

DIRECTORATE OF LEGAL SERVICES

24th July 2014**Director: Hugh Giles**
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His Honour Judge Keith Cutler CBE
Assistant Coroner
c/o Ms Judi Kemish
Solicitor to the Mark Duggan Inquest
Taylor House
88 Rosebery Avenue
London
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Dear Judge,

Re: The Inquest into the death of Mark Duggan

This is the response of the Metropolitan Police Service (MPS) to your 'Report to Prevent Future Deaths' (PFD Report) dated 29th May 2014.

Introduction

The MPS desires and intends to continue to learn lessons from the events of and following 4th August 2011. The MPS welcomes informed comment and assistance in achieving its aspirations, including, but not limited to, that provided by the jury's determinations, your subsequent investigation, and PFD Report dated 29th May 2014. That report directs six concerns to the MPS. The MPS responds to those concerns in accordance with the statutory 56 day time frame. Given the nature and extent of the work undertaken by the MPS and by relevant bodies including the Association of Chief Police Officers ['ACPO'] in response to the events of August 2011, upon which your concerns have an important influence, it will be appreciated that this response describes the present progress rather than the final outcome of the total MPS response.

Background

In the fiscal year April 2012 to March 2013 the MPS conducted 1136 pre-planned armed operations. This was 10.3% of the total for England and Wales (10996). The source of this data are the Home Office Statistics on Police Use of Firearms in England and Wales 2012-13 published by the then Policing Minister Damian Green on the 27th March 2014. During this period the MPS conducted 454 MAST operations of which there were 15 incidents where a vehicle was

immobilised using a total of 28 Hatton rounds. During this twelve month period no lethal weapons were discharged by police during MAST operations.

The use of pre-planned MAST operations was an important tactic in Operation Dibri. Such operations are controlled and led by a cadre of trained strategic and tactical firearms commanders within the Specialist Firearms Command and their detective colleagues of equal occupational accreditation and operational competence in Trident. They involve the deployment of specialist firearms officers and both armed and unarmed surveillance officers. Such operations are extremely resource intensive.

The MAST operation of 3rd-4th August 2011 was one such pre-planned, resource-heavy and intelligence led operation. It was set up because of serious levels of criminality and the reliability of the available intelligence in order to recover firearms from its six named subjects, senior members of the Tottenham Man Dem, any one of whom might have had a gun. The operation had to be authorised to keep the public safe. It was authorised by one of the most experienced Strategic Firearms Commanders in the country following receipt of the requisite tactical advice, a full briefing and presentation from the Tactical Firearms Commander, advice from the Tactical Advisor about the available options and whether and how those options met her working strategy, and a meeting with intelligence managers on 3rd August 2011. The resultant tactical plan contained a range of options designed to permit a flexible response to developing intelligence. Intelligence could and did change significantly and rapidly and was acted upon as and when it became specific.

Concerns

Given that general background, the MPS responds as follows to your six concerns.

Concern 1: The MPS and SOCA could have reacted better to developing events and used their joint intelligence resources better

The MPS acknowledges both the jury's response to question 1 and your concern. The MPS is committed to the removal of guns from the streets of London. It has limited resources to effect this commitment, and decisions must be made as to how to target those resources. Thus, the officers deployed actively in the MAST operation on 3rd and 4th August 2011 were due to be on duty from 18:00hrs, reflecting the consistency of the intelligence that any handover of a gun would be after 21:00hrs. In the event, on 4th August 2011, the pick-up of the gun was arranged to take place some hours earlier. This is an example of a significant change in specific intelligence which had to be and was responded to.

The exhaustion of all avenues may be disproportionate, impossible, impracticable and/or unnecessary depending on the particular facts of any given case. The essential point, which governed the decisions on the deployment of MPS resources on 3rd and 4th August 2011, is that all the intelligence, which was of high-grade quality, related to Mark Duggan, the intended recipient of the gun. The MPS resources were therefore directed at the recovery of the gun from Mark Duggan.

