 20.8. If they had received such a briefing they might have been more cautious in the way they approached and dealt with Mr DE MENEZES.

20.79 It should also be stated that at no time did Commander DICK declare this as a KRATOS incident and at no time were the orders given to take a critical shot.

20.80 The communications situation is not helped by the very fact that the CO19 officers, by entering the underground station, would be out of communication range. However, as is accepted by Commander DICK in her interview, after going ‘State Red’ it would have been difficult to stop the CO19 officers before their confrontation of Mr DE MENEZES.

20.81 The identification of the suspect was never positively confirmed. However, by the time Mr DE MENEZES got back onto the bus at BRIXTON he was believed to be the suspect OSMAN. Owing to the specialist resources (CO19) not being in place, the suspect was allowed

to get onto the bus, continue the journey from BRIXTON to STOCKWELL, and enter the underground station.

20.82 I comment at paragraph 20.47 on the consequences of the surveillance team having failed to adequately identify the person they were following. However, that team had spent thirty minutes following and staying with Mr DE MENEZES and attempting to identify him. That provided Commander DICK with a thirty minute opportunity to act in accordance with the operation strategy. There was no attempt to do so.[25]

20.83 The SO12 officers who were following Mr DE MENEZES had been authorised to carry firearms for their personal protection and the protection of the public. In the context of the events of 7 July and 21 Ju;y when, respectively, there had been a successful detonation and an attempted detonation of bombs on buses it was a failure of the management of the operation to permit Mr DE MENEZES to get on the bus at TULSE HILL. If he had been a suicide bomber that event could have been catastrophic. Therefore the failure to use SO12 to stop him getting back on the bus in BRIXTON is an even more inexplicable failure to apply the strategy.

20.84 Trojan 80 and 84, DCI C and Commander DICK have all been interviewed in respect of the offences of gross negligence manslaughter and misconduct in a public office.

20.85 In respect of Trojan 84 and DCI C, I am of the opinion that their role in this incident was such that they were never in a position to influence the outcome and as such cannot be held responsible.

20.86 Trojan 80 was with Commander DICK, and throughout he was in a position to offer advice if requested. I am of the view his role did not influence the outcome and therefore cannot be held responsible.

20.87 Commander DICK has endorsed that she was the person in command.

[25] Detective Sergeant Dingemans and his team at one stage were detailed to stop the man on the bus (Mr de Menezes) however this order was later cancelled.

***The Crown Prosecution Service may wish to consider whether the manner in which this operation was commanded, the failures to have resources properly deployed and the absence of any other tactical options could be considered to be grossly negligent.***[26]

**An examination of the potential gross negligence of Charlie 2 and/or Charlie 12 in coming to the conclusion that DE MENEZES was a suicide bomber who had to be killed (manslaughter).**

20.88 Commander DICK did not give any order for a critical shot to be fired without warning. It follows that when the firearms officers entered the carriage they were performing what could be described as a conventional 'armed stop and arrest'. The objective of any firearms operation is to neutralise a suspect by the superiority of weapons with which the suspect is confronted with. In the vast majority of cases this leads to the surrender of a suspect.

20.89 Charlie 2 and Charlie 12 were permitted to use reasonable force to detain Mr DE MENEZES. A lethal option is always available in a firearms operation if an officer believes he needs to protect their own or another's life.

***The actions of other officers who were below ground.***

20.90 It may be of significance that none of the 17 passengers in the carriage recall hearing a challenge of 'armed police'. There is no doubt that CO19 officers shouted police and armed police as they ran down the escalators, but there is significant doubt as to whether they shouted this in the carriage.

20.91 Given that they believed they were confronting a suicide bomber it is perhaps illogical that they would have challenged him prior to trying to detain him. ***The Crown Prosecution Service may wish to consider whether any of the eight officers on the train who state they shouted or heard the words 'armed police' have conspired to***

[26] Refer to footnote 30.

***pervert the course of justice.***[27]

***The potential gross negligence of Charlie 2 and/or Charlie 12***

20.92 As Charlie 2 and Charlie 12 ran into the carriage surveillance officers, who state they were indicating the person they had been following rather than an identified suicide bomber, directed them towards Mr DE MENEZES.

20.93 Mr DE MENEZES may well have stood up in response to hearing shouts of 'get down' or 'get off'. Charlie 2 and Charlie 12 then saw Hotel 3 grab him. They mistakenly believed that their own lives and those of others on the train were in danger and fired shots intending to kill the person they believed to be a suicide bomber.

20.94 They both incorrectly state that Mr DE MENEZES was wearing a bulky denim jacket. Their earlier briefing had included the fact that the terrorists were believed to have had the capacity to arm themselves with devices that could be discretely tied around their waists. **The Crown Prosecution Service may wish to have regard to the matters summarised at paragraphs 20.67 to 20.69 in considering whether the actions of Charlie 2 and 12 amount to self-defence or not. They may also wish to consider whether they were grossly negligent to come to the conclusion that they were confronting a suicide bomber.**[28]

**The Structure and Management of Communications.**

20.95 Room 1600 was normally used to command intelligence gathering operations rather than dynamically developing crimes in action. The latter normally being commanded in Central 3000 has the ability to record all communications. That room should have been used for the operation and the explanations given for not using it are not satisfactory. This aspect will be dealt with in more detail in the second part of this

[27] Refer to footnote 30.
[28] Refer to footnote 30.

report.

20.96 The radios used by the surveillance officers could be monitored by Room 1600 and CO19. This was underpinned by direct telephone links between Commander DICK and DCI C and between Trojan 84. There was therefore good communication above ground. While the communication links above ground were generally good there were breakdowns that did hamper communication with CO19.

