

Stockwell Two

An investigation into complaints about the
Metropolitan Police Service's handling of public
statements following the shooting of
Jean Charles de Menezes on 22 July 2005

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Summary of events

The following report deals with the second Independent Police Complaints Commission (IPCC) investigation into matters arising from the shooting of Mr Jean Charles de Menezes at Stockwell Underground Station in London on 22 July 2005. This investigation has been referred to as 'Stockwell 2' to distinguish it from the first IPCC investigation into the circumstances of the shooting itself. This second investigation followed allegations from the family of Mr de Menezes that the Commissioner of the Metropolitan Police, Sir Ian Blair, and others had knowingly made public inaccurate information or failed to correct inaccurate information placed into the public arena.

The report is written in a way intended to help the reader understand the sequence of events. The report highlights who knew what, and when, throughout the relevant period and within discrete areas of activity, at the scene of the shooting, at New Scotland Yard (NSY), the Home Office and other places within the Metropolitan Police area.

There are many individuals referred to in this report from a number of agencies. Appendix B to the report will assist the reader to understand their roles and their relevance to the unfolding events. Appendix D provides a detailed chronology of events.

This summary picks out the sequence of key events in the investigation report.

Key events

The report describes briefly the events of July 2005, including the bombing attacks on 7 July 2005 and the failed bombing attacks on 21 July 2005, together with the demands these events placed on the Metropolitan Police Service (MPS). On 22 July 2005 at least four individuals were being sought in connection with the attempted bombings of the previous day.

Mr de Menezes lived in flat number 17, Scotia Road, Tulse Hill, London. The police had information indicating that one of the suspects connected with the failed bombings on 21 July 2005 lived at 21 Scotia Road. Both addresses were within a block of flats accessed by a communal front door.

On the morning of 22 July 2005 this block was under police surveillance. When Mr de Menezes left his flat that morning he was followed to Stockwell Underground Station where he was subsequently fatally shot by officers of the MPS.

Police radio traffic and accounts from police officers prior to the shooting of Mr de Menezes include descriptions that his behaviour was suspicious and inaccurately described his clothing. Those officers' actions were not a matter for this investigation.

Very soon after the shooting, civilian witnesses gave media interviews that described the shot man as wearing thick clothing and acting suspiciously. It later became clear that these accounts were incorrect and that these witnesses had probably confused police officers with Mr de Menezes.

While this investigation did not examine the circumstances of the shooting, the IPCC investigation team understands that Mr de Menezes did not refuse to obey a challenge prior to being shot and was not wearing any clothing that could be classed as suspicious.

At approximately 10:06hrs police officers at Stockwell reported to NSY that a man had been shot.

Shortly after the shooting an explosives officer searched the body. No explosives were found.

Assistant Commissioner (AC) Hayman was appointed to lead the investigative response into the attacks on 21 July 2005. Between 10:00hrs and 10:30hrs he advised the Commissioner that someone had been shot dead in Stockwell and that it was believed that he was one of the bombers.

At 10:50hrs, in a telephone conversation, the Commissioner told Nick Hardwick, the Chair of the IPCC, *“we’ve now shot somebody, I think dead, who refused to respond to anything that we were asking him to do”. He added “I’ve got three more potential suicide bombers out there...”*

Soon after this conversation the Commissioner wrote to Sir John Gieve, the Permanent Secretary at the Home Office. The letter confirmed the Commissioner had given instructions that the incident should not be referred to the IPCC and that they were not to be given access to the scene at that time. (Under the Police Reform Act 2002 all police shootings are bound to be referred to the IPCC for its decision on the mode of investigation) The incident was subsequently referred to the IPCC on the following Monday, 25 July 2005.

AC Brown of the MPS was the Gold Commander for London. He was responsible for the strategic response to the terrorist attacks. At 10:46hrs a MPS press line was agreed with AC Brown and Commander (Cmdr.) John McDowall (Specialist Operations) as follows:

‘we can confirm that just after 10.00 today (22.07.05) armed officers shot a male at Stockwell LT Station. We are not in a position to release further info at the moment.’

Detective Superintendent (D/Supt.) Kavanagh was AC Brown’s staff officer. He was tasked with providing AC Brown with updates from investigators at Stockwell Underground Station. D/Supt. Levett worked in the MPS Directorate of Professional Standards and was appointed as the Senior Investigating Officer to investigate the shooting. At 11:22hrs D/Supt. Kavanagh was told by D/Supt.

Levett that a lone “Pakistani male” had been shot and had not been carrying a bomb; he was in possession of a mobile phone.

At 11:41hrs a ‘for offer’ press release was agreed by AC Brown and Cmdr. McDowall, in the following terms:

‘We can confirm that at just after 1000 this morning, Friday 22nd July 2005, armed officers from the Metropolitan Police Service entered Stockwell tube station. A man was challenged by officers and subsequently shot. LAS and HEMS¹ both attended the scene. Life was pronounced extinct at the scene. Stockwell tube station is closed and cordons of 200 metres are in place. As is routine officers from the Directorate of Professional Standards have been informed.’

At 12:30hrs, at a senior strategy meeting, the chairman, AC Brown, was informed that a mobile telephone had been recovered and that the surveillance team believed the deceased to be one of the suspected terrorists. No further information could be provided on identity at that time.

In a meeting at 13:55hrs on 22 July 2005 the Commissioner asked AC Hayman if the person shot was one of the terrorist suspects. He was told that it was not known. A number of senior MPS officers were present at that meeting.

At 14:47hrs a wallet was recovered from the carriage of the train. It had been found on the deceased immediately after the shooting and placed onto a seat of the carriage. It contained documents of the identity of Mr de Menezes born 07.01.78. This was consistent with names listed in the memory of the deceased’s mobile telephone which appeared to be of South American rather than Arab or Asian origin.

D/Supt. Levett’s decision log entry timed at 15:00hrs records:

‘The wallet examinations suggest that the deceased is Jean Charles de Menezes, b 07.01.78 a Brazilian born in Sao 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’.

D/Supt. Levett passed this information to D/Supt. Kavanagh at 15:08hrs. Detective Superintendent Kavanagh subsequently informed AC Brown at 15:10hrs as follows:

‘A wallet had been recovered from the carriage where the man had been shot. The wallet contained bank cards, a temporary Inland Revenue card and a driving permit. The documents were in the name of Jean Charles de Menezes born on 07.01.78 in Sao Paulo, Brazil. There was no address available for the man and he appeared to be of Eastern European ethnicity’.

1 LAS (London Ambulance Service), HEMS (Helicopter Emergency Medical Service)

Caroline Murdoch, the Commissioner's Chief of Staff and Chief Superintendent (Ch/Supt.) Moir Stewart, the Commissioner's Staff Officer, say they were told by D/Supt. Kavanagh about the contents of the wallet. They did not pass this information on to the Commissioner.

Just before 15:30hrs Deputy Assistant Commissioner (DAC) Brian Paddick was in the Commissioner's outer office in conversation with Ch/Supt. Stewart. He claims Ch/Supt. Stewart told him, "we've shot a Brazilian tourist". He recalled Ms Murdoch supported the statement with a reference to a driving licence having been found on the deceased. Ch/Supt. Stewart rejected the suggestion that he used this phrase, but acknowledged that he did pass to DAC Paddick, the information given to him by D/Supt. Kavanagh. Ms Murdoch eventually had doubts that the phrase was used; but they both acknowledge that they knew of the possible Brazilian identity at this stage.

At 15:39hrs a press conference took place at the Queen Elizabeth II Centre at Westminster. This provided an update into the investigation led by AC Hayman and launched the images of the four men wanted in connection with the previous day's attempted bombings. The Commissioner opened the conference and made the following reference to the shooting:

"The information I have available is that this shooting is directly linked to the ongoing and expanding anti-terrorist operation. Any death is deeply regrettable, I understand the man was challenged and refused to obey".

A Government Liaison Team (GLT) was based at NSY. It comprised Home Office officials who attended police briefings and meetings to provide relevant information to the Home Office. Following his attendance at the 15:30hrs Gold Group² meeting one of the members of the GLT gave the following update to the Home Office:

'the victim had left an address under observation, he had failed to comply with police orders, it was believed he had been shot on the underground train. His identity had not yet been established and that there was a strong suspicion that the victim was not one of the four suspects for the failed bombings but this was subject to confirmation. There was also reference to the deceased's mobile telephone being examined.'

At approximately 16:00hrs a meeting was chaired by AC Brown to consider the community impact of the shooting. He said that Brazilian documents had been found on the deceased, whom he named, but said that identification had not been confirmed. The potential community impact of the deceased being innocent was discussed.

2 Gold, Silver and Bronze refer to the command structure for any significant incident within the Police Service and some other agencies. Gold relates to the strategic decision making level. Silver relates to the tactical decision making process and Bronze relates to the implementation of the tactics.

At about 16:30hrs AC Hayman was due to address the Crime Reporters Association (CRA). This followed the press conference which had just released the images of the four men wanted in connection with the previous day's attempted bombings. He was accompanied by MPS Press Officers. Prior to the briefing, the press officers advised AC Hayman that he was likely to be asked by members of the CRA which of the four men had been shot. He was also advised by one of the press officers that he understood the deceased was not believed to be one of the four terrorist bombers. In anticipation of such questions AC Hayman made a telephone call.

According to witnesses, shortly after 16:30hrs AC Hayman briefed the CRA that the deceased was not one of the four sought in connection with the previous day's failed attacks. AC Hayman could recall none of the detail of his briefing when he was subsequently interviewed, though in later correspondence his legal representatives claimed that he must have briefed this gathering to the effect that the deceased was "not believed" to be one of the four.

At 17:07hrs, shortly after the CRA briefing, BBC Television News 24 reported the following:

'A line just in about the shooting in Stockwell earlier. The man shot dead at the tube station is not thought to be one of the four men shown in CCTV pictures released this afternoon'.