Intelligence provided to the MPS by SOCA indicated Kevin Hutchinson-Foster was storing a gun or guns for Mark Duggan. The MPS did not telephone Mr Hutchinson-Foster's probation officer, which might have confirmed his bail hostel address and telephone number. Possession of that address by the MPS might, theoretically, on application and diversion of very significant and valuable resources, have led eventually to the location of Mr Hutchinson-Foster at the bail hostel. He was not at the hostel on the night of the 3rd August 2011. The protracted and continuous

surveillance necessary to locate Mr Hutchinson-Foster in this way could not and would not have represented a justifiable application of MPS resources in light of the available intelligence. Still less would Mr Hutchinson-Foster have been subject to the continuous directed surveillance necessary to locate him at Burchell Road in advance of the handover. Crucially, in any event, the location of the gun or guns was and would have been entirely unknown until the point and time of handover of a firearm in Burchell Road. Had the whereabouts of the gun(s) had been established, or capable of being established, prior to 17:15 on 4th August 2011, the MPS would have responded.

Notwithstanding this history, the MPS is anxious to ensure that the manner in which it plans such operations, responds to and develops intelligence and uses the resources available to it is of the very highest order.

Following a comprehensive review of intelligence procedures and liaison conducted in response to your PFD report, the MPS has concluded that there were, and continue to be, robust, risk managed and accountable joint MPS/NCA (and previously SOCA) processes to request, refuse and allow intelligence opportunities to be developed with clear lines of governance. The MPS have collaborated with the NCA on all aspects of review and learning undertaken as a result of the tragic death of Mark Duggan. These include (a) professional development training courses for staff and managers in specialist skills and (b) reviews into safe-guarding and critical incident procedures.

The MPS is adopting processes and developing training specifically designed to ensure the relevant Senior Investigating Officer ['SIO'] is fully sighted on all available intelligence. Covert Intelligence Managers will have a specific responsibility to maintain oversight of covert intelligence processes in order to ensure that the SIO is aware of intelligence relevant to achieving the his or her strategy. Emphasis will be laid on ensuring that the oversight must include dynamic responses to changes in the SIO's strategy in light of all available intelligence. Training for MPS Intelligence Officers will be reviewed to guarantee that there is sufficient emphasis on their role in ensuring the Senior Investigating Officer is aware of intelligence relevant to achieving his or her strategy in each case. Training for SIOs leading operations in which covert intelligence will play a significant role will include a bespoke input providing them with an understanding of the specific processes & safeguards involved in this specialist arena of policing.

In addition to this, and in light of un-related changes to the Met Intelligence structure, the MPS will review the training provided to SIOs who are responsible for the management of proactive policing operations in order to ensure intelligence development activities remain accountable for decisions taken relating to the exploitation of available intelligence to ensure consistency and learning is maintained.

As these issues are of national relevance and significance, the MPS Commander for Intelligence & Covert Policing will brief the ACPO Intelligence Portfolio lead on your concerns, the MPS response to those concerns and the detailed learning in this case in order that consideration can be given to changes to Intelligence Management from a national policing perspective.

Concern 2: Comprehensive accounts were not taken from police witnesses at the first possible opportunity

The MPS believes that it is imperative that all police shootings, fatal or otherwise, are subject to the most rigorous examination. The MPS appreciates the need and is eager to work closely with the IPCC to ensure this takes place. The MPS agrees with the IPCC that achieving best evidence in the

investigation of a death or serious incident ['DSI'] matter, as an Article 2 ECHR compliant investigation, must ensure that the public has full confidence in the integrity of the investigation.

Your concern is that post incident procedures adopted in August 2011 for taking accounts from officers involved in such shootings which reflected national practice, which procedures were sanctioned and/or encouraged by ACPO and which were implemented by the MPS under the auspices of the IPCC in August 2011, did not amount to best practice. The MPS is grateful for your recognition that its acts in this case were in accordance with the guidance produced by the National Policing Improvement Agency ['NPIA'] on behalf of ACPO in force in August 2011, namely, the *'Manual of Guidance on the Management, Command and Deployment of Armed Officers'*, 2nd edition ['the Guidance'].

The MPS understands the need to prevent any perception that the systems employed lack integrity. The MPS can and does in striving to achieve best practice adopt and implement procedures which go beyond but are consistent with national practice and guidance. Thus, for example, a senior officer must now be present in the Post Incident Management ['PIM'] suite whilst officers produce witness statements, with a view to ensuring the openness and transparency of the process. The MPS agrees that the current Post Incident Procedure (PIP) does not attract public confidence and needs to be made more transparent.

The Guidance was revised in 2011. On 1st December 2012, the functions of the NPIA were assumed by the new College of Policing. The Guidance has since been decommissioned and replaced entirely by the consolidated *'Armed Policing Authorised Professional Practice'* ['APP']. The process of improvement partially reflected in this history is an ongoing one. The MPS anticipates further modification of the APP to improve transparency and accountability and wholly supports such amendment.