20.97 Room 1600 appears to have been chosen to fulfil the need to gather and disseminate intelligence rather than provide an environment that could record all communications. The main and central issue in this tragedy is whether the level of identification was properly communicated from the surveillance team to Room 1600 and CO19.

20.98 The very fact that there was no recording of the communications from SO12 to Room 1600 has not assisted the officers in confirming details of the instructions given during the IPCC investigation.

20.99 It is surprising that Commander DICK's loggist notes do not commence until 09:52hrs, some twenty minutes after Mr DE MENEZES had left SCOTIA ROAD.

20.100 Commander DICK during her interview with the IPCC investigators stated that her decision log was accurate, albeit, it was not completed until twelve hours after the incident. She stated that she had relied on her memory, loggist notes and CLIO log. The loggist notes and CLIO log are very brief.

**An examination of the combined and/or individual operational actions of the three teams (SO12, SO13 and CO19).**

20.101 The death of Jean Charles DE MENEZES should have been avoided. A combination of events meant that when he entered the STOCKWELL Underground station he was within minutes of his death.

20.102 The moment he left his flat at SCOTIA ROAD a single surveillance operative was unable to obtain a video recording of him. It was also a fact that fixed observation point had not been obtained due to the fact this was a fast moving operation.

20.103 The SO13 anti-terrorist officers, who were to be deployed to debrief people leaving the flats in accordance with the strategy, were still in the process of receiving the briefing.

20.104 CO19 again were deployed after their briefing, but unfortunately this did not conclude until after Mr DE MENEZES had left his home address.

20.105 SO13 officers were to de-brief any person leaving the flats. They were alerted to the fact that Mr DE MENEZES was on the bus towards BRIXTON but as soon as he was possibly identified as the suspect they were withdrawn.

20.106 CO19 then made their way to STOCKWELL after the possible identification. By the time Mr DE MENEZES was at the underground station they were still some distance away, therefore the SO12 officers followed him to the train.

**The conduct of officers between the time of the shooting and the signing of original witness statements.**

20.107 It has become the accepted practice after a shooting, for firearms teams to compile their statements in a group sometime after the event. The phenomenon of 'perceptual distortion' is advanced as a reason for them not making their statements as soon as practicable. There is a fear that their evidence may be distorted following the trauma they have undergone.

20.108 There is established case law that enables police officers who have witnessed an incident to make up their notes together. However the notion of a firearms team compiling their evidence together some 36 hours after a fatal shooting and after advice from their solicitor is

something that is difficult for others, such as bereaved families to understand.

20.109 While it is suggested that firearms officers in such cases are witnesses trying to prepare an accurate and truthful account of an incident, it is difficult to imagine that the police, as investigators, would allow say a group of freed hostages to make their statements together rather than as individuals.

20.110 In fact in this case many of the passengers in the carriage may have provided clearer evidence if they had been allowed to prepare their evidence together. However the reality is that they have seen and heard things from different perspectives and their individual accounts can be the subject of testing or challenge at any later tribunal. It is therefore difficult to lend support to the current police practice that enables firearms teams to compile their evidence together. The appropriateness of police practice in relation to firearms teams will be considered in more detail in the second part of this report.

**Alteration of the surveillance log**

20.111 There is no doubt that the surveillance log has been altered. That would not have occurred if the investigation had been referred to the IPCC immediately and in accordance with the practice that had been established during the previous fifteen months of the existence of the IPCC. The alteration totally changes the context of the entry from 'I believed it was NT' to 'and I believed it was not NT'. The significance of this cannot be over stated. The evidence obtained by the IPCC does not make it possible to establish with any certainty who was responsible for the alteration. However, it is possible to infer that a clear motive lay behind the alteration. **The investigation has not found sufficient evidence against any individual to make it possible to suggest that criminal proceedings might be appropriate[29].**

20.112 It should be noted that the de-briefing commenced at 20:40hrs on 22

[29] Refer to footnote 17.

July 2005 and concluded at 22:30hrs. It is believed the log was altered between these times.

20.113 It is clear that at 21:45hrs on 22 July 2005 Detective Superintendent PRUNTY from SO13 formally handed over the investigation into the death of Mr DE MENEZES to the Directorate of Professional Standards as they were able to eliminate him from the terrorist investigation.

20.114 The suggestion could be made that the log was altered to distance SO12 from the identification of Mr DE MENEZES as one of the suspects.

**The absence of CCTV recordings.**

20.115 There was concern expressed over the lack of CCTV evidence from the platform at STOCKWELL and also the underground station.

20.116 Examination of the CCTV evidence from the Number 2 bus has also shown gaps in the recording.

20.117 As detailed in Chapter 8, the IPCC investigation has examined the reasons for the absence of the CCTV evidence and it is the opinion of the Senior Investigator that no CCTV material has been destroyed and there is no evidence of a cover-up to withhold evidence for the investigation[30].