This was followed at 17:18hrs by footage of a BBC reporter outside NSY confirming that there had been a special police briefing and stating:

'... We don't know anymore than the police have said for sure that he was challenged, he refused to obey instructions, he was subsequently shot and he was not one of the four people whose images were released by police a little earlier'.

At either 17:00hrs or 18:00hrs, (there is no formal record of the time and those present had conflicting recollections, but the investigation team conclude that it was about 17:00hrs), a Management Board meeting took place involving senior MPS officers, MPA members and Home Office representatives. Those present included the Commissioner and AC Hayman. A smaller sub-meeting took place after the main meeting and those in attendance again included the Commissioner and AC Hayman.

The Management Board meeting received a general update and the sub-meeting discussed in detail what could be released into the public domain. There are different accounts of what took place in that sub-meeting. The one set of notes taken record that those present were advised by AC Hayman that the press were saying that the shot man was not one of the four suspects, but, he added that it was important to "present that he was". AC Hayman disputes this, but, whether or not he said this, it is clear that he did not tell those present

that the reason the media were running the story was because he had briefed the CRA to that effect a short while earlier. Neither meeting was told about the recovery of the wallet, the mobile telephone and the emerging identity for the deceased. Nor was the name Jean Charles de Menezes mentioned.

Following the sub-group meeting a press release was prepared and agreed by, amongst others, AC Hayman.

The release stated the following:

‘The man shot at Stockwell is still subject to formal identification and it is not yet clear whether he is one of the four people we are seeking to identify and whose pictures have been released today. It therefore remains extremely important that members of the public continue to assist police in relation to all four pictures.

This death, like all deaths related to police operations, is obviously a matter of deep regret, nevertheless the man who was shot was under police observation because he had emerged from a house that was itself under observation because it was linked to the investigation of yesterday’s incidents. He was then followed by surveillance officers to the station. His clothing and behaviour at the station added to their suspicions. While the counter terrorist investigation will obviously take pre-eminence, the investigation into the circumstances that led to his death is being pursued and will be subject to scrutiny through the IPCC in due course.’

The above was released at 18:44hrs, yet at about 18:20hrs a GLT member was briefed by AC Brown that formal identification was still required but that documents in the name of Mr de Menezes, a Brazilian national, had been found. He was authorised to release this information to the Foreign and Commonwealth Office.

At 18:45hrs the Commissioner had, on her account, a conversation with Detective Chief Superintendent Maxine de Brunner, the Deputy Commissioner’s staff officer. The Commissioner asked if it was known who had been shot or whether he was a terrorist. He was told that the deceased had not been identified and that the force was not sure whether he was one of the four terrorists. He has no recollection of this conversation.

At approximately 19:00hrs the Muslim Safety Forum (MSF) was briefed by senior Metropolitan Police officers to the effect that the deceased was South American, possibly Brazilian, and not a Muslim. The Commissioner attended the meeting only to thank the participants for their support and was not part of the discussion. Shortly after he left NSY for the day.

During the course of the afternoon, information about the possible Brazilian identity of the shot man was passed to officers in a number of different parts of the MPS. This is described more fully in the main body of the report.

At 19:51hrs the following press release was issued by IPCC Chair Nick Hardwick:

‘This morning’s shooting at Stockwell station is being referred to the Independent Police Complaints Commission for investigation, in line with normal requirements under the Police Reform Act 2002. The IPCC independently investigates all fatal police shootings. In carrying out this investigation, the IPCC will ensure that nothing is done to hinder the urgent police priority of tracking down and bringing to justice those responsible for the recent London bombings and their vital work in preventing further outrages’.

D/Supt. Levett recorded in his decision log at 20:21hrs that a letter was discovered under the body in the name of Mr de Menezes which confirmed his address as 17 Scotia Road. He also recorded that anti-terrorist officers no longer believed the deceased was connected to their investigation.

AC Brown was given this information and discussed it with DAC Clarke (Head of the Anti-Terrorist Branch) and Cmdr. McDowall. They concluded that the continuing operation at 21 Scotia Road prevented enquiries being made at 17 Scotia Road. In a subsequent discussion shortly before 22:00hrs DAC Clarke stated that the deceased had not been excluded from the anti-terrorist investigation. AC Brown directed that urgent action should continue to confirm the identity of the shot man.

At 23:37hrs the MPS issued the final press release for the day in the following terms:

‘On Friday 22.07.05 at approx. 10am armed officers from the Metropolitan Police Service entered Stockwell tube station. A man was challenged by officers and subsequently shot. LAS and HEMS both attended the scene. Life was pronounced extinct at the scene. As is routine officers from the Directorate of Professional Standards have been informed. The man shot is still subject to formal identification and it is not yet clear whether he is one of the four people who attempted to cause explosions. The man who was shot was under police observation because he had emerged from a house that was itself under observation because it was linked to the investigation of yesterday’s incidents, surveillance officers then followed him to the station. His clothing and behaviour at the station added to their suspicions. While the counter terrorist investigation will obviously take pre-eminence, the investigation into the circumstances that led to his death is being pursued and will be subject to scrutiny through the IPCC in due course.’

At 09:00hrs on the 23 July 2005, a meeting chaired by AC Brown was told that during the night a friend of the deceased had been identified. This friend had met officers and, because of that conversation, there was no doubt that the deceased was Mr de Menezes, a Brazilian national.

At 10:15hrs on the 23 July 2005, the Commissioner was advised by AC Brown that the deceased's identity was known; he was not connected to the terrorist investigation and was a Brazilian national.

At 16:52hrs the MPS released the following press statement:

'We believe we now know the identity of the man shot at Stockwell underground station by police on Friday 22nd July 2005, although he is still subject to formal identification. We are now satisfied that he was not connected with the incidents of Thursday 21st July 2005. For somebody to lose their life in such circumstances is a tragedy and one that the Metropolitan Police Service regrets. The man emerged from a block of flats in the Stockwell area (later corrected to a house in Tulse Hill) that were under police surveillance as part of the investigation into the incidents on Thursday 21st July. He was then followed by surveillance officers to the underground station. His clothing and behaviour added to their suspicions. The circumstances that led to the man's death are being investigated by officers from the Metropolitan Police Service Directorate of Professional Standards, and will be referred to the IPCC in due course.'

About 18:30hrs on 23 July, once the IPCC were aware of the identity of the deceased, an agreement was reached with the MPS that there should be no further comment to the media by the IPCC or MPS until they both met on Monday 25 July to discuss the shooting.

At 21:00hrs on 23 July, the MPS was made aware that Mr de Menezes's family members were in contact with the media. At 21:28hrs the MPS issued the following statement:

'The deceased man has been formally identified as Jean Charles de Menezes aged 27 years old (date of birth 07.01.78), a Brazilian national. He was not connected to incidents in Central London on 21st July 2005 in which four explosive devices were partly detonated. An inquest will be opened to acknowledge formal identification and adjourned awaiting the outcome of the investigation into the circumstances surrounding the death'.

The IPCC told the MPS this represented a breach of their agreement. No further statements were issued on that day.

On 21 August 2005 the *News of the World* published an interview with the Commissioner which referred to the shooting on 22 July 2005. DAC Paddick believed the Commissioner's account of what his senior officers knew in the 24 hours following the shooting was inaccurate. He sought an interview with the Commissioner on 22 August 2005 to express his concerns. The Commissioner and DAC Paddick have provided distinctly different accounts of

that exchange to the IPCC investigation. In November 2005 the Commissioner gave an interview to the *Guardian* repeating his claims about the state of knowledge of his senior officers in the period immediately following the shooting. Both of these newspaper interviews were believed to be relevant to the complaint and therefore were included in the IPCC investigation.

This report deals with the broader sequence of events in considerable depth and places into context the information and events referred to briefly within this summary. It outlines lines of enquiry undertaken, examines witness evidence and deals with the interviews of those officers who were the subject of complaint. It goes on to analyse the evidence and subsequent interviews from which conclusions are drawn. Finally the report makes recommendations. These have been passed to the Metropolitan Police Authority in accordance with the provisions of the Police Reform Act 2002.

Stockwell Two

An investigation into complaints about the Metropolitan Police Service's handling of public statements following the shooting of Jean Charles de Menezes on 22 July 2005.

1 Introduction

- 1.1 This report concerns the IPCC independent investigation into complaints against police following the fatal shooting of Mr de Menezes at Stockwell Underground Station, London on 22 July 2005. Mr de Menezes was shot during a police anti-terrorist operation. Mr de Menezes was a Brazilian national who came to the UK as a student in 2002 and subsequently obtained employment as an electrician. He lived with two of his cousins at 17 Scotia Road, Tulse Hill, London.
- 1.2 This investigation is referred to as the Stockwell 2 Investigation and deals with allegations that the MPS may have released inaccurate information, concurred with inaccurate information, or failed to correct such information following the shooting.
- 1.3 The investigation into the circumstances of the shooting of Mr de Menezes was dealt with during the separate IPCC Independent investigation, Stockwell 1. This report does not seek to establish the reasons why Mr de Menezes was shot, attribute any blame for the shooting, or draw any conclusions in relation to his death.
- 1.4 At the start of the investigation it was, and still is, understood by the IPCC that Mr de Menezes was not involved in any terrorist activity or other criminality whatsoever, and that his death was a tragedy. The MPS have acknowledged this position and apologised for the shooting.

2 Events of July 2005

- 2.1 It is important to put into context the events that were taking place in London during July 2005. In so doing there is no intention to justify the tragic death of Mr de Menezes, for which the MPS has accepted full responsibility, or detract from the impact of his death on his family, friends and the public.
- 2.2 On the morning of Thursday 7 July 2005 suicide bombers detonated devices on three underground trains and a bus in London. Following this, the MPS and other support services and agencies were working at maximum capacity to manage the aftermath of the incidents and subsequent criminal investigation. 52 innocent people and the four bombers lost their lives and over 700 people were injured.