You refer (at paragraphs 71-72) to the extant IPCC consultation on its draft statutory guidance to the police service on achieving best evidence in DSI matters ['draft guidance'] and requests that a copy of the MPS response be sent to you. This is attached.

The MPS makes the further additional comments in response to your observations:

- a. The MPS agrees that 'bland and uninformative' accounts, if and whenever provided, are not acceptable. The MPS now requires a senior officer to be present in the PIM suite, whose functions include ensuring the inclusion of sufficient detail in initial and subsequent accounts. Sufficient detail includes the presence or absence of any perceived threat and the officer's response thereto. The MPS is working with law firms who represent firearms officers to ensure that its expectations are clearly understood. The success of these measures was demonstrated by the post incident processes adopted following the events of May 2013 in Woolwich and the quality of the witness statements produced through those processes.
- b. There is and was clear ACPO guidance on the identification of Principal Officers. In August 2011, that was contained at paragraph 7.42ff of the ACPO 2010 Manual of Guidance. Identification of a Principal Officer required the input of a number of individual and/or organisations, including the IPCC and the Post Incident Manager. Principal Officers are those who either used force or were involved in the decision to use force. Principal Officers are not those more likely to be cautioned; rather, Principal Officers are recognised as those particularly requiring welfare support.

- c. Neither the 2010 ACPO Manual nor its successors contain a blanket prohibition on conferring following a fatal shooting. Such a prohibition would be impracticable. It may be essential for officers to confer about a range of matters connected to and/or arising from the operation, for example, to ensure public safety in dealing with an ongoing threat or crime in action, or to establish lines of enquiry that would assist the investigator in determining their forensic strategy. Both the 2010 Manual and its successors warn against conferring and stress the critical importance of the individual officer's record of his or her individual understanding of the situation was when force was used. There is and was a presumption in the guidance that officers should not confer, and must not confer on their own beliefs relating to the use of force. The MPS expressly and explicitly warns its officers, in accordance with this guidance, that officers should not confer on an incident and must not confer on their individual use of force. Any conferring and the rationale for that conferring must be recorded, in detail, to further ensure transparency in the process.
- d. Officers involved in a fatal shooting are under intense scrutiny. A decision about criminal or disciplinary proceedings may not be made for months or years after such a shooting. Such officers are required to carry out difficult and/or dangerous tasks at, not infrequently, great personal risk. Any witness may speak to a solicitor prior to giving information to police. The same is true of any suspect. A witness is entitled to provide their account in the manner of their choosing. Officers involved in a fatal shooting should be entitled to no lesser protections and support than any other member of the public who is a witness. This is codified in the Ministry of Justice 2011 guidance for Achieving Best Evidence ['ABE'] regarding the timing of any interview and the provision of a full and detailed account. Police officers are professional witnesses trained to make statements and give evidence and as such are legally and morally obliged to record best evidence as soon as practicable if medically fit to do so and not, for example, suffering or likely to suffer from distress or extreme fatigue in accordance with ABE principles.
- e. Welfare is the primary support provided by the Police Federation. Securing legal advice for supported officers is part of that welfare function. Failing to take welfare concerns into account and attempting to take full statements immediately from witnesses who are suffering shock, distress or extreme fatigue is likely to be counterproductive and of limited forensic value. The MPS is aware that ACPO has provided you with a copy of Professor Gudjonsson's 2014 review of Home Office Study Papers of 1986 and 1993 and respectfully refer you to that review and its conclusions. The MPS has a legal and moral duty of care to its officers and staff when they are involved in traumatic events. The MPS needs officers to volunteer for high threat, high-risk roles, such as armed policing. The MPS accepts, of course, that this duty of care must be balanced against the need for a thorough, objective and expeditious investigation of all the circumstances to find the truth for the bereaved family and the wider public.

Concern 3: The IPCC had primacy at the scene but did not have the resources to conduct all relevant activities there

The MPS agrees that the scene of a fatal police shooting should be the subject of no confusion about the purpose or furtherance of investigation, and that the IPCC should be well resourced, competent, capable of rapid deployment and able to take control of a scene is essential to achieving this end.