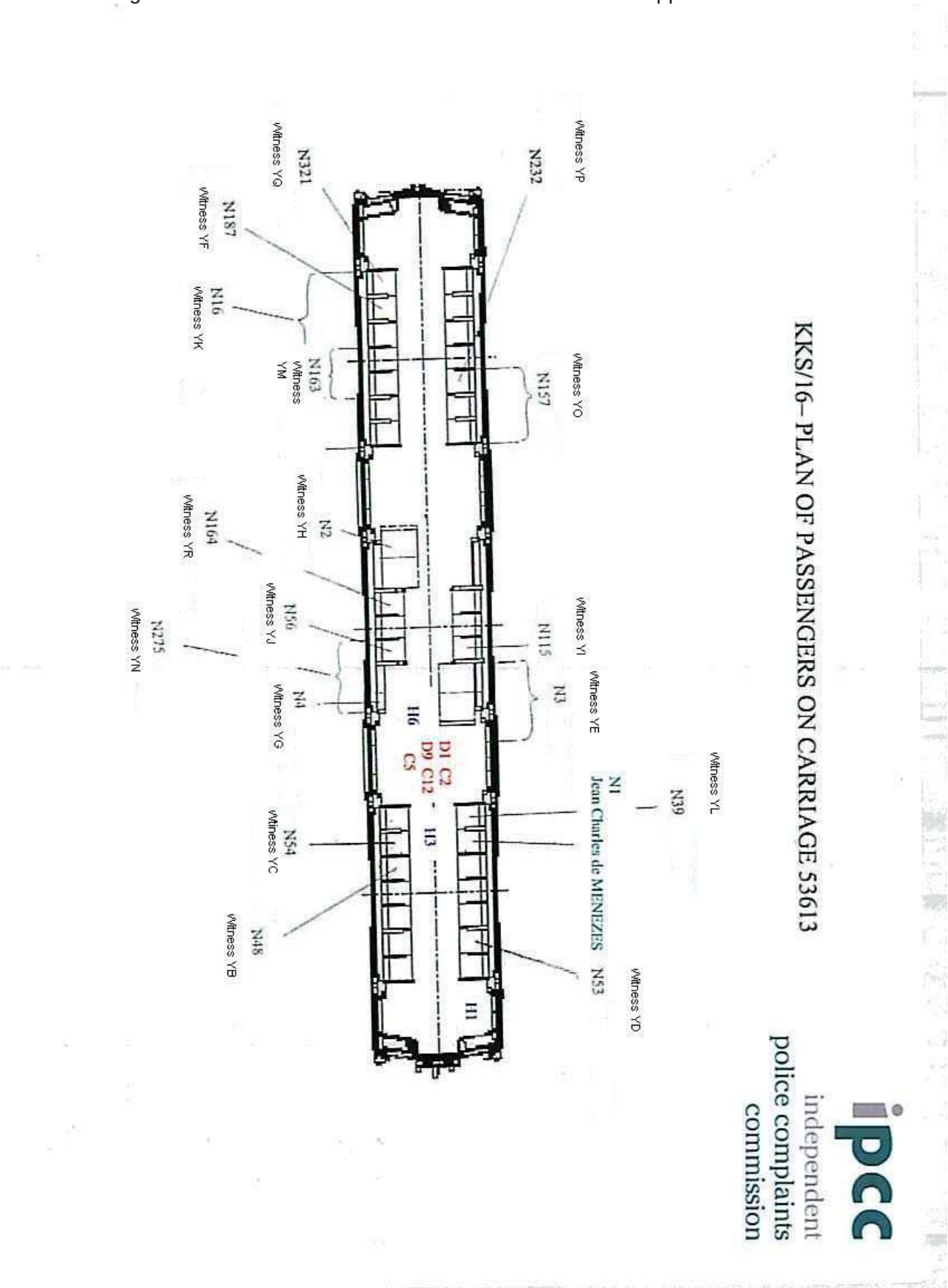
**J.D. CUMMINS**

**Senior Investigator**

[30] On 19 January 2006 this report and supporting evidence was submitted to the Crown Prosecution Service for consideration of instituting any criminal proceedings. On 17 July 2006 the Crown Prosecution Service decided not to institute any criminal proceedings against any individual police officers. However, the Office of the Commissioner of the Metropolis was to be charged with failure to discharge a duty under section 3(1) of the Health and Safety at Work ETC Act 1974, contrary to section 33(1)(a) of the Health and Safety at Work ETC Act 1974. On the 1 October 2007 the trial in respect of this charge commenced at the Central Criminal Court. On the 1 November 2007 the jury returned a verdict of 'guilty' in respect of the Health and Safety charge. When the foreman of the jury delivered the verdict she added the rider as follows, "In reaching this verdict the jury attached no personal culpability to Commander DICK." The trial judge, The Honourable Mr Justice HENRIQUES when delivering sentence made the following comment in respect of Commander DICK, "The jury's rider in relation to her was anticipated by me and it accords with my view of the facts. She was in-charge of and controlling an extremely difficult situation. She has now that rider to depend on and in my judgement, rightly so." The Honourable Mr Justice HENRIQUES made the following comments to the Commissioner of the Metropolitan Police in court when the verdict was delivered, "We heard, Commissioner, of some magnificent police work by several officers. The work of the officer codenamed 'Ivor' in grasping a suspected suicide bomber by both arms, pinning them to his side, was magnificent, and if had been dealing with a suicide bomber, he may well have saved many lives. As it was, he risked his own life, not only by way of proximity, but because he was dressed similar to Mr de Menezes, he was of similar complexion, and was indeed apparently for a short time understandably treated by the firearms team as an associate of the man they believed to be the bomber. It should be remembered also that he volunteered himself to make the stop before Mr de Menezes entered the tube station. May I, Commissioner, ask that he received the appropriate and well earned commendation? Two other officers codenamed 'Derek' and 'James' the surveillance team leaders did everything in their power to remedy the very difficult situation that they found themselves, unsupported by any firearms officers, apprehensive that any moment that a bomber would emerge from Scotia Road. Whilst they were never called upon to act as 'Ivor' did, their conduct throughout was admirable and merited commendation. They confronted reality and force should be proud of them."