- 2.3 Deputy Assistant Commissioner (DAC) Peter Clarke, is the head of the Anti-Terrorist Branch (SO13) and National Co-ordinator for Terrorist Investigations and describes the period between the 7 July 2005 and 21 July 2005 as:
- ‘One of unprecedented intensity in terms of policing activity, investigation, expectation and fear of further attacks.’**
- 2.4 On 21 July 2005 there were allegedly at least four attempted suicide bombings in Central London. These attempts were believed to follow a similar pattern to the 7 July attacks. They again took place on a Thursday, and allegedly involved attempts to detonate devices on London underground trains and a bus. SO13 worked to identify four suspects and planned a publicity campaign which included the use of photographic images of them that had been obtained. Although none of the devices detonated fully, the threat of further attacks was at a critical level. It was known that following the failed attempts at least four suspects were at large. It was felt that there was every possibility that they could seek to complete their objectives and strike at any time. In connection with the failed attacks, a number of operations were mounted by SO13.
- 2.5 One such operation focused on an address at 21 Scotia Road, Tulse Hill, London. Access to this flat, which was in a block, was through a communal entrance and it was not possible to identify from which flat anyone leaving through the communal door had originated. A covert surveillance operation was authorised at the address. It is now known that Mr de Menezes was mistakenly identified as a potential suspect as he came out of the block on the morning of Friday 22 July 2005. He was followed by surveillance officers, seen to get onto a bus, alight at Brixton Underground Station and almost immediately get back onto the bus. He then travelled to Stockwell Underground Station and boarded an underground train. Whilst the train was still stationary surveillance officers pointed him out to armed officers who, at about 10:06hrs, shot and killed him.
- 2.6 Following the shooting there was frenetic media activity with newspaper and broadcast journalists gathering at Stockwell Underground station within minutes. Extensive coverage continued throughout the day. Possible eye witnesses appeared on television within an hour of the shooting and there was intense speculation about the identity of the deceased. Some of the early media reports suggested Mr de Menezes had been wearing a bulky jacket and had vaulted the barriers to the underground station whilst being pursued by armed police.
- 2.7 On 27 July 2005, the IPCC investigation into the circumstances of the shooting commenced. This investigation was referred to as Stockwell 1 and dealt with the circumstances of and leading up to the shooting.

3 Complainant

- 3.1 Ms Harriet Wistrich of Birnberg Peirce Solicitors complains on behalf of the family of Jean Charles de Menezes.

4 Deceased

- 4.1 Mr Jean Charles de Menezes, born 7 January 1978, São Paulo, Brazil.

5 Officers subject of investigation

- 5.1 Sir Ian Blair Commissioner of Police of the Metropolis.
- 5.2 Andrew Hayman Assistant Commissioner MPS

6 Complaint against police

- 6.1 On the 11 October 2005 a complaint against police was made to the IPCC by Ms Wistrich of Birnberg Peirce Solicitors, London on behalf of the family of Mr de Menezes.
- 6.2 The substance of the complaint was that following the shooting, the Commissioner of the MPS, either alone or together with others in the MPS, made or concurred with inaccurate public statements concerning the circumstances of the death. The alleged inaccurate information included statements that Mr de Menezes had been wearing clothing and behaving in a manner which aroused suspicions. The complaint was forwarded to the Metropolitan Police Authority (MPA) for recording.

7 Referral to IPCC

- 7.1 On 14 October 2005 the MPA referred the complaint to the IPCC in accordance with the requirements of the Police Reform Act (PRA) 2002.

8 IPCC Commissioners

- 8.1 IPCC Chair, Mr Nick Hardwick, asked IPCC Commissioners Ms Naseem Malik, Ms Mehmuda Mian Pritchard and Mr David Petch to oversee the investigation.

9 Method of investigation

- 9.1 The Commissioners considered the appropriate mode of investigation and concluded that the complaint should be investigated independently by the IPCC using its own investigators.

10 Appointment of Senior Investigator

- 10.1 As the Commissioner of the MPS was named as being subject of the family's complaint against police, in accordance with the requirements of the Police Reform Act 2002, the Home Secretary was required to approve the appointment of the IPCC Senior Investigator.
- 10.2 On 25 November 2005 the Home Secretary approved the appointment of IPCC Senior Investigator Mike Grant to lead the investigation.
- 10.3 Additionally, the Home Secretary specified that if the Commissioner was to be interviewed in relation to criminal or conduct matters then it should be by Mr Peter Goode, IPCC Acting Director of Operations, as the most senior investigative member of the IPCC.

11 Appointment of IPCC lawyer

- 11.1 IPCC Director of Legal Services, Mr John Tate, provided assistance to the IPCC Commissioners and the investigation team.

12 Terms of reference

- 12.1 The terms of reference set by the IPCC Commissioners for the investigation were as follows.
To determine:
 1. *What information about the circumstances surrounding the death of Mr de Menezes was placed in the public domain by the MPS between 10:00hrs on Friday 22 July 2005 and 12:00hrs 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, were 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?*

- 12.2 The terms of reference were amended by an addition to them on 23 March 2006 to reflect that the investigation would encompass interviews that the Commissioner had given to newspapers following the shooting of Mr de Menezes. The fact that the Commissioner had given these interviews was identified as being relevant to the complaints against police and matters under investigation.

The addition was as follows:

7. *If statements attributed to Sir Ian Blair and reported in the News of the World and Guardian newspapers in August 2005 and January 2006, were made by him and if so whether or not they were truthful.*

13 Allegations

13.1 Criminal allegations

- 13.1.1 The investigation sought to identify whether any criminal offences had been committed, including the Common Law offence of Misconduct in Public Office, by any police officer or member of police staff.

- 13.1.2 By 7 June 2006, a considerable amount of evidence had been gathered by the investigation team and their examination of it did not reveal evidence that any criminal offences had been committed. The IPCC Commissioners concluded that there was insufficient evidence of criminal conduct and the investigation focused on possible misconduct matters. This decision was subject to regular review and would have been reversed had evidence of criminality emerged. This did not occur.

13.2 Misconduct allegations

- 13.2.1 The investigation considered if any police officer had committed misconduct by breaching the Police (Conduct) Regulations 2004, or if any member of police staff had breached the MPS staff code of conduct. Where potential conduct matters were identified, the individuals involved were served with the relevant notices. The details are given below.

13.3 The Commissioner

- 13.3.1 On the 20 December 2005, having being named from the outset as subject of complaint against police, the Commissioner was served, via his solicitor, with a notice in accordance with Regulation 9 of The Police (Conduct) Regulations 2004, in the following terms:

A complaint against police has been received from Birnberg Peirce & Partners Solicitors on behalf of the family of Jean Charles de Menezes who was fatally shot by Metropolitan Police officers on the 22 July 2005.

The complaint alleges that, following the shooting of Mr de Menezes, you alone or together with other officers of the Metropolitan Police Service knowingly or negligently made public statements, or concurred with public statements

made by officers or employees of the Metropolitan Police Service, concerning the circumstances of the death that were inaccurate. The misinformation included statements that Mr de Menezes had failed to stop when challenged by police, had leapt over a ticket barrier, was wearing a heavy jacket with wires protruding from it and other indications his behaviour had alerted suspicion.

The complaint also alleges that no steps were taken to correct the misinformation that had been released into the public domain prior to requests from the IPCC to the Metropolitan Police Service to avoid further comment on the circumstances of Mr de Menezes' death.

If proven the alleged conduct could amount to a breach of The Police (Conduct) Regulations 2004, Schedule 1, Code of Conduct, Code 1 in relation to Honesty and Integrity.

- 13.3.2 On 24 February 2006 an amended Regulation 9 Notice and an additional notice were served on the Commissioner via his solicitor. The original notice was amended following consideration of representations from the Commissioner's solicitors that the MPS could not be responsible for correcting inaccurate information released by other sources. The additional notice was served following comments made in the *News of the World* and *Guardian* newspapers in interviews given by the Commissioner regarding his state of knowledge concerning events.

Amended notice

A complaint against police has been received from Birnberg Peirce & Partners Solicitors on behalf of the family of Jean Charles de Menezes who was fatally shot by Metropolitan Police officers on 22 July 2005.

The complaint alleges that, following the shooting of Mr de Menezes, you alone or together with other officers of the Metropolitan Police Service knowingly or negligently made public statements, or concurred with public statements made by officers or employees of the Metropolitan Police Service, concerning the circumstances of the death that were inaccurate. The misinformation included statements that Mr de Menezes had failed to stop when challenged by police, had leapt over a ticket barrier, was wearing a heavy jacket with wires protruding from it and other indications his behaviour had alerted suspicion.

The complaint also alleges that no steps were taken to correct the misinformation that had been released into the public domain by the Metropolitan Police Service (MPS) prior to requests from the IPCC to the MPS, at 11.25pm on the 23 July 2005, to avoid further comment on the circumstances of Mr de Menezes' death. If proven the alleged conduct could amount to a breach of The Police (Conduct) Regulations 2004, Schedule 1, Code of Conduct, Code 1 in relation to Honesty and Integrity.

13.3.3 **Additional notice**

On 20 December 2005 a notice under Regulation 9 of the Police (Conduct) Regulations 2004 was served on you following a complaint made against you by the family of Jean Charles de Menezes in connection with information that was placed in the public domain concerning the death of Jean Charles de Menezes.