Parallel investigations were necessary into the events of 4th August 2011. The IPCC investigated the shooting by an MPS officer, and the MPS investigated the criminal offences relating to the gun

found on the grass. The scene of the shooting was, clearly, a key evidential area for both investigations. The control of the scene immediately after the shooting remained with the Tactical Firearms Commander pursuant to the 2011 Manual of Guidance pending the involvement of the IPCC. Such parallel investigations are common to most cases involving the discharge of a firearm by police officers and are likely to share some, though not all, investigative objectives. The issue of command and control at the scene of a critical incident is presently under review within the MPS. A working group led by the Directorate of Professional Standards has been formed to review and examine the issue from the Operational Firearms Commander through to Management Board in DSI incidents. The IPCC has been invited to provide input to this process.

In carrying out an investigation, the IPCC relies on the relevant police service, working to its direction, to conduct relevant activities, for example, forensic retrieval and scene examination. In the case of the MPS, the officers and staff charged with providing this assistance are independent to those under IPCC investigation. The Directorate of Professional Standards, Specialist Investigations maintains a 24 hour on call service to respond to all incidents involving death and serious injury following police contact.

Scene control and the manner in which the MPS assists the IPCC must and are being addressed by the MPS and IPCC working together to achieve clarity of responsibility and effective communication at the scene of a police shooting. You will be aware that paragraphs 7-12 of the IPCC's draft statutory guidance relate to the identification and preservation of all potentially relevant evidence and scenes. The MPS generally supports these paragraphs. It is an area in which very considerable progress has been made in this area since 2011 in response to events of 4th August 2011 and subsequent incidents, for example, the shootings in Woolwich following the murder of Lee Rigby. On 25th September 2013, a Tabletop Workshop was held by the MPS. The IPCC, SIOs, Operational Command Unit ['OCU'] Commanders and other senior officers from all firearms OCUs and OCUs responsible for the investigation of serious crime were invited. The aim of the workshop was to understand and examine the roles and interaction between the various agencies. The resultant analysis is that the essence of effective scene management lies not in deciding which body holds primacy over the investigation but rather in all key investigators meeting at the earliest opportunity to agree on (a) where responsibility lies for each aspect of the investigations and (b) protocols for each aspect of the investigations. It is anticipated that the MPS and the IPCC will formally record an agreed protocol detailing the commitment to hold a strategic scene co-ordination meeting between the SIOs from the IPCC, DPS and the relevant Operational Command Unit responsibility for any parallel investigation. This work is ongoing.

The MPS appreciates the distress that inaccurate or uncorrected false information has caused in a number of cases. In respect of Mr Duggan, inaccurate information was provided to the media, for which the IPCC later apologised. Media strategy and communications template for armed policing incidents is currently being reviewed by the MPS Directorate of Media & Communications. This provides a framework for the Gold Commander and DMC to work towards and specifies the responsibilities for collecting the information and quality assuring the product.

Concern 4: The scene of the fatal police shooting was not video recorded

The MPS acknowledges that the recording of the scene of a fatal police shooting is a desirable aspect of crime scene management and recognises the importance of securing best evidence in the immediate aftermath and ongoing investigation of a police shooting. This is the ultimate responsibility of the senior investigating officer (SIO); in the case of a fatal police shooting; that

SIO will inevitably be from the IPCC, working with and through the police Professional Standards Unit.

In the immediate aftermath of a police shooting, it is inevitable that only the officers on scene will be available to carry out an immediate video or photographic capture. The convoy of cars on 4th August 2011 was equipped with both video and still cameras. The primary purpose for which that equipment is provided is to capture images of locations and environments to assist in tactical planning. Armed officers are not currently trained or equipped to record scenes to an evidential standard. On 4th August 2011, officers were able to and did, as an incidence of individual decision making and availability in the circumstances of the particular case of resources, use both cameras to record some parts of the scene, in particular, the provision of first aid. The priorities for armed officers at the scene of a police shooting were and will continue to be saving life, protection of the public and the security of the scene. It is difficult to anticipate with any precision the manner in which resources will fall to be best deployed in such circumstances. Further, it is at best highly unlikely that it would be possible to comprehensively record every aspect of the aftermath of a police shooting. It is similarly unlikely that officers would correctly select and record each aspect which the benefit of hindsight proves to have been most significant.

It is the view of the MPS that firearms officers should not be responsible for recording post incident scene preservation. MPS firearms officers are due to commence the piloting of Body Worn Cameras (see Concern 6, below). This may provide some level of recording of the actions taken to preserve the scene in the immediate aftermath but they have limitations in that they will only capture a certain camera angle. In a spontaneous incident, it is likely that this will be the only method of immediately recording the scene.