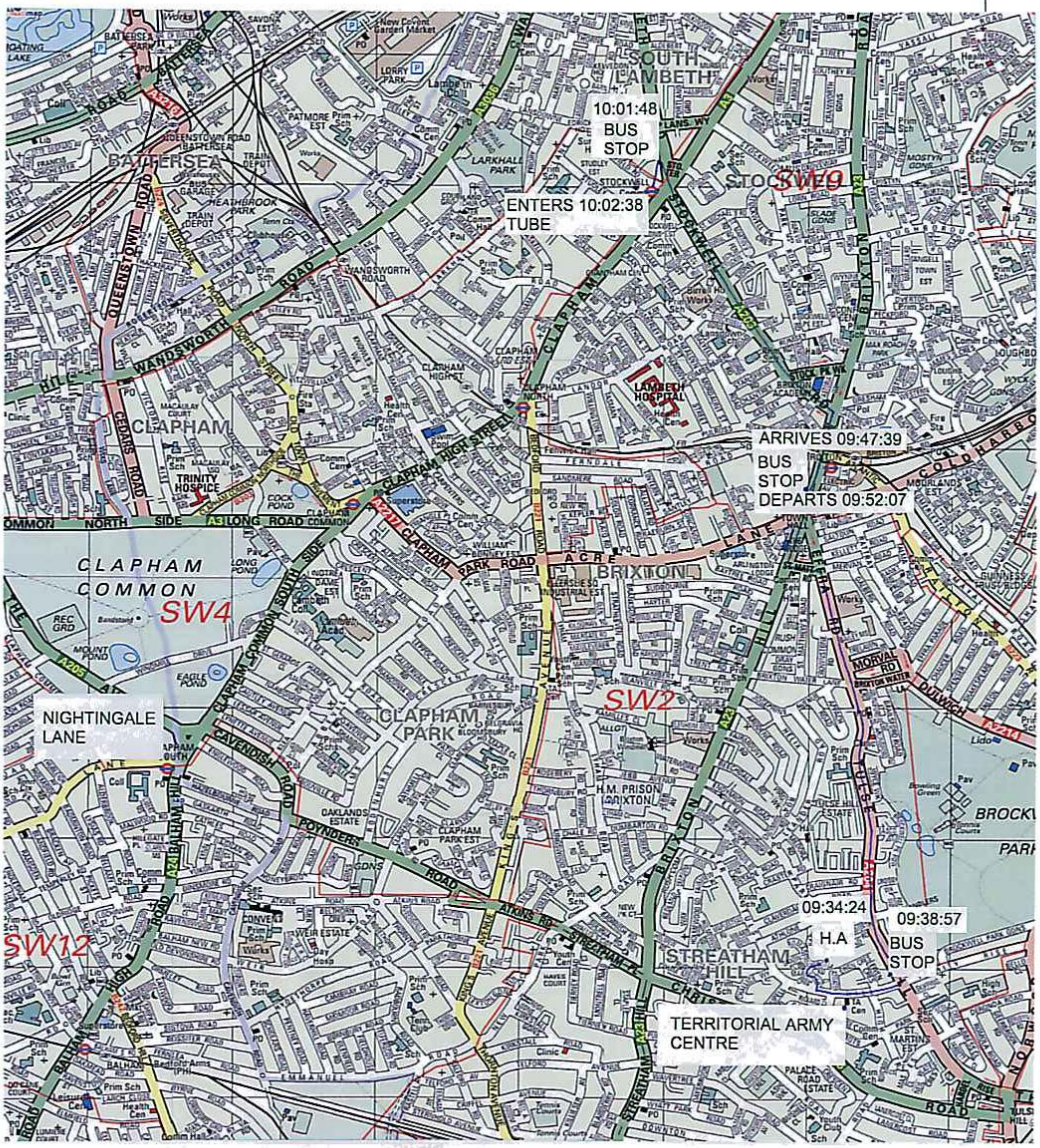
**APPENDIX**

Plan of carriage Appendix 1



Map of route taken by Jean Charles DE MENEZES Appendix 2

ROUTE TAKEN BY JEAN CHARLES DE MENEZES




ALL TIMINGS ARE APPROXIMATE AND HAVE BEEN TAKEN FROM S151V BY INVESTIGATOR HEMSLEY (IPCC)

**EXHIBIT:** GJB/15
**DATE:** 18/01/2006
**NAME PRODUCING:** INVESTIGATOR BEESLEY

Addendum to the report into the shooting of Jean Charles de Menezes at Stockwell underground station on 22 July 2007.

**To: Mr N. HARDWICK**
**Chair Independent Police Complaints Commission**.

1.0 This is an addendum to the previous two reports submitted in January and March 2006. This report details additional enquiries instigated by the IPCC to ascertain why there were delays in deploying resources from CO19 on 22 July 2005 and further investigation into the alterations to the surveillance log written by S012.

**THE DEPLOYMENT OF CO19 RESOURCES**

1.1 'Alan' from S012 was working at New Scotland Yard when he attended a meeting with Commander MCDOWALL and other officers around 04:30hrs – 05:00hrs on 22 July 2005 when Commander MCDOWALL gave the following instructions. 'The S012 armed surveillance team were to attend the location and covertly deploy front and rear of the premises to establish surveillance control of both the venue and the subjects. In the event that either of the suspect persons were to leave the premises then action would be taken. That action was to challenge the subject(s), and stop them. S019 Firearms officers were to be deployed to the address as soon as practicable whilst S012 Armed surveillance officers were to be deployed immediately'.

1.2 At 05:05hrs 'Alan' telephoned the CO19 Tactical Advisor, Inspector ZAJ and requested that a CO19 Firearms team attend Scotia Road. 'Alan' also instructed 'Bernard' to brief the S019 officers and show photographs of the two suspects. He states 'Later, I contacted the same officer and told him to cancel my previous instructions and therefore not show photographs'.

1.3 Inspector ZAJ states that the night duty firearms team were called to New Scotland Yard and told to remain on standby pending any potential requirement to deploy. He remained at New Scotland yard until 07:00hrs when he was relieved by Chief Inspector ZAL.