The IPCC has been conducting an investigation under paragraph 19 of Schedule 3 to the Police Reform Act 2002 into the subject matter of the complaint. As a consequence of that investigation the following matters have been brought to the attention of the IPCC:

- 1. On a date, believed to be in August 2005, you gave an interview to the News of the World newspaper which was published in that newspaper on 21 August 2005. The report of the interview quotes you as saying that, 'The key component was that at that time – and for the next 24 hours – I and everyone who advised me believed the person who was shot was a suicide bomber.'*
- 2. On a date, believed to be in January 2006, you gave an interview to the Guardian newspaper which formed part of a profile of you that was published in that newspaper on the 30 January 2006. The report of the interview quotes as saying, 'I'm quite clear that by 7.30 at night we still had nothing that was identifying him ... otherwise we wouldn't have been putting out the messages that we were putting out.'*

Both statements are believed not to have been true.

If proven the above conduct could amount to a breach of Paragraph 1 of the Code of Conduct contained in Schedule 1 to the Police (Conduct) Regulations 2004 in relation to Honesty and Integrity.

13.4 **Assistant Commissioner Andrew Hayman**

- 13.4.1 Initially, Assistant Commissioner (AC) Hayman's status was that of a witness to the investigation and consequently he provided a witness statement. However, as a result of documentation recovered by the investigation team, concern was raised about information AC Hayman provided or endorsed that subsequently appeared in the public arena. Upon recovery of the documentation, the existence of a criminal offence was considered although later ruled out. It was however necessary to consider a potential breach of the Police Code of Conduct as a result of which on 12 May 2006, AC Hayman was issued with a notice under Regulation 9 of the Police (Conduct) Regulations 2004.

A complaint against police has been received from Birnberg Peirce & Partners Solicitors on behalf of the family of Jean Charles de Menezes who was fatally shot by Metropolitan Police officers on 22 July 2005.

The complaint alleges that, following the shooting of Mr de Menezes officers and or staff of the Metropolitan Police Service knowingly or negligently made public statements, or concurred with public statements made by officers or employees of the Metropolitan Police Service, concerning the circumstances of the death that were inaccurate. The misinformation included statements that Mr de Menezes had failed to stop when challenged by police, had leapt over a ticket barrier, was wearing a heavy jacket with wires protruding from it and other indications his behaviour had alerted suspicion.

The complaint also alleges that no steps were taken to correct the misinformation that had been released into the public domain by the Metropolitan Police Service (MPS) prior to requests from the IPCC to the MPS, at 11.25pm on the 23 July 2005, to avoid further comment on the circumstances of Mr de Menezes' death.

The IPCC has been conducting an investigation under paragraph 19 of Schedule 3 to the Police Reform Act 2002 into the subject matter of the above complaint and it is now believed that you are a person to whom the above complaint relates. Specifically, as a consequence of the investigation, the following matters have been brought to the attention of the IPCC:-

It is alleged that during the afternoon of the 22 July 2005, you were informed that the person who had been shot was not believed to be one of the four persons suspected of attempting to detonate bombs in London the previous day. However in subsequent meetings, including with the Commissioner and others, it is alleged that you did not fully disclose that information and were instrumental in the wording of a press release which did not reflect what you knew, was inaccurate and misleading.

If proven the alleged conduct could amount to a breach of The Police (Conduct) Regulations 2004, Schedule 1, Code of Conduct, Code 1 in relation to Honesty and Integrity, Code 5 in relation to Performance of Duties and Code 12 in relation to General Conduct.

14 **Methodology**

14.1 **Glossary of terms and persons referred to in the report**

- 14.1.1 A glossary of terms has been compiled for ease of reference and can be found at **Appendix A**. Similarly a list of persons referred to in the report can be found at **Appendix B**.

14.2 **Commencement of the investigation**

- 14.2.1 The IPCC investigation began on the 25 November 2005, following the Home Secretary's approval of the IPCC Senior Investigator.

14.3 **Investigation team**

- 14.3.1 The team comprised of IPCC investigators SI Mike Grant, Deputy Senior Investigators (DSI) Lisa Edwards and James Donaghy and Investigators Kate Owen, Darren Wall, Daniel Budge, Jennie Sugden and Major Incident Room team member Liz McBrien. The team were based in the IPCC Central Region office in Leicestershire and assisted by other IPCC staff and resources as required.

14.4 **System database**

- 14.4.1 The documentary aspect of the investigation was managed using the computerised Home Office Large Major Enquiry System (HOLMES)³

14.5 **Family liaison**

- 14.5.1 Liaison with the family of Mr de Menezes was conducted at their request through their solicitor Ms Wistrich. The family were provided with updates on a fortnightly basis. Additional updates were given when requested and meetings were held with family members as and when required.

14.6 **Identification of witnesses**

- 14.6.1 Potential witnesses were identified, interviewed and where appropriate statements taken. Those who assisted the investigation and provided statements included members of the public, media representatives, staff from the IPCC, Home Office (HO), Foreign and Commonwealth Office (FCO), MPA, Muslim Safety Forum (MSF) and MPS staff. The MPS personnel included police officers and staff from a number of units including Specialist Operations (SO), Directorate of Professional Standards (DPS), Directorate of Public Affairs (DPA) and senior officers. Police officers from Hertfordshire Police who had been engaged with community issues following the London bombings also assisted the investigation.

14.7 **Email accounts**

- 14.7.1 A number of MPS email accounts were examined for the relevant period but no emails were identified that assisted the investigation.

14.8 **Exhibits**

- 14.8.1 The inquiry had access to MPS notes, day books, decision logs, timelines and policies. Where relevant, they were copied, handed over or seized in accordance with the IPCC's powers under the Police Reform Act (PRA) 2002.

3 Is a computer investigation management system used nationally to manage large and complex HOLMES major investigations.

14.9 **MPS media statements and press releases**

- 14.9.1 All of the relevant press statements made and released by the MPS following the shooting of Mr de Menezes were identified and recovered. They are reproduced at **Appendix C**.

14.10 **Timings**

- 14.10.1 For ease of reference all timings are shown in accordance with the twenty four hour clock.

14.11 **Chronology of events**

- 14.11.1 It was apparent from the outset of the investigation that the chronology of events of the 22 and 23 July 2005 was of major significance in attempting to unravel the circumstances which led to the family's complaints.
- 14.11.2 It was known and documented that following the shooting of Mr de Menezes by the MPS at about 10:06hrs on 22 July, the MPS released information into the public domain during that and the following day. Some months later, further information was released by the MPS in the form of interviews given by the Commissioner to national newspapers.
- 14.11.3 The investigation built up a detailed chronology of events in order to establish and evidence what physical events occurred and when, who was involved or informed about the events and who took what action and when in relation to the release of information to the public.

14.12 **Operation Erini**

- 14.12.1 The information obtained by Operation Erini, the MPS operation to gather internal information including the post-shooting events, was examined and copies of relevant material were recovered.

14.13 **Interviews with officers subject of complaints or allegations**

- 14.13.1 Interviews of officers subject to Regulation 9 notices were conducted under disciplinary caution in accordance with The Police (Conduct) Regulations 2004 and in line with the principals of the Police and Criminal Evidence Act 1984.

14.14 **Stockwell 1**

- 14.14.1 Liaison was established with the Stockwell 1 investigation team and full access to the statements and documents held by that investigation, relevant to this investigation, was granted.

14.15 **The Salmon process**

- 14.15.1 Following the completion of the investigation report, but before its final submission to the IPCC Commissioners, extracts from it were sent to those persons criticised in the report by either the IPCC or by some other witness, whether explicitly or implicitly, in order to permit those persons to comment

on or respond to the criticisms. This was in line with the well established principles of fairness when a report is to be published by a public body which contains criticisms of individuals. This is generally known as the Salmon process following the report on public inquiries chaired by Lord Justice Salmon in 1966⁴.

- 14.15.2 A number of those who received the extracts responded to them by providing the IPCC with their observations and comments. Those responses have been given careful consideration and in a number of instances the report has been amended to reflect the comments received. That is in line with what the IPCC said that it would do when the extracts were sent out. In a number of instances those persons provided additional and new information and where relevant, extracts from what was said in those responses have been added to the report in the main text or by footnote.

15 The Investigation

15.1 Chronology of events

- 15.1.1 The investigation established a chronology of events for the 22 and 23 July 2005. Whilst the remit of the investigation was to deal with the release of information post-shooting of Mr de Menezes, it was identified that some pre-shooting events were of relevance. These related to information which was being given by personnel engaged in the operation which led to the shooting and information from them and members of the public concerning Mr de Menezes' clothing and actions. Some of the information relating to the pre shooting events has been summarised or condensed at the request of the Crown Prosecution Service to avoid risk to future legal proceedings.
- 15.1.2 This chronology has been compiled from witness evidence and documentation obtained by the inquiry. Due to the fast moving nature of events following the shooting and possible human error, timings given by witnesses may be imprecise. The chronology should be treated as a guide to likely timings rather an exact timetable.
- 15.1.3 The chronology is shown in text form at **Appendix D** and graphical form as a timeline at **Appendix E**.

15.2 Operation Erini

- 15.2.1 At the outset of this investigation it was known that the MPS had already begun an evidence gathering exercise that included the events of 22 July 2005. Detective Chief Superintendent (D.Ch/Supt.) David Beggs had been

4 The principles have been upheld by the Courts in a number of judgements, most notably: Re: Pergamon Press Limited (1970) 3 All ER 535, Maxwell v Department of Trade and Industry (1974) 2 All ER 122 and more recently in Fayed v UK (1994) 18 EHRR 393.

appointed to collect and collate information surrounding the terrorist operations and the fatal shooting. Operation Erini is based at New Scotland Yard (NSY). The information is managed using the HOLMES system. Operation Erini is described by the MPS as gathering and holding the corporate memory in relation to the shooting of Mr de Menezes. It is not classed by the MPS as an investigation into any criminal or conduct issues. It is being used to identify the lessons that can be learned by the MPS.