Another option that is currently being explored by the MPS in the case of pre-planned operations is to assign this role to an operations team officer. This officer's primary responsibility would be to record the scene in the event of a police shooting until such time that either a police helicopter (if available or able to deploy), independent investigators (DPS/IPCC) or any specialist support services deployed by them (for example, Crime Scene Managers or the Computer Aided Modelling Bureau - see below) arrive on scene. A feasibility study is currently being conducted to ensure that any issues associated with this option can be considered.

The possibility of utilising the Computer Aided Modelling Bureau ['CAMB'] is also relevant in this context is considered by the Directorate of Professional Standards, Specialist Investigations at the early stages of a DSI incident. It is a service which must be deployed, and there will be an inevitable time lapse between incident and arrival, though arrival is typically within the initial 'golden hour'. CAMB assists in the accurate surveying and spatial mapping of the scene and other key areas. The output from CAMB allows investigators to identify the exact position and relationship between vehicles, exhibits, street furniture, officers, witnesses and suspects. The call-out of CAMB is to be standard in all DSI cases caused by the discharge of police firearms and discretionary in other Specialist Investigations incidents. Where the method of investigation is set as independent by the IPCC, it will be provided with the extant survey data and the IPCC may thereafter commission CAMB to complete the analysis under its control, or alternately direct that a third party do so using CAMB's data.

A briefing document on joint working between CAMB and DPS is enclosed.

Concern 5: The planned operation to seize weapons was not pursued after the fatal shot was fired

The firearm that was handed to Mark Duggan by Kevin Hutchinson-Foster on 4th August 2011 was recovered in Ferry Lane. The intended outcome of the planned operation – that is, the interception of Mark Duggan and the recovery of the firearm from him - was achieved. Officers were not deployed to Burchell Road to seek to arrest Kevin Hutchinson-Foster after Mark Duggan was shot. As a matter of fact, the Burchell Road address at which one of Kevin Hutchinson-Foster girlfriends lived remained unknown to the MPS until the arrest of Kevin Hutchinson-Foster on 24th October 2011. Whilst intelligence provided to the MPS by SOCA had indicated that Kevin Hutchinson-Foster was storing a gun or guns for Mark Duggan, the critical piece of information for the recovery of any further firearm under Hutchinson-Foster's control – that is, its location - remained wholly unknown. That an unarmed officer from Operation Trident had seen the minicab carrying Mr Duggan turning into Burchell Road did not and could not have altered the state of the MPS knowledge. The only firearm whose whereabouts was known with certainty or at all was that contained, with Mark Duggan, inside the minicab. To that piece of information were the MPS resources directed. In such circumstances, the certainty and knowledge necessary to justify the application of armed resources to the Burchell Road area or to further pursue any further firearm under the control of Kevin Hutchinson-Foster were absent.

The MPS is committed to the removal of guns from the streets of London. It recognises the importance of continuing and concluding planned operations in the furtherance of that commitment. Where an operation in the context of which a police shooting occurs remains a crime in action, for example an ongoing kidnap or a planned armed robbery, the onus is on the operational head of that investigation to decide to continue the police response to prevent harm/serious injury, to arrest offenders and retrieve evidence. Whilst the seizure of firearms from principal officers should not and would not adversely affect the MPS ability to continue the armed response to a crime in action, and there are a number of MPS armed units that could be utilised to carry out a spontaneous (rather than pre-planned) MASTS operation in this event, the decision to mount such an operation was and is dependent on the particular circumstances and the information available to the SIO. Such operations require independent population of the relevant command, control and deployed roles, that is, a very significant deployment of resources. Such a deployment could and would be justifiable and authorised only where a sufficient degree of certainty and knowledge is available to the SIO.

The MPS will continue to provide training and refresher training to these senior officers to ensure the high standards of decision making expected by the MPS are consistently applied.

Concern 6: The armed police operation was not recorded after State Red was called

The MPS recognises that public confidence in the support of armed policing is essential. Transparency in the conduct of armed policing is key to strengthening that support.