1.4 ‘Bernard’ states that ‘I had been trying to assimilate relevant information for perhaps an hour, when I was told by ‘Alan’, that I would no longer be required to complete or deliver the briefing’.

1.5 Commander MCDOWALL was re-interviewed and he confirmed that it was his expectation that a unit from CO19 would be deployed to Scotia Road but that it was for CO19 to make the decision as to how and where to deploy its unit.

1.6 These further enquiries have failed to establish the reason why CO19 were not deployed to the Scotia Road area until after the time Mr DE MENEZES left his flat at 09:33hrs, despite being apparently requested to attend at 05:00hrs.

## THE ALTERATION OF THE SURVEILLANCE LOG

2.0 The first report included evidence from ZAI, a forensic document examiner at Berkeley Security Bureau (Forensic) Limited who was of the opinion based on the very limited piece of writing involved, that the addition of the word '**and**' had been made by the author of the document 'Laurence', but that the inserted word **'not**' had been written by someone else using a different pen.

2.1 Mr ZAI found some similarities between the word 'not' and the writings of 'Harry' and 'James'. However the similarities were not strong enough to satisfy the level of proof required in a criminal case.

2.2 A request was made to interview all of the surveillance officers who were involved in writing the log, apart from 'Harry', 'James' and 'Laurence',( who had previously been interviewed under caution), in an effort to gain further evidence. This request was declined and instead their solicitor, Mr Colin REYNOLDS advised them to submit statements that denied any responsibility for making the alterations.

2.3 A second opinion was sought from ZAM from the Forensic Science Service. She found no evidence to indicate that the alteration had been written in a different ink than the rest of the document.

2.4 On examining the alteration she also found moderate support for the proposition that 'Laurence' had written the word '**and**'.

2.5 With regard to the word '**not**' she found the closest similarity to be with 'Laurence' but found some similarity with the sample provided by HOTEL 11. Given the word only contains three characters and that it is written in a simple style she was unable to eliminate any of the 12 samples from the surveillance officers that she was asked to examine.

2.6 In an interview on 1 December 2005 ‘Laurence’ produced a prepared statement that stated ‘I have no recollection of anyone bringing the error to my attention when the log was read out by ‘James’ when the debrief was concluded. I can only conclude I spotted the error when I read it through to myself after writing my entry and amended it then to read correctly’.

2.7 This remains the only explanation that has been provided by anyone for the alterations to the surveillance log. Consequently there remains insufficient evidence to consider criminal proceedings against any officer with regard to the log.

**J.D. CUMMINS**
**Senior Investigator**

Supplementary report into the shooting of Jean Charles de Menezes at Stockwell underground station on 22 July 2005.

**To: Mr N. HARDWICK**
**Chair Independent Police Complaints Commission.**

1.0 This is a supplementary report regarding the investigation into the death of Jean Charles DE MENEZES at 10:05hrs on Friday, 22 July 2005. It will address those complaints made by the family of Mr DE MENEZES in a letter to the IPCC dated 11 October 2005 that concern their treatment by the Metropolitan Police Service (MPS) in the aftermath of Jean Charles DE MENEZES' death. The report will also make operational recommendations arising from issues referred to in the earlier report. A separate investigation continues into the complaint by the family that the MPS deliberately made misleading public statements about the circumstances of Jean Charles DE MENEZES' death.

**COMPLAINTS ON BEHALF OF THE DE MENEZES FAMILY**

1.1 On 12 October 2005 the IPCC received a letter from Birnberg Pierce & Partners, acting on behalf of the DE MENEZES family. In summary, the family complain about the delay that occurred in notifying them of the death of Jean Charles DE MENEZES and restrictions placed upon their relatives making phone calls.

1.2 At 10:38hrs on Friday 22 July 2005 Detective Superintendent ZP, from the Specialist Investigation Section of the Directorate of Professional Standards (DPS) was informed of the shooting. He was appointed as the Senior Investigating Officer regarding the police shooting investigation. At the outset it was made clear that the Anti Terrorist Command, SO13, would have primacy of the scene but the requirements of the DPS investigation would be respected.

1.3 The incident was not immediately referred to the IPCC and the DPS commenced their investigation into the shooting. Detective Superintendent ZP commenced a Decision Log.

1.4 Decision 29 states "Establishing the identity of the deceased is a main line of enquiry. The wallet of the deceased will be searched as soon as possible. The forensic examination will be adjusted to allow this to take place." The

reason for the decision was recorded as being “1) In order that next of kin can be informed as soon as possible. 2) This will assist the live SO13 investigation. 3) It will establish whether SO13 or DPS should have primacy”. The decision was timed at 14:20 22.7.05.

1.5 Decision 30 states ”The wallet examination suggest(s) that the deceased is Jean Charles DE MENEZES, b 7.1.78, a Brazilian born in St Paulo. Urgent enquiries to be undertaken by SO13 to establish if he is linked to their investigation and if they can find a next of kin by examination of the phone.” The decision was timed at 15:00 22.7.05.

1.6 Decision 32 states ,”From the phone recovered from the deceased the last person he spoke with was Gesio. Urgent covert enquiries to identify who this was.” The reason recorded was “This will be one of our best witnesses and a positive lead to next of kin. Informing the next of kin as soon as it is safe to do so remains the priority at this stage.” The decision was timed at 16:30 22.7.05. Gesio de AVILE was subsequently identified as a work colleague of Mr DE MENEZES.

1.7 Enquiries were made during the afternoon of 22 July 2005 to ascertain whether or not Jean Charles DE MENEZES was linked to terrorism. The block of flats at Scotia Road, Tulse Hill remained under police observation during this period.