- 15.2.2 Permission to access the information held within the Operation Erini HOLMES database was initially requested by the IPCC on 20 December 2005. Access was denied as the MPS claimed legal professional privilege. The information held within the system was of importance to the inquiry team as it was known to include accounts and documentation from MPS police officers and staff in relation to the post-shooting events. It was also important that information and evidence given to the IPCC inquiry was compared with that already submitted to Operation Erini. After two requests for access, and the IPCC's stated intention to use its powers under Section 17 of the PRA if cooperation was not forthcoming, the MPS did allow unfettered access to the Erini database from 9 March 2006 onwards. This was almost three months after the original request.
- 15.2.3 The delay in access to Operation Erini inevitably delayed the progress of this inquiry.
- 15.2.4 During the investigation it became evident that Operation Erini was either being given, or was obtaining, copies of some witness statements and evidence that were being provided to the IPCC investigation team by MPS personnel. Whilst it was understandable that the Erini team wanted to build as full a picture of events as possible, the conduct was unacceptable. The material could have been used to forewarn those who were the subject of complaint or allegations, although there is no evidence that this was intended or that it did happen. The MPS had to be asked on more than one occasion to ensure that the practice stopped before they complied.
- 15.2.5 The IPCC are grateful for the co-operation that they received from D.Ch/Supt. Beggs and his Erini team throughout the investigation. They provided a detailed early briefing to the team and supplied relevant documentation once the MPS had authorised its release.

16 Summary of witness evidence

- 16.1 The following is a summary of events which is fully supported by statements from witnesses and documents obtained by the investigation team. The summary is divided into paragraph headings as shown below:
- 16.2 Paragraph 16.4 Background and the shooting
Paragraph 16.5 Eyewitness accounts

Paragraph 16.6 Scene investigations

Paragraph 16.7 Senior officers – information flow within New Scotland Yard

Paragraph 16.8 Information flow within the Commissioner's office

Paragraph 16.9 The Muslim Safety Forum

Paragraph 16.10 MPS media releases

Paragraph 16.11 The Home Office

Paragraph 16.12 The Foreign and Commonwealth Office

Paragraph 16.13 Emerging knowledge of deceased's identity and nationality

Paragraph 16.14 Newspaper articles

16.3 The witness evidence has been presented in groupings to demonstrate both the way in which evidence and accounts were emerging during the 22 and 23 July 2005, and the way in which that information was being managed and communicated within those discrete areas. The timeline and chronology of events (Appendices D & E) when read alongside this report provide a complete overview of the sequence of events that have been identified by this investigation.

16.4 **Background and the shooting**

16.4.1 Chief Superintendent (Ch/Supt) Stuart Osborne had acted as staff officer to AC Alan Brown following the bombings of 7 July 2005. He states that following the attempted bombings on 21 July 2005, he resumed this role and was to support AC Brown with the strategic co-ordination of all the emergency and support functions. He made numerous written records.

16.4.2 Ch/Supt. Osborne states that AC Brown was appointed to the position of Gold for London following the terrorism incidents in London. AC Hayman, as Assistant Commissioner Specialist Operations (ACSO) was appointed to lead the investigative response. Ch/Supt. Osborne states that AC Brown directed that the strategy would be:

1. *To work with all emergency services partners to preserve life and deal with casualties.*
2. *To take steps to preserve evidence and, where possible, arrest offenders.*
3. *To take steps to reassure all communities and businesses of London.*
4. *To return London to normality as soon as possible.*

16.4.3 Ch/Supt. Osborne states that AC Brown also directed that the strategy for media would be managed through Ms Anna de Vries of the DPA and the Commissioner.

16.4.4 Ch/Supt. Osborne states that AC Brown directed that the complexity of the operation meant that it was important to share information amongst people engaged in the response. He states that AC Brown held a number of Gold Group meetings on 21 July 2005 to facilitate this with MPS officers and staff

and other appropriate agencies. Ch/Supt. Osborne states AC Brown said it was important to have clarity around the responsibilities of senior officers, especially in relation to strategic co-ordination and investigation aspects.

- 16.4.5 Ch/Supt. Osborne states that AC Brown made it clear that the investigative element of the anti-terrorist operation, led by AC Hayman, needed to feed information into the Gold Group so that their activities could be integrated within the co-ordinating and resource requirement responsibility that he held. AC Brown states the responsibility for the content of press releases in relation to the investigation lay with AC Hayman or whomever he delegated that responsibility to.
- 16.4.6 AC Brown states he was supported by two staff officers, Ch/Supt. Osborne and Detective Superintendent (D/Supt) Stephen Kavanagh who both kept detailed notes of their activities.
- 16.4.7 The Specialist Operations Anti-Terrorist (SO13)⁵ investigation into the attempted bombings of 21 July 2005 uncovered intelligence linking one of the bomb suspects for the attempted bombings with an address at 21 Scotia Road, Tulse Hill, London. A covert surveillance operation was authorised and mounted outside the premises. The target address was within a block of flats. There was a communal door to the flats which meant it was not possible to ascertain from which of the flats anyone using the door had come. On 22 July 2005 a man, now known to be Mr de Menezes, was seen leaving the premises via the communal door. He was covertly followed from the address. He boarded a bus, got off it at Brixton underground station (Brixton station was closed), and almost immediately got back onto the same bus and continued his journey to Stockwell Underground station. He entered the station and was followed onto a train carriage by surveillance officers. The specialised firearms officers arrived and Mr de Menezes was identified to them by one of the surveillance team. At about 10:06hrs on 22 July 2005 Mr de Menezes was shot and killed by armed police officers.

5 This paragraph relates to material sourced from the Stockwell 1 investigation.

16.4.8 The Stockwell 1 investigation team has recovered documentation indicating that at 10:25hrs on 22 July 2005, an officer engaged in the operation that resulted in the shooting was reporting that Mr de Menezes had been challenged and had failed to comply before he was shot. Whether or not a challenge was made, and if so, what form it took, is a matter for the Stockwell 1 investigation, but it is clear that at an early stage following the shooting it was being reported within the MPS that a challenge had been made.

16.5 **Eye witness accounts**

16.5.1 Police radio traffic and accounts from police officers prior to the shooting of Mr de Menezes include descriptions that his behaviour was suspicious and inaccurately described his clothing. Those officers' actions were not a matter for this investigation.

16.5.2 In the immediate aftermath of the shooting, civilian witnesses gave their account of what had happened to the media. These accounts mistakenly described Mr de Menezes as wearing un-seasonal clothing, running away from the police, jumping the ticket barrier and acting suspiciously in other ways. It is apparent that some of the witnesses confused police officers with Mr de Menezes. These accounts were inaccurate, but the IPCC accepts they resulted from genuine mistakes in a very stressful situation. Mr de Menezes did nothing and wore nothing that could be considered suspicious. These mistaken civilian accounts that were given to and broadcast by the media became accepted and in some cases repeated, by the MPS.

16.5.3 D/Supt. Kavanagh states that on AC Brown's instructions he briefed Acting Commander (A/Cmdr.) Steven Gwilliam (DPS) to attend Stockwell Underground Station to oversee police activity there. He told A/Cmdr. Gwilliam that AC Brown wanted a rigorous investigation to maintain the confidence of the communities through briefings and also to reassure the firearms (CO19) officers. He states he also told A/Cmdr Gwilliam that there was a need to recognise the scale and complexity of the ongoing terrorist investigation and therefore a joint forensic recovery plan between the DPS and SO13 was required.

16.5.4 D/Supt. Kavanagh states Cmdr. Gwilliam updated him from the scene in relation to the available witness evidence. D/Supt. Kavanagh's notes record and repeat some of the mistaken expressions used by civilian witnesses to describe what had happened.

16.5.5 One account given to the media wrongly described Mr de Menezes as wearing a bomb belt with wires coming from it. This witness has not come forward to the IPCC.

16.6 Scene investigations

16.6.1 D/Supt. John Levett works within the Specialist Investigations Unit of the DPS. The investigation of deaths as a result of police shootings is part of his remit. He states that he was contacted at 10:40hrs by Inspector (Insp.) John Duffy and asked to attend the scene of the shooting at Stockwell. He attended with his team and assumed the role of Senior Investigating Officer (SIO). D/Supt. Levett states Detective Chief Inspector (DCI) Tony Evans was designated as his deputy and Detective Inspector (DI) David McDonald Payne was appointed as a loggist⁶. Acting Detective Chief Superintendent (A/D.Ch/Supt.) Richard Wolfenden states that he also attended as a qualified DPS SIO to provide support to D/Supt. Levett by assuming overall command of the scene and dealing with logistical and strategic issues.

16.6.2 D/Supt. Levett states that the shooting was linked to terrorist activity from the previous day and that the investigation was likely to be high profile. He received the following briefing from the tactical adviser from the firearms team to the effect:

There had been a surveillance operation involving a terrorism suspect. Just after 1000 hours the suspect entered the train station and they had been unable to intercept him prior to him boarding the train. He had been shot by two officers and was pronounced dead at the scene by a paramedic.

16.6.3 Explosives Officer Ian Jones states that he arrived at the scene about 10:10hrs. He conducted a search and found no explosive devices. He did find a mobile telephone and wallet⁷ which he placed onto a seat in the carriage.

16.6.4 D/Supt. Levett states he was advised that the scene had been cleared of explosives and was handed over to SO13 at 10:25 hours. The Post Incident Procedures⁸ had been invoked and all officers who had been involved in the operation were being transported to Leman Street Police Station. The scene was tightly controlled with an inner and outer cordon⁹.

16.6.5 DCI Evans states that at approximately 10:50hrs D/Supt. Levett briefed his team at Jubilee House (DPS office) that an Asian male believed to be a terrorist target, had been shot dead by firearms officers in the station.

6 This phrase relates to the responsibility to note down decisions made and maintain a log of events.

7 This information has been sourced from Stockwell 1. It is understood that while the mobile phone was taken from the deceased, the wallet was left on a seat in the carriage and not removed until the scene had been forensically preserved.