Body Worn Cameras

The MPS believes that the audio and visual recording of the actions of firearms officers and those with whom they engage is an essential element of that transparency. The MPS has long been committed to the testing (in training) and piloting (in firearms operations) of Body Worn Cameras (BWC) with a view to their introduction in London. The processes, which began in November 2013 under the auspices of DCC Simon Chesterman (ACPO lead, Armed Policing), have established that, for overt policing, the kit is effective and functional. The trials for the use of BWC by uniformed ARV officers concluded in June 2014. On 21st July 2014, the College of Policing produced

guidance in respect of the overt use of body-worn video. This is enclosed. Careful attention is paid through this guidance to legal issues arising from the use of such Cameras (for example, the identification and obtaining of any requisite authorities, data retention and data protection, and human rights issues). Operational use by uniformed officers is due to commence on 4th August 2014.

There are obvious additional logistical complications with both armed officers (where the most appropriate camera location would be head mounted or within glasses to reflect the actual view) and covert armed and covert surveillance officers where head or overt camera systems would clearly be nonsensical. The Home Office Centre for Applied Science and Technology (CAST) is assisting in examining the right technical solution and the MPS intends to go to training trials shortly.

Incident Data Recorder (IDR)

The MPS acknowledges the Coroner's concerns about the lack of Incident Data Recorder ['IDR'] data available in the Inquest proceedings.

By way of background, all operational MPS vehicles are fitted with IDR technology. An IDR is a permanently installed electronic device with which selected driving data relating to the vehicle can be recorded and stored in the IDR memory. The data recorded includes wheel speed, brake operation, forwards and sideways acceleration and rotations of the vehicle, passing manoeuvres, swerving, cornering and impacts during a collision, operation of lights and emergency warning instruments. A magnetic compass records the vehicle's directions. A post August 2011 equipment upgrade means that IDR devices fitted on new vehicles only also provide geographical location. Not all vehicles in the SCO19 fleet have this functionality. An IDR does and did not record conversations taking place in a vehicle. IDR alone does not permit event reconstruction.

The IDR is *automatically* activated by a collision, by harsh braking or by harsh steering. The IDR memory is capable of storing nine such automatic events, each of which reflects a period of approximate 30 seconds before and 14 seconds after the trigger and 100 metres of post trigger movement.

The facility to *manually* activate the IDR using a push button in the vehicle also exists, and records the status of the vehicle 45 seconds prior to the event and 100m following activation. The driver of a vehicle equipped with an IDR *must* press the manual activation button if they are involved in a collision, regardless of whether the device has activated automatically.

The IDR will also create a record where the vehicle becomes stationary for more than 5 seconds (a '*standstill event*'). Three standstill events are stored in the IDRs memory; these are continually overwritten as the vehicle continues the journey.

If the IDR is either automatically or manually activated, it must not be used operationally until the IDR has been downloaded and the memory re-set and cleared.

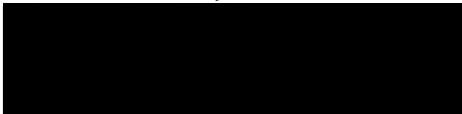
In relation to a 'standstill event', the window for downloading IDR data is narrow. Ideally, the cars should not be driven or moved (if they are moved three times the relevant data would be overwritten), and a 'Garage Sergeant' or Collision Investigator as appropriate should be requested soon after the event to download and save the IDR data.

None of the four SCO19 vehicles that were involved in Ferry Lane on 4th August 2011 were involved in a collision. None of the vehicles had an automatic IDR activation. There was no requirement for the SCO19 officers to manually activate the vehicle IDRs, and the SCO19 officers were not required to request that IDR downloads take place from any of the vehicles. The four vehicles were driven from the scene of the shooting to Lambeth HQ. In the absence of either automatic or manual activation, then unless the downloading of standstill data had been carried out prior to this journey, there would have been no data to download by the time the vehicles arrived at Lambeth. There are no records indicating that a Garage Sergeant was called to the scene, and MPS investigations indicate that IDR downloads were neither requested nor carried out.

It is correct that the MPS has statutory duties to obtain and preserve evidence and to comply with directions given by the Commission pursuant to Schedule 3, paragraph 14B of the Police Reform Act 2002. It is correct that neither the MPS nor the IPCC considered the possibility of downloading the data prior to the SCO19 cars being driven away from Ferry Lane. The IDR data would probably have been lost at this point (or soon after).

In light of the Coroner's concerns, the MPS will adopt a procedure for all future police shootings whereby a Garage Sergeant / Collision Investigator is called by the DPS to download the IDR at the scene, which will then be available to police, the IPCC and any subsequent legal proceedings.

Yours faithfully

A solid black rectangular box redacting the signature of the solicitor.

Solicitor