1.8 At 20:21hrs on 22 July 2005 Detective Superintendent ZP recorded the following decision: Decision 36 “We have now discovered under the body of the deceased a letter in the name of Jean DE MENEZES which confirms his address as 17 Scotia Road. SO13 are now satisfied that they have no investigative interest in the deceased. Primacy at Stockwell Tube Station now passed to DPS”. The reason was recorded as “1) Confirmation of identity and in particular the address being 17 and NOT 21 Scotia Road. 2) SO13 Intelligence checks on have established there is no link with their investigation”.

1.9 The Anti Terrorist operation continued in an effort to locate suspects believed to be living at 21 Scotia Road. Decision 37 recorded the following: “There will be no disclosure of Mr DE MENEZES identity as being the deceased to

the press at this stage. We will not alert the missing person bureau that we have identified the deceased". The reasons stated for this were: "Despite our wish to inform the family as soon as possible the overriding consideration must be the safety of the live SO13 operation. The identity of Mr DE MENEZES needs to be kept from the press until conclusion of the live operation otherwise there is a real possibility that the press will turn up at Scotia Road". This decision was made at 20:30 22.7.05.

1.10 Detective Superintendent ZP considered informing Mr DE MENEZES next of kin to be a priority but at the same time he believed he must not compromise the ongoing Anti Terrorist operation at Scotia Road. This is evident from the decision he recorded at 22:00hrs on 22 July 2005. "Enquiries will be made by DI B at 'Gesio' address in Wembley. There will be discrete enquiries to try and establish if Jean DE MENEZES has a next of kin. If the next of kin is identified as living at Scotia Road contact will only be made by phone and after this cleared by SO13". The reasons recorded were "1) Early identification of the NOK (next of kin) is a priority. The approach to Gesio has the potential to facilitate this without compromise to the SO13 operation. 2) DI B has full knowledge and can be trusted to undertake this delicate task. He also has the rank and experience to make fast time decision should need arise."

1.11 Detective Inspector B commenced his enquiries at 22:15hrs and made his way to Wembley Police Station where he met Sergeant ZY who was assigned to assist him. At 00:50hrs on Saturday 23 July 2005 DI B contacted Gesio DE AVILE on his mobile phone and arranged to meet him at his home address.

1.12 At 01:20hrs Detective Inspector B and Sergeant ZY met Mr Gesio DE AVILE. They spoke to him about his knowledge of Mr DE MENEZES and what relatives he had. They indicated that he may have died. Nothing was revealed that assisted with identifying a next of kin.

1.13 Mr DE AVILE states that the meeting lasted some three hours. He was shown a copy of a photo of Mr DE MENEZES and confirmed it was the same person they were talking about. He states that the police told him that something had happened on the tube and that there was a chance that he

had died but they could not tell him anymore. At the conclusion of the meeting Detective Inspector B emphasised the urgency in tracing a next of kin and provided Mr DE AVILE with his mobile phone number and requested that he be contacted if he thought of anything further that would assist.

1.14 Later that morning Mr DE AVILE ascertained Jean Charles DE MENEZES address from another work colleague and between 11:00hrs and 12:00hrs visited 17 Scotia Road, Tulse Hill and met Vivian MENEZES, a cousin of Jean Charles De MENEZES. Subsequently other relatives were contacted by her.

1.15 At 11:20hrs Assistant Commissioner Alan BROWN directed that no further next of kin enquiries should be made until a press strategy was agreed. This is recorded at Decision 46 in Detective Superintendent ZP decision log.

1.16 At 13:53hrs Detective Inspector B received a call from Mr DE AVILE informing him that he had located a cousin of Mr DE MENEZES who was with him in an address in Scotia Road. This cousin was Alex PEREIRA. Mr DE AVILE was asked to attend Brixton Police station with Alex PEREIRA. Arrangements were later made by the DPS for Vivian MENEZES and two other relatives to be brought to Brixton Police Station.

1.17 At 15:00hrs Detective Chief Inspector ZI from the DPS together with Detective Inspector B and family liaison officers met with the relatives of Jean Charles at Brixton Police Station. At 15:35hrs one of the Family Liaison Officers, Detective Constable ZAA, formally informed the relatives that the male shot by police at Stockwell was Jean Charles DE MENEZES.

1.18 Alex PEREIRA was in possession of his own mobile phone and used it to attempt to contact relatives and inform them of the death of Jean Charles DE MENEZES. In order to save him expense, Detective Chief Inspector ZI provided him with his own mobile telephone and informed him that he could use it to contact all the relatives that needed to be contacted who were primarily in Brazil. Detective Chief Inspector ZI left his telephone in the possession of Mr PEREIRA and departed from Brixton Police Station. The relatives were then taken to a hotel in Kingston.

1.19 At 1930 Mr PEREIRA formally identified the body of Jean Charles DE MENEZES at Greenwich Mortuary. Whilst at the mortuary Detective Chief Inspector ZI phone was returned.

1.20 Following the identification, Detective Chief Inspector ZI ensured that hotel accommodation was provided for all four relatives of Mr DE MENEZES. He also informed them, through the FLO, that all expenses, apart from alcohol, would be met by the Metropolitan Police. This included all telephone calls.

1.21 At 14:45hrs on Sunday 24 July Detective Constable ZAA and Detective Constable ZAB met with three of the relatives of Mr DE MENEZES at their hotel in Kingston. They were given an update as to the progress of the enquiry. They discussed the telephone bill that had been incurred. The FLOs explained that there was no problem and that the bill would be paid. The FLOs enquired as to whether the family would be prepared to pay for any further phone calls, stressing that the Metropolitan Police would cover all other costs. All three members of the family agreed to this.