8 Post Incident Procedures is the police terminology used to describe pre arranged procedures that should be followed after serious incidents, including police shootings.

9 Cordons are applied to control entry to and exit from a potential crime scene in order to protect the forensic retrieval of evidence.

- 16.6.6 DCI Evans was made aware that SO13 were undertaking a live surveillance operation on the address from where the suspect had been followed earlier that day. It was agreed that SO13 were to retain primacy but that the forensic needs of the DPS investigation would be considered and respected. He states that D/Supt. Levett advised the team that AC Brown was Gold for the post-incident events at Stockwell and that updates to him (Brown) would be provided by his staff officer D/Supt. Kavanagh.
- 16.6.7 D/Supt. Kavanagh states that at 11:22hrs he spoke to D/Supt. Levett who advised him that a lone Pakistani male had been shot in an anti-terrorist incident by MPS officers and that no explosives had been found. He states that he was made aware that a mobile telephone had been recovered from the deceased and a joint forensic recovery plan had been agreed between DPS investigators and those from SO13.
- 16.6.8 D/Supt. Kavanagh states that he was updated by A/Cmdr. Gwilliam from the scene with information that included that the deceased had not been identified, and that urgent work was being conducted on the man's mobile telephone.
- 16.6.9 D/Supt. Douglas McKenna states that he was appointed as SIO for the investigation by SO13 into the attempted bombings on 21 July 2005, taking over from D/Supt. John Prunty. He states that following the shooting D/Supt. Prunty acted as the single point of contact between SO13 and DPS and reported developments and updates to him.
- 16.6.10 DI Pover (SO13) states that at midday he was asked by D/Supt. Prunty to go to NSY and then to the scene at Stockwell. He states his role was to be the duty officer at the scene and report back to D/Supt. Prunty and DCI Scott. He states that he was tasked to establish the identify of the deceased, establish any links with the Scotia Road address which was subject to an ongoing surveillance operation, and to liaise with the DPS. On arrival at the scene he states that he was verbally updated by police officers from SO13 that the man had run to the train and vaulted the barrier, a mobile telephone recovered from the scene was being interrogated by Detective Constable (DC) Wilson (SO13) to assist in the identification of the deceased. DI Pover also states it was his understanding that the shot man was connected to the address under surveillance in relation to the failed bombings of the previous day, and was a suspected terrorist.
- 16.6.11 DI Pover states the initial interrogation of the mobile phone memory revealed names which he considered to be of Latin rather than Arabic or Asian origin. He states he relayed this information back to D/Supt. Prunty in SO13 at about 13:15hrs. He also states that there was a photograph of the deceased on the mobile telephone but DC Wilson, who had seen the deceased, was unable to confirm whether it was the same individual because of the nature of the injuries.

- 16.6.12 D/Supt Prunty was based in SO13 and was appointed as the SIO for the 7 July bombings. He initially assumed the role of SIO for the 21 July attempted bombings until the investigations were separated on the morning of 22 July when D/Supt. McKenna took over from him. He cannot recall exactly how he found out about the shooting at Stockwell but his first impression was that it must have been one of the suspects from the previous day. D/Supt. Prunty agreed to be the single point of contact between D/Supt. McKenna from the anti-terrorist perspective and the DPS from the police shooting perspective. He states that he had numerous conversations with D/Supt. Levett and DI Pover from the scene. He states that he learned from DI Pover during the afternoon that a mobile phone and wallet containing identification had been recovered from the body and were being analysed and verified. He states it was not his role to monitor developments in terms of identification and he did not therefore record the times at which he became aware of particular information.
- 16.6.13 Shortly after 13:30hrs at Stockwell, DCI Evans states that he briefed HM Coroner Mr John Sampson, Ms Jo Fendt (Coroner's Officer) and Dr Kenneth Shorrock (Pathologist) with the following information:
- The deceased was at present unidentified
 - He had been followed from an address under surveillance by anti-terrorist officers
 - He had entered the tube and when identified to the armed officers he leapt towards them and shots were fired
 - The suspect had been shot in the head several times
- 16.6.14 Mr Lucy attended Stockwell Underground Station with his colleague CSM Calvin Lawson. Both state that they were briefed by DCI Evans with information that included some of the detail that is believed to have come from civilian witnesses.
- 16.6.15 DCI Evans states that he did not brief either Mr Lucy or Mr Lawson as claimed by them. He states that the briefing he gave to them and to the Pathologist, Coroner and Coroner's Officer was as recorded in the record kept by the Coroner's officer, Ms Fendt. (A copy of this document had been given to Operation Erini and recovered by this investigation. The document records the facts as stated by DCI Evans but with no reference to jumping the ticket barrier, or making off down the escalator). DCI Evans states that this information was passed to Ms Fendt by his colleague Detective Sergeant (DS) Barry Slade prior to her arrival at the scene and that he (DCI Evans), gave them exactly the same briefing at the scene.
- 16.6.16 Neither HM Coroner nor Ms Fendt wished to make a statement to this inquiry prior to an inquest as they felt it may prejudice their own procedures.

- 16.6.17 The pathologist, Dr Shorrock, states that he was briefed at the scene by DCI Evans and used this as the basis for the 'history' section of his post mortem report.
- 16.6.18 DCI Evans states that he did not brief Dr Shorrock with some of the information contained in his post mortem report. He states that he had spoken to Dr Shorrock prior to the post mortem on 23 July 2005 when Dr Shorrock had told him he had been listening to media coverage on his way to the mortuary. He believes that Dr Shorrock's account was informed by the media coverage.
- 16.6.19 DC John Davies was based in SO13. In relation to the shooting he states he was engaged to conduct enquiries to establish the identity of the deceased. He started his enquiries at approximately 14:00hrs from the SO13 operational support room in NSY when he was handed three documents:
- a A message from DI Pover timed at 13:35hrs detailing material recovered from a mobile telephone found at the scene of shooting.
 - b A printed list of the telephone numbers contained in the telephone memory.
 - c Copies of photographs also contained in the telephone memory.
- 16.6.20 DC Davies states that he conducted checks on specific telephone numbers drawn from the telephone list.
- 16.6.21 DI Pover states he discussed with DCI Scott at 14:41hrs how any handover to the DPS would be managed if the deceased were not involved in the investigation. He states it was agreed that SO13 would retain primacy of the scene until it was established whether there were links to Scotia Road and the terrorist investigation.
- 16.6.22 DI Pover states at 14:47hrs DC Wilson recovered the wallet from the deceased and it contained Brazilian documentation in the identity of Jean Charles de Menezes born 07.01.78. The information was immediately telephoned through to NSY. He states that his opinion at the time was that the deceased was probably Jean Charles de Menezes, but it was still not known whether he had links to the Scotia Road address or the ongoing terrorist operation.
- 16.6.23 D/Supt. Levett's decision log entry timed at 15:00hrs records:
- 'The wallet examinations suggest that the deceased is Jean Charles de Menezes, b 07.01.78 a Brazilian born in São 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.'*
- 16.6.24 D/Supt. Levett states that, despite the injuries, he could see that the photograph on the Brazilian documentation was a reasonable likeness to the deceased.

- 16.6.25 D/Supt. Kavanagh states that at 15:08hrs he believes he was advised by D/Supt. Levett that a wallet had been recovered at the scene containing bank cards, a temporary Inland Revenue document and a driving permit. The name on the documents was Jean Charles de Menezes born 07.01.78 in São Paulo, Brazil.
- 16.6.26 At 15:15hrs DI Pover states that he discussed three issues with DCI Evans:
- Searching the address in Scotia Road to establish any links to the deceased – it was decided this was not operationally viable at that time.
 - Who would inform the next of kin.
 - The deployment of family liaison officers.
- 16.6.27 The last two issues were to be the responsibility of the DPS.
- 16.6.28 DC Davies states that about 16:00hrs he received a faxed copy of the contents of a wallet that he understood had been recovered from the scene. Part of this material included a copy of a Brazilian identity card in the name of Jean Charles de Menezes. The photograph on the identity card appeared to him to depict the same male as in the photographs recovered on the mobile telephone. He made several checks on the name Jean Charles de Menezes and produced only one positive trace which was from the Immigration and Nationality Department (IND). He states the IND provided a last known address for Jean Charles de Menezes as King's Avenue, London SW4.
- 16.6.29 DI Pover states at 17:10hrs he was updated with Mr de Menezes immigration status but was told there was still no link to the Scotia Road address.
- 16.6.30 About 18:00hrs DC Davies states he contacted the National Terrorist Funding Investigation Unit regarding a Halifax Building Society card found in the deceased's wallet. The card was in the name of Mr J. de Menezes.
- 16.6.31 D/Supt. Kavanagh states at 18:40hrs he received an update from A/Cmdr. Gwilliam which included the following:
- The person under surveillance had come out of a communal door of premises under surveillance in connection with the previous day's failed bombings. The man had been using his mobile and acting in a furtive way. He had caught two buses to Stockwell and the command had been given to stop him. The man had gone down an escalator and boarded a train in the station followed by surveillance officers. He had been pointed out to the firearms team by a surveillance officer and when he stood up to approach the officers he had been shot. Correspondence found at the scene included a Pakistani business card and a mobile telephone. The mobile telephone had links to violent crime. The deceased was due to be moved to the mortuary that evening and no Family Liaison support had been initiated as the address from which he had emerged was still subject to an ongoing SO13 investigation.*

