



Metropolitan Police Authority

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Sir Michael Wright
HM Assistant Deputy Coroner
HM Coroner for the Inner London South
District of Greater London
The Coroners Court
1 Tennis Street
Southwark
LONDON
SE1 1YD

20th February 2009

Dear Sir Michael

Jean Charles de Menezes Inquest: MPA Response to the Section 43 report from the Coroner

Thank you for the opportunity to comment on the concerns you had during the course of the de Menezes Inquest. As you know, the Metropolitan Police Authority (MPA) has long been concerned that the Metropolitan Police Service learns all it can from the events of the 21st and 22nd July 2005, so that the likelihood of such a tragedy occurring again be minimised in the future.

You may be aware that the MPA undertook a scrutiny during 2008, to assess the extent to which the MPS had addressed the recommendations arising out of the various investigations (IPCC, HMIC etc.) into the Stockwell shooting. We published that report in July 2008. A copy is attached for your information. It should be noted that as it stands, the scrutiny is not finalised, as there were, at the time a number of questions we were unable to ask, and a number of witnesses we were unable to interview, given that the Inquest had yet to take place. The panel has yet to decide how the MPA will deal with these questions. In respect of the recommendations we have made, a full response will be presented to our strategic operational policing committee in April 2009, outlining the progress being made against each of the recommendations. Please note this has been delayed by a month to allow consideration of the s43 report.

The panel has reconvened to consider the issues raised in your report and our response concentrates on the matters of most concern to the Authority.

Our investigations confirm that action is being taken but that progress has been much slower than we would have liked in some areas.

Command Structure

The MPA believes you were right to raise issues around the command structure. We had concerns during our scrutiny, particularly about how the 'designated senior officer' role (DSO) fits with the standard gold/silver/bronze structure. In light of the Olympics in 2012, it is particularly important that these issues are addressed.

Our discussions with the MPS confirm that some changes have been made in response to your report and the recommendations we made last year, in particular the term DSO is no longer in use. However, progress has been slow. It is important that the changes made in London do not conflict with national arrangements, not least because the MPS have national responsibilities and are required to act in partnership with other forces. We have heard that movement at the national level is slow. It is our intention to work with Her Majesty's Inspectorate of Constabulary to maintain momentum in this area.

We acknowledge that the Gold/Silver/Bronze structure remains the most appropriate command and control structure for policing operations and that it works best where there are clear terms of reference and there is clarity about roles and responsibilities. We have heard from the MPS that new guidelines on command and control are being frequently tested and that a cadre of ACPO officers is being specifically trained to deal with situations where extreme threat is present (i.e. imminent threat to life and public safety). This ACPO officer, if the situation dictates, will sit alongside the silver commander, but will have sole responsibility for taking critical decisions that may result in a death. The post has been described to us as that of 'Silver Tactical Commander'. We understand the rationale put forward by the MPS for this i.e. the necessity for the Met's highest ranking officers to take decisions of this magnitude not just because of potential consequences, but also in view of the need to be held accountable in the aftermath. However, in a hierarchical organisation such as the MPS, the MPA still has concerns that this model may create confusion for the staff involved in the incident, particularly in terms of where overall responsibility lies. The MPS have given us assurances that they can overcome these potential risks, but only time will tell if this is borne out in practice.

Communications systems:

You may be aware that since the 22nd of July 2005, the radio system available to MPS officers, particularly to officers from Specialist Operations and covert surveillance officers has been upgraded and so many of the problems that occurred on 22/7 would not occur again today. That said, the Authority remains concerned about the capacity of Airwave to cope in a major incident.

The National Policing Improvement Agency is funding improvements to the underground capacity and we are aware of plans to ensure the facilities above ground are fit for purpose. Our Olympics sub-committee has a particular interest in ensuring progress and we will therefore be asking them to monitor progress.

Rules of engagement and code-words:

The MPA has scrutinised the progress the MPS has made in clarifying the rules of engagement for armed surveillance and firearms officers and the training and testing that is being provided to officers. We are confident that the MPS has learnt lessons in this area from 22nd July 2005.

We are aware that the MPS are concerned about your recommendation to introduce a system of code words. We support their concerns, not least because of the potential risks when operating with colleagues from other police services. In our view, it is the clarity of command that is important, not necessarily the words used.

Surveillance officers / Firearms officers:

We have been updated on the progress being made to develop better working relationships between firearms and surveillance teams, including joint training exercises. We are aware the MPS have looked at whether some surveillance officers should be trained to the level of specialist firearms officers to perform stops on suspected suicide bombers. We accept their contention that training and abstraction burden they would experience as a result would be impractical and that other solutions aimed at ensuring appropriately skilled officers are available in a timely manner would be more appropriate. We will be seeking regular progress reports to ensure that these concerns are being addressed.

Miscellaneous issues:

The MPA echoes your concerns about the weaknesses in record keeping and in some respects this reflects concerns we raised about whether control rooms were fit for purpose. There has been considerable investment in the control room environment since 2005, so that activity can be properly recorded.

As you note in your report, the MPA raised serious concerns about the practice of police officers writing up their notes together after a serious incident and our report made several recommendations in this area. The MPA does recognise that some progress has been made, largely as a result of changes to the ACPO guidance in this area, and in a recent shooting in Romford, the new guidance was successfully followed. Nevertheless we still have serious concerns, firstly about whether there are processes in place to ensure that compliance can be audited and secondly that the guidance only

applies to death and serious injuries involving police officers. We remain of the view that our recommendations in this area should be fully implemented by the Met without further delay.

As I say at the start of this letter, the MPA and the MPS are committed to ensuring that every opportunity for organisational learning from the tragic shooting is maximised and we will continue to do what we can to ensure that this learning is embedded.

Yours sincerely

A handwritten signature in black ink that reads "Len Duvall." The signature is written in a cursive style with a large, circular initial 'D'.

Len Duvall, AM, OBE
Chair, MPA Stockwell Scrutiny Panel