1.22 At 21:00hrs DC ZAB received a telephone call from Ms. Gareth PEIRCE of Birnberg Peirce solicitors who stated that she now represented the family and that Alex Pereira was with her. She enquired as to why the family's telephones had been 'blocked' at the hotel as the family wished to make calls paid for by the police. Detective Chief Inspector ZI agreed that the Metropolitan Police Service would meet the cost of all reasonable telephone calls in the circumstance and the hotel were duly informed. Detective Constable ZAB then informed Ms PEIRCE of this fact and confirmed to her that at no time had the Metropolitan Police ever asked for the telephone calls of the family to be 'blocked'.

1.23 I am satisfied that there were sound operational reasons for not attempting to contact any of Jean Charles DE MENEZES relatives before 22:00hrs on Friday 22 July 2005. One or more of the terrorists responsible for the attempted bombings on 21 July could well have been hiding inside 21 Scotia Road. There was a genuine fear that alerting any suspects within these premises could have serious repercussions.

1.24 From 22:00hrs on 22 July 2005 the Directorate of Professional Standards attempted to trace relatives through the only contact they had, namely Gesio DE-AVILE, who was unable to assist until his call to Detective Inspector B at 13:53hrs the following day.

1.25 It is evident from Detective Superintendent ZP decision 46 that the Gold Commander, Assistant Commissioner ZAP directed at 11:20hrs on 23 July that no further enquiries should be made to trace the next of kin until a press strategy had been formulated.

1.26 The complaint regarding the delay in informing the family of Mr DE MENEZES death is unsubstantiated. There is no misconduct. There was a direction and control issue that prevented officers visiting Scotia Road. Prior to13:53hrs there was no other indication of the identity of any relative.

1.27 It was reasonable for DCI ZI mobile phone to be returned to him. Following this, arrangements were put in place to provide the relatives with telephones from the hotel at the expense of the Metropolitan Police Service. This facility was temporarily withdrawn but quickly reinstated when the family's representatives asked for this to be done. However, in the circumstances, the family's telephone costs were not unreasonable and given what had happened, challenging them about these costs was not necessary. There is no conduct issue raised by the complaint

**ANCILLARY ISSUE**

2.1 The IPCC have written to the Metropolitan Police Directorate of Professional Standards, raising concerns regarding the manner in which a statement was taken from a passenger who witnessed the incident. We have recommended that this be dealt with as a local management issue.

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**COMMUNITY REFERENCE GROUP**

3.1 A Community Reference Group was formed to assist the IPCC in understanding the concerns of the local, Latin American and Muslim communities in London following the shooting.

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The terms of reference for the group were:

> A group of community representatives who will act as an independent reference group working within confidentiality guidelines, able to offer independent views to the Independent Police Complaints Commission.
>
> - To provide an independent community perspective to the issues under investigation.
> - To contribute to the openness and the transparency of the process.
> - To advise the investigation team on community issues and concerns and thus enhance the quality of the investigation.
>
> Reports, documents, statements and other evidence will not as a matter of course, be disclosed to the group. The terms of reference will be provided to the group on a confidential basis. An oral presentation of the progress of the investigation will be provided where relevant.
>
> Any information discussed within the group is confidential and not be discussed outside the group.

3.2 The group identified three strands to the community concerns:

1. People want to know the truth behind what actually happened.
2. If police officers had been responsible for any offences whether criminal or misconduct, people wanted justice.
3. If there are systematic problems in any police policies then people want these to be put right straight away.

3.3 The IPCC is grateful for the input of the Community Reference Group members. Responsibility for the investigation is the IPCC's alone but we hope that the first part of our investigation will address the first two concerns the CRG raised. This supplementary report now sets out the IPCC's recommendations for addressing the systemic issues raised by our investigation.

## RECOMMENDATIONS

4.1 The IPCC fully concurs with the praise that the Metropolitan Police received for their handling of the events of 7 and 21 July 2005. The IPCC investigation into the death of Jean Charles DE MENEZES has however raised grave concerns about the effectiveness of the police response on 22 July 2005. Our concerns are not only, as in this case, the risk of an entirely innocent member of the public being killed in error but also whether the police response would stop a terrorist who was intent on causing harm.

4.2 In drawing up these recommendations we have therefore worked closely with Her Majesty's Chief Inspector of Constabulary who will be responsible for taking the majority of them forward at a national level. In addition, we draw the attention of the Home Secretary to our recommendations and urge that she ensures everything possible is done to act on the lessons learnt from this tragic incident.

4.3 Our principal recommendation therefore is that in the context of the findings of this report, and the wider terrorist threat facing the United Kingdom, HM Inspectorate of Constabulary (HMIC) examine the following areas of policy, guidance and practice to identify all issues of local and national relevance and that appropriate action is taken to act on the detailed recommendations made.

4.4 These recommendations have not addressed general issues about how the police should respond to suicide bombers or public concerns around a "shoot to kill" policy and "Operation Kratos" that have not been raised by the specific circumstances of this incident. The IPCC believes there needs to be a wide and well-informed public debate of these issues. We therefore welcome the ACPO Review of these issues and the decision to make public their findings. In our view, HMIC should ensure in the context of our recommendations that the ACPO review is fit for purpose.