- 16.6.32 **The investigation team understands that the mobile telephone may have had links to criminal matters before it came into Mr de Menezes' possession but there is no evidence whatsoever that he would have known of this.**
- 16.6.33 About 19:00hrs DC Davies states he was informed verbally that the card holder's details recorded by the Halifax Building Society were Mr Jean de Menezes, born 07.01.78 of 17 Scotia Road. At this point, having known that the male shot in the incident had left block 14-22 Scotia Road, he assumed that he had identified a likely current address for Mr de Menezes as being number 17.
- 16.6.34 Although he cannot recall specifically to whom he gave this information, DC Davies states he is sure that he was verbally passing the information gathered to a number of individuals as he received it, and that the information was being made available to D/Supt. Prunty and to other SO13 senior officers in a timely manner.
- 16.6.35 D/Supt. McKenna states that by about 18:00 to 19:00hrs he was leaning towards the conclusion that the shot man was Mr de Menezes. By the time he passed primacy of the scene to DPS he was as satisfied as he could be of Mr de Menezes' identity and that he had no connection to 21 Scotia Road or the events of 21 July 2005. He based the decision to hand the scene to DPS on the following information:
- Checks made on the bank details found in the wallet revealed a genuine bank account registered to Jean Charles de Menezes.
- The confirmed immigration status and history of Jean Charles de Menezes.
- Data analysed from the mobile telephone revealed photographs which he was advised were a good likeness to the deceased and were not a good likeness to images of various suspects.
- 16.6.36 D/Supt. Levett recorded in his decision log at 20:21hrs that a letter was discovered under the body in the name of Jean Charles de Menezes which confirmed his address as 17 Scotia Road. Also that SO13 now had no further interest and that primacy had passed to the DPS¹⁰. His rationale was recorded as:
- 'Confirmation of identity and in particular the address being 17 and NOT 21 Scotia Road and SO13 intelligence check(ed) and have established there is no link to their investigation'.*
- 16.6.37 At 20:26hrs DI Pover states he was advised that whilst the police were moving the deceased's body from the train carriage, an Oyster travel card and bank statement had been found. The address on the bank statement was 17 Scotia Road. He states he immediately passed this information to DCI Scott by telephone.

¹⁰ SO13 withdrew from the investigation leaving D/Supt. Levett with responsibility for the investigation and to determine the lines of inquiry.

- 16.6.38 D/Supt. Levett states at 21:45hrs he received a call from D/Supt. Prunty advising him that SO13 no longer had an interest in the scene and primacy was formally passed to DPS. He states that he authorised enquiries to be made to establish the next of kin including with 'Gesio' who appeared to be a work colleague of the deceased.
- 16.6.39 DI Macdonald Payne states at 22:15hrs he was directed to establish contact with 'Gesio' who he understood was associated with the deceased, and this had been established through telephone data enquiries. Further checks revealed a mobile telephone contact number for Gesio and he telephoned him and arranged to meet.
- 16.6.40 DCI Evans states at 23:05hrs following a meeting with D/Supt. Levett he updated the DPA with agreed press lines.
- 16.6.41 DI Macdonald Payne states that he met with Mr Gesio de Avila in the early hours of the morning of the 23 July 2005, and established that he was an acquaintance of the deceased.
- 16.6.42 D/Supt. Kavanagh states that D/Supt. Levett updated him shortly after 09:00hrs 23 July that, overnight, officers had identified a man (Mr de Avila) they believed to be a friend of Mr de Menezes. He then updated AC Brown who instructed that the Brazilian Consulate be advised immediately and that family liaison procedures were to be instigated. There was further discussion of the likely impact on the operation at 21 Scotia Road, and agreement was reached that before public announcements were made the family would need to be spoken to and the Consulate advised.
- 16.6.43 During the post-mortem examination of Mr de Menezes, which began at 08:00hrs on 23 July 2005, DCI Evans states that he received a telephone call from D/Supt. Levett who informed him that he had viewed the CCTV footage of Mr de Menezes entering the underground station. The footage showed that Mr de Menezes had walked to the barrier, picked up a newspaper, used his Oyster card to go through the barrier and had then gone down an escalator and out of sight. DCI Evans states he recalled speaking to the Coroner and Pathologist and advising them that it would appear the MPS had shot an innocent man who was not involved in terrorism.
- 16.6.44 At 11:05hrs on 23 July 2005 D/Supt. Levett recorded in his decision log that he had received an instruction from Gold (AC Brown) that no further next of kin enquiries were to be made until a press strategy had been agreed at Gold level.
- 16.6.45 At 13:53hrs on 23 July 2005 DI McDonald Payne states that he received a call from Mr Avila who had located relatives of the deceased who were at the Scotia Road address. He states that D/Supt. Levett directed that they should be taken to Brixton Police station immediately as there was a need to get them to a safe location as they were unaware of the status of the ongoing

operation at the address. DI McDonald Payne states he and DCI Evans met Mr Avila and a cousin of the deceased at Brixton Police station where they were introduced to the designated family liaison officers¹¹.

16.6.46 About 15:50hrs on 23 July 2005 D/Supt. Kavanagh states that A/Cmdr. Gwilliam advised him that the sister of Mr de Menezes had arrived at Brixton Police station in a distressed state and he (A/Cmdr. Gwilliam) was concerned that, with the growing number of people becoming aware of the identity of Mr de Menezes, the security of the Scotia Road operation was about to be compromised. D/Supt. Kavanagh states that he updated AC Brown who agreed a previously prepared press release should be released.

16.6.47 The press release went out at 16:52hrs and whilst it did not name the deceased, it did say he was not connected to the events of the 21 July.

16.6.48 At 19:30hrs 23 July 2005, Mr de Menezes' body was visually identified by his cousin Mr Alex Pereira.

16.7 **Senior Officers – information flow within New Scotland Yard**

16.7.1 Below is a summary of the witness evidence showing the emerging levels of knowledge amongst senior officers and senior personnel within the MPS at NSY. The timelines (Appendices D&E) demonstrate the extent to which this was occurring.

16.7.2 On 22 July 2005 AC Brown chaired a Gold Group meeting at 10:00hrs. He was aware that an armed operation was being conducted in relation to the anti-terrorist investigation. At approximately 10:10hrs he was called from the meeting and advised by Cmdr. Chris Allison that a suspect had been followed from an address and had been shot by police at Stockwell Underground Station. AC Brown states that he updated the Gold Group meeting on his return.

16.7.3 AC Brown states that at 10:30hrs he had a telephone conversation with the Commissioner who advised that he was seeking a suspension of section 17 of the Police Reform Act 2002 and that the IPCC would not be part of the investigation into the police shooting. He then spoke with D/Supt. Kavanagh and advised him that the IPCC were not to be involved in the investigation at that stage¹².

16.7.4 D/Supt. Kavanagh states that AC Brown asked him to brief the DPS team that would be responsible for investigating the shooting. He states that he then briefed Acting D.Ch/Supt. Wolfenden and D/Supt. Levett that the DPS team should deploy to Stockwell and conduct a rigorous investigation balanced with the needs of the ongoing SO13 investigation.

11 Family Liaison Officers are specifically trained officers who provide a conduit for information and support between bereaved families and the officer in charge of the investigation.

12 The decision not to involve the IPCC at an early stage was not within the terms of reference of this investigation.

- 16.7.5 At 11:27hrs 22 July 2005 AC Brown states that he was updated by D/Supt. Kavanagh including that:
- A Pakistani male had been fatally shot at Stockwell, that no rucksack had been recovered at that time, the deceased had been in possession of a mobile telephone, the man had not been carrying explosives.*
- 16.7.6 AC Brown states that he updated Deputy Commissioner Paul Stephenson with this information at 11:28hrs.
- 16.7.7 At approximately 12:25hrs AC Brown states D/Supt. Kavanagh provided a further update that included:
- The man had left a house subject to a covert surveillance operation, had travelled on a bus, apparently changing buses which had been regarded as suspicious (as a recognised anti surveillance technique) and that an instruction had been given to intercept him before boarding a train. A surveillance officer had identified him in a tube carriage and he had been shot. The explosives officer had cleared the body and no explosives had been found. As the block of flats the suspect had left was still under surveillance enquiries at the address to establish his identity were precluded. A mobile telephone recovered at the scene was being examined.*
- 16.7.8 Ch/Supt. Osborne states that D/Supt. Kavanagh provided the above update to the 12:30hrs Gold Group meeting where AC Brown asked whether the shot man had been identified and was linked to the terrorist attacks. Ch/Supt. Osborne states that D/Supt. Kavanagh replied that the surveillance officers believed he was one of the suspects but does not recall him giving any other details.
- 16.7.9 D.Ch/Supt. Tim White represented SO13 at Gold Group meetings on 22 July 2005 and was responsible for ensuring that SO13 were appropriately structured and resourced to support the ongoing terrorist investigations. AC Brown states D.Ch/Supt. White could not provide any further clarity and advised the photographs of the four suspects from the previous days attempted bombings were to be published.
- 16.7.10 D.Ch/Supt. White is the OCU Commander for SO13. He cannot recall any issues in respect of identification or the discovery of identification from within the wallet being subject of any discussion at the Gold Group on 22 July. He states that DPS were reporting relevant issues to D/Supt. Kavanagh, staff officer to AC Brown. He states that whilst the intelligence picture was indicating that the deceased was Mr de Menezes, the position was still considerably removed from a positive identification and confirmation of his identity. He states that the identification of the deceased fell outside of SO13 as DPS has primacy in respect of this.

