



**METROPOLITAN
POLICE**

TOTAL POLICING

DIRECTORATE OF PROFESSIONALISM

Coroner ME Hassell
Senior Coroner
Inner North London
St Pancras Coroner's
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Camley Street
London N1C 4PP

[REDACTED]
Deputy Assistant Commissioner

Room 918
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[REDACTED]
[REDACTED]
Date: 24th August 2016

Dear Ms Hassell,

I write on behalf of the Metropolitan Police Service in response to your Regulation 28 report to prevent future deaths, dated 4th July 2016. This follows the inquest concluded before you and a jury on 28th June 2016 at St. Pancras Coroners Court into the circumstances of the death on Friday 19th December 2014 of Henry Hicks, in a road traffic collision. You will recall that the jury gave a narrative verdict, in which they declared that, despite opinions to the contrary given in evidence by the officers involved, in the jury's view, Mr Hicks:

"... was aware that plain clothes police officers were in unmarked vehicle(s) driving at whatever distance behind him and wanting him to stop. This was a police pursuit as defined by the Metropolitan Police Service standard operating procedure (SOP)."

You raised this as a matter of concern:

"The jury made a determination that Henry Hicks was aware of the police behind him and that this was a police pursuit within the definition of the Metropolitan Police Service standard operating procedure. The jury also made a determination that Henry's attempt to avoid the police was a contributory factor in the collision. Whilst I appreciate that we do not know whether, if the police officers had sought authorisation, this would have been granted, and so whether, if they had treated this as a pursuit, the outcome would have been different, it seems to me that this is a matter I must bring to your attention. All four officers gave a proper understanding of the MPS relevant standard operating procedure. However, by implication, the jury did not accept that this SOP was complied with on 19 December 2014."

MPS Response - Preface

In drafting a response to these points the following subject area experts have been consulted: Commander, Territorial Policing [REDACTED]; Detective Chief Superintendent [REDACTED] Roads & Transport Policing Command (RTPC); and Sergeant [REDACTED] Metropolitan Police Driving School. I have not had sight of transcripts of any oral evidence from the inquest itself, so in the event of any variance between these reported facts and evidence you know to have been presented during the inquest itself, I of course defer to your greater knowledge.

Response Concern #1: The position of the officers involved in the incident.

At the time of writing the four principal officers are subject to gross misconduct proceedings, the process for which is governed by conduct Regulations. If the officers were subsequently held to be at fault, this could lead to a number of outcomes, up to and including dismissal from the service. The Directorate of Professional Standards are currently reviewing materials in the case, a process which may take some time. At present it is anticipated that the hearing will take place in 2017, at a date is yet to be confirmed.

We submit therefore that the decision to refer the officers to the Gross Misconduct hearing is a complete response to your expressed matter of concern.

However, we are also mindful that as an organisation we should always consider tragic incidents such as Mr Hicks' death as moments to reflect upon whether there is anything further we can do to minimise the chances of similar events happening again. Our experts on our internal driving policies, national best practice, and the training of our police drivers were thus asked to review the circumstances of this case, in order to confirm whether there were any wider systemic issues.

We note that you did not identify any systemic concerns in your Prevention Of Future Deaths report, and indeed went so far as to observe without further comment that the four officers involved in the incident all had "...a proper understanding of the MPS relevant standard operating procedure."

Our experts were of like mind, finding nothing, following review, in our wider practices and protocols which were called into question by the particular facts of the current case.

We did nevertheless feel that that the circumstances of Mr Hicks' death reinforced the importance of acknowledging the particular risks and necessary safeguards which should be involved in any engagement by our officers with individuals on motorcycles. To this end, we intend to issue as soon as possible a general reminder to all our frontline staff, via a prominent item on the internal MPS intranet, where it may be viewed by every officer and member of staff.

The text of this reminder has already been prepared by Commander [REDACTED] however it has not yet been circulated, as he rightly observes that it would be inappropriate to comment specifically on matters which might touch on aspects of Mr Hicks' death or our response to it, whilst the officers involved remain under internal investigation.

In the prepared text, he describes the difficult balance the MPS must maintain between the public's concerns over rising levels of motorcycle assisted crime, and the enhanced risks any pursuit of a motorcycle necessarily presents. To this end, he points out that in recent months new tactics have been developed to enable suitably trained officers to resolve motorcycle pursuits swiftly and more safely. This includes enhanced tactical training for many of our drivers; and for the first time, the approval of the use of tyre deflation systems for use against motorcycles. During the testing phase of this system, it was ascertained that the device can be deployed to bring motorcycles to a halt safely even when they are travelling at speeds of up to 100 miles an hour.

Such measures have been given an additional urgency by the recent rise of motorcycle-enabled robbery, a 'priority crime' within the definition of acquisitive crime in the Home Office Strategy for tackling Serious and Organised Crime, which also meets the definition of Serious or Organised Crime in the MPS Pursuit Policy.

Commander [REDACTED] reminds officers that regardless of the actions taken, or tactics adopted, our officers remain, always and rightly, subject to public scrutiny for all the decisions they make. This is vital for maintaining public confidence. For this reason, he states:

"Officers need to comply with guidance issued within the MPS Standard Operating Procedure, and should only deviate from the SOP where they can justify their decision,

and it is a proportionate response to a policing problem. Each case needs to be judged on its merits..."

And adds:

"I can say we remain confident in our policy, training and tactics, which are kept under constant review and revision. We reviewed our guidance as a matter of course... following the findings of the recent inquest touching the death of Henry Hicks, the result of which was that the existing policy remains unchanged...If any officer is unsure of the pursuit policy, they should consult their local Safer Driver Manager."

In conclusion

Without prejudice to the particular facts surrounding Mr Hicks' death, and the still on-going investigation into the actions of the officers involved in the incident, I trust you will find some reassurance that the criticism voiced at inquest will now have a further opportunity to be fully explored in the context of a formal disciplinary process for the officers involved.

We are however in agreement with your own position regarding the wider organisational context, in that there appears to be no specific lessons regarding our existing training regime or management of pursuits which can be drawn from this case. Nevertheless, I trust you will take some reassurance from the evidence presented in Commander [REDACTED] statement that we are not complacent about our response to the challenge of policing motorcycle users effectively. On the contrary, as we have set out above, we continue to re-evaluate and evolve our tactical responses both in the light of changing criminal threats, and in the aftermath of any death.

Yours sincerely,

[REDACTED]
Deputy Assistant Commissioner