***POLICE USE OF FIREARMS***

**Command & control**

1] *Concern*

*Despite Commander DICK making it clear she was in command of all aspects of the firearms operation there remains the potential for confusion between the respective roles of Gold, Silver and Designated Senior Officer.*

Recommendation HMIC

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

2] *Concern*

*Despite being appointed as the Designated Senior Officer, the strategic briefing chaired by Commander MCDOWALL commenced before Commander DICK's arrival due to inaccurate information being provided to her regarding the location of where the briefing was to be held.*

Recommendation HMIC

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

3] Concern

*No formal recording was made of any of the briefings prior to the deployment of firearms and surveillance officers. Thereafter there was no audio recording of what was communicated within the Operations Room. Such recordings would have provided an audit trail regarding the information that was received by the room and the decisions that were then transmitted. Some staff working in the Operations Room expressed concerns regarding the noise generated within it and how that may have affected its effectiveness.*

Recommendation HMIC

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

4] *Concern*

*The strategy set by the Gold Commander was not implemented. The strategy made it clear that all persons leaving Scotia Road would be stopped either as suspects or as potential intelligence sources. Six persons left the flats before Mr DE MENEZES. Due to insufficient resources being in place, none were stopped.*

Recommendation HMIC

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

5] *Concern*

*There was no threat assessment and the risk assessments undertaken for this operation did not consider the risk of misidentification or uncertainty regarding the identification of a suspect. The assessment did not consider a suspect leaving the premises before firearms resources were in place.*

Recommendation HMIC

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

**Operational considerations**

6] *Concern*

*There was a substantial delay between the time the firearms team were requested and when they were deployed. By the time Mr DE MENEZES left Scotia Road at 09:33hrs CO19 officers were still not in place despite being initially requested at 05:05hrs.*

Recommendation HMIC

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

7] *Concern*

*There was a lack of clarity about the command to 'stop' the suspect given the likely mindset of the firearms officers. They were deployed on an anti terrorist operation the day after unsuccessful attempts were made to cause explosions*

*within the underground system. They had been issued with special ammunition. They knew a Designated Senior Officer was in command*.

Recommendation HMIC

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

***SURVEILLANCE OPERATIONS***

8] *Concern*

*The S012 surveillance team, the CO19 Specialist Firearms Officers and those in command were not used to working together and were not sufficiently familiar with each others working practices.*

Recommendation HMIC

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

9] *Concern*

*It was only the views of the surveillance team leader that were communicated in relation to the identification of the suspect. The fact that two surveillance officers believed that the person being followed was not the suspect should have been communicated to the Designated Senior Officer as it may have assisted her decision making.*

Recommendation HMIC

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

10] *Concern*

*The completion of the supplementary surveillance log has been proved to involve alterations which changed the meaning of the entry.*

Recommendation HMIC

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

***POST INCIDENT MANAGEMENT***

11] *Concern*

*The incident was not referred until 15:21hrs on Monday 25 July and until that time the IPCC was prevented from starting an investigation on the instruction of the Commissioner of the Metropolitan Police. The rationale given by the Commissioner for this decision relating to the IPCC's powers and duties was not correct*

*At the present time the Police (Complaints and Misconduct) Regulations 2004 require the police to refer complaints and allegations of misconduct that are subject to mandatory referral (such as death and serious injuries) to the IPCC no later than the end of the* ***working day*** *following the day on which the complaint was made or the conduct came to the attention of the appropriate authority.*

Recommendation Home Office

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

12] *Concern*

*The difference in the treatment of police and civilian witnesses to this incident are not acceptable or justifiable. Members of the public were expected to be interviewed and make statements soon after witnessing a most traumatic incident without being able confer with other witnesses and provide a joint account. The police officers involved were allowed to return to their own base, refresh themselves and confer. This was and is accepted practice. However, the IPCC has raised its concerns regarding the post incident procedures put in place after other incidents where police firearms are discharged.*

Recommendation HMIC

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

13] *Concern*

*Officers involved in the incident wrote up their notes together. This is current practice but makes those accounts less credible. Such practices were agreed in the protocol between the police service and the IPCC in July 2004.*

Recommendation ACPO

To review efficacy of existing post incident management policy, guidance and practice to ensure an appropriate balance exists between being rightly held to account for one's actions whilst discharging the office of Constable and the rights of the principal officers. Particular attention should be paid to the need to ensure that individual accounts are obtained in a proximate and

transparent manner that is consistent with the rules of evidence, the duty of care to staff and the need to secure public confidence. Post-incident procedures should be revised to ensure that officers do not write up their notes together.

***COMMUNICATIONS INFRASTRUCTURE***

14] *Concern*

*Command and control of this incident was inevitably lost when CO19 officers entered the underground. Had there been any update regarding the uncertainty surrounding the identification at this point it would have been impossible to communicate.*

Recommendation MPS

That in collaboration with partners in Transport for London and British Transport Police the Metropolitan Police Service undertake to ensure that communications are harmonised and facilitate the command and control of operations conducted within the London Underground network.

***TRAINING AND EXERCISES***

15] *Concern*

*Events during July 2005 confronted the Metropolitan Police Service with a series of challenges that had not been experienced before. Whilst terrorist attacks on the transport system had been predicted, the MPS relied on the ACPO Firearms manual and the Kratos policy to combat such an attack. It is apparent that more was required. The IPCC wants to ensure that police service and individual police officers have learnt as much as possible from the events of 22 July and have the best possible preparation for dealing with similar situations in future.*

Recommendation HMIC

The MPS, HMIC, ACPO, NPIA, Home Office and other relevant agencies should revise planning, exercises and training provided for those involved in anti-terrorist policing to ensure such processes fully incorporate all the learning from the events of 22 July.

As soon as legal procedures permit, the experience of those officers directly involved, including staff from the IPCC should be fed into those reviews.

***COMMUNITY REASSURANCE***

16] *Concern*

*The IPCC has noted the positive response given by members of the Community Reference Group and other community representatives to the steps taken by the then Lambeth Borough Commander and other statutory bodies to provide community reassurance in the aftermath of all the events in July 2005. The IPCC witnessed some of this at first hand. We commend Chief Superintendent Martin BRIDGER and his officers for an excellent job facing the communities directly, listening to their concerns and seeking to restore their confidence. It was reported to us that this had been achieved as a result of the community police liaison arrangements.*

Recommendation HMIC

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

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