- 16.7.11 AC Brown states that at 13:55hrs he met with the Commissioner, Deputy Commissioner Paul Stephenson, AC Hayman, Ms Caroline Murdoch, the Commissioner's chief of staff, Ch/Supt. Osborne and D.Ch/Supt. Maxine de Brunner, staff officer to Deputy Commissioner Stephenson. AC Hayman updated the Commissioner. AC Brown recalls the Commissioner asked AC Hayman:
- "Can we say if the person shot is a suspect?" AC Hayman replied "we do not know" The Commissioner then asked "Is this group linked to other groups and are the suspects connected or associated with the camping trip?"¹³ "AC Hayman stated he did not know.*
- 16.7.12 AC Brown states that at 15:10hrs he was further briefed by D/Supt. Kavanagh who said he had heard from D/Supt Levett at the scene that:
- 'A wallet had been recovered from a seat from the carriage in which the suspect had been shot. The contents of the wallet included bank cards, temporary Inland Revenue document and a driving permit. The documents were in the name of Jean Charles de Menezes born on 07.01.78 in São Paulo, Brazil. The man was of Eastern European appearance. No address was available for the man...'*
- 16.7.13 AC Brown states he was also aware there was a Pakistani business card in the wallet and the mobile telephone had links to violent crime. He passed this information to D.Ch/Supt. White. Whilst AC Brown considered the documents to be important, he states he did not assume that they provided positive identification of the deceased.
- 16.7.14 D/Supt. Kavanagh states that when he received the 15:08hrs telephone update from D/Supt. Levett (in relation to finding of the wallet, documentation and the name Jean Charles de Menezes born 7.1.78 at São Paulo, Brazil) he believes he was outside AC Brown's office on the 9th floor at NSY. He thinks the telephone call was to his mobile telephone and that there was nobody with him at the time. He cannot recall who he spoke to immediately after receiving the call but his role was to keep Ch/Supt. Osborne and AC Brown briefed on developments. He believes they were the first people he would have told. He states that due to the complexity of what was going on and the nature of anti-terrorist investigations, the update from D/Supt. Levett did not cause him immediate concerns.
- 16.7.15 D.Ch/Supt Flower in the DPS was at NSY on the morning of the 22 July 2005 when he became aware of the shooting. He states at around 1100hrs his opinion was sought in connection with the shooting and the requirements of the PRA. He believes that later that morning or early afternoon he became aware that evidence was emerging that the person who had been shot was not a terrorist. The evidence was in the form of a wallet that contained

¹³ This is a reference to Intelligence relating to those responsible for the 7 July bombings

identification in an alternative name to that of the suspect sought and reinforced by the fact that the deceased apparently was not in possession of a bomb¹⁴.

- 16.7.16 On the 22 July 2005 DAC Paddick was temporarily in the rank of Acting Assistant Commissioner in Territorial Policing. He has since reverted to the rank of DAC. For clarity he is referred to as DAC Paddick throughout the report.
- 16.7.17 DAC Paddick states he was in the Commissioner's staff office prior to the afternoon press conference held at 15:30hrs when he spoke to Ch/Supt. Moir Stewart, the Commissioner's staff officer. He states that Ch/Supt. Stewart told him "We've shot a Brazilian tourist". He recalls Ms Murdoch supported this statement with details of a driving licence having been found on the deceased. DAC Paddick formed the opinion from the manner and content of what the Commissioner's staff officers had said that the MPS had shot an innocent person.
- 16.7.18 Ms Murdoch states that she believes that it was around 16:00hrs (it is now believed that she was mistaken in her timing and it was actually prior to the 15:30hrs press conference) that she was with Ch/Supt. Stewart and D/Supt. Kavanagh when D/Supt. Kavanagh took a call on his mobile telephone. Following the call he informed them that a wallet containing a Brazilian identity had been recovered at the scene of the shooting. He advised that the wallet might not belong to the dead man and that the identity might not be genuine. At that time Ms Murdoch states she was of the opinion that even if the man were Brazilian he was still a suicide bomber. As this information was not confirmed neither she nor Ch/Supt. Stewart passed the information to the Commissioner.
- 16.7.19 When seen by IPCC investigators as a witness Ms Murdoch made a tape recording of the interview and supplied a copy to the IPCC. Ms Murdoch told the investigators that it was "very possible" that Ch/Supt. Stewart had stated, or she had said to him, that a Brazilian tourist had been shot. She explained that although the phrase Brazilian tourist may have been used and she was told about a wallet being found, if she had genuinely thought that the wrong person had been shot she would have told the Commissioner.
- 16.7.20 Ms Murdoch later supplied a witness statement to the investigation team but stated in it that she did not recall the phrase 'Brazilian tourist' being used. The tape recording supplied by Ms Murdoch of her initial interview confirms that her first version of events was that it was possible 'Brazilian tourist' had been mentioned. She was asked about the discrepancy in her accounts and said she could not state whether the actual words had been used or if they just reflected the general conversation.

14 D/Ch Supt Flower verbally stated that he could not recall who told him about the finding of the wallet and identification and confirmed that he did not then discuss the matter with AC Brown or AC Hayman.

- 16.7.21 Ms Murdoch rejects DAC Paddick's claim that he heard her and Ch/Supt. Stewart discussing the fact that a Brazilian tourist had been shot. She concedes that it was possible that DAC Paddick had overheard her and Ch/Supt. Stewart in conversation but did not recall the phrase "we've shot a Brazilian tourist" being used. Ch/Supt. Stewart states that he did speak to DAC Paddick and did pass on the information given to him by D/Supt. Kavanagh; that a Brazilian identification document had been found in a wallet near the deceased. He rejects DAC Paddick's assertion that he told him that the MPS had shot a Brazilian tourist. He states that he could not have done so as he was unaware at the time that the deceased was actually Brazilian or that he had no links to terrorism.
- 16.7.22 Ms Laura Holford¹⁵ states that she was the Personal Assistant to Deputy Commissioner Paul Stephenson on the day of the shooting and worked between 08:15hrs and 16:35hrs at NSY. She was based in an open plan office with other staff between the Commissioner and Deputy Commissioner's offices. She recalls hearing about the shooting after arriving at work but does not remember how she heard about it. She states that she did not become involved in any meetings or conversations about the shooting until she was preparing to go home sometime between 16:00hrs and 16:35hrs. Between those times she was in the open plan office with Ms Karen Scott, Private Secretary to the Deputy Commissioner, when Ch/Supt. Stewart walked over to them from the direction of the door to the Commissioner's office. She states that Ch/Supt. Stewart walked over to Ms Scott and her and told them, in a hushed tone, that the man who had been shot did not look like, his Brazilian driving licence¹⁶ and something like, 'they had got the wrong man'. She can not recall his exact words and does not think that anyone other than Ms Scott or herself would have heard it. She states that she went home shocked, thinking that a potentially innocent person had been shot and that there were all sorts of implications (for the MPS) about what she had been told. She later watched the media reports about the shooting from her home and was surprised that they did not reflect what she had been told by Ch/Supt. Stewart but assumed it was because of ongoing police operations.
- 16.7.23 Ms Holford stated that she could not recall seeing DAC Paddick in the office on the day of the shooting. She does not know if anyone told the Commissioner or Deputy Commissioner what Ch/Supt Stewart had told her before she went home on the 22 July 2005 and she does not know where the Commissioner or Deputy Commissioner were at the time she and Ms Scott

¹⁵ Ms Holford provided a witness statement to the investigation team in March 2007 after it was suggested that she had information that could assist the enquiry.

¹⁶ This is Ms Holford's recollection of what Ch/Supt. Stewart told her. It would seem more logical that he said that the deceased did look like his driving licence and hence why they (MPS) had got the wrong man.

were given the information. She assumes that the same information Ch/Supt. Stewart gave to them would have been given to the Commissioner and Deputy Commissioner. She believes the information was such that it should have been passed to the Commissioner and had she been the only person there and received it herself, she states she would have tried to contact the staff officers but if that failed she would have gone directly to the Deputy Commissioner or Commissioner.

- 16.7.24 In relation to the above Ms Scott states that with the passage of time she cannot be certain of her recollection of that day (22.7.05). She states that she was aware that the police had shot someone but cannot recall when or how she became aware of the situation. She confirmed that Ms Holford was at work that day. She states that she can recall speaking with Ch/Supt. Stewart and being told by him that the police had shot someone. She cannot recollect his exact words but her impression was that a terrorist or potential bomber had been shot. She thinks that she knew within a day or so that the deceased was not a terrorist but cannot recall whether she learned this from media coverage or from her workplace. She states that she can recall a conversation with Ch/Supt. Stewart when he may have said the deceased was not a terrorist but she cannot recall what he said or when he said it; it may have even been a few days later. She states that it is likely that she discussed the shooting with her colleagues on the day but cannot recall the detail of the conversation.
- 16.7.25 At 15:30hrs AC Brown states he chaired another Gold Group which began by watching the press conference given by the Commissioner and AC Hayman from the Queen Elizabeth II Centre (QEII). Prior to this, AC Brown states he had not discussed the wallet with the Commissioner but would have expected D.Ch/Supt. White to have passed the information to AC Hayman as the scene was jointly controlled with Specialist Operations officers.
- 16.7.26 Ch/Supt. Osborne states that D.Ch/Supt. White updated the 15:30hrs Gold Group with the information that the mobile telephone recovered from the deceased was being examined. Government Liaison Officer (GLO), Mr Jeremy Page is the head of the Government Liaison Team (GLT)¹⁷ and recollects from the meeting that it was further reported that there were now strong suspicions that the victim was not one of the four suspects from the previous day's failed bombing attempts, and that attempts to identify him were to be made overnight¹⁸.

17 As a result of the 7 July 2005 attacks the Cabinet Office Briefing Room (COBR) was activated. A Government Liaison Team (GLT) was despatched to NSY in order to act as a conduit between the MPS Gold Command and COBR. The GLT was still operating, albeit at a reduced level, at the time of the subsequent failed bombings on 21 July.

18 In response to the extracts disclosed during the Salmon process, Mr Page stated that he can not be sure if this was said at the 15:30hrs Gold Group meeting or at the meeting he had with AC Brown at 18:20hrs. On balance he believes it was more likely at 15:30hrs.

- 16.7.27 Assistant Chief Constable (ACC) Beckley from Hertfordshire Police is the lead officer for the Association of Chief Police Officers (ACPO) for Communities and Counter-Terrorism. On 22 July 2005 he was engaged on national work in London. He was present at the 15:30hrs Gold Group meeting where the shooting was discussed. He recalls AC Brown provided an update which was limited to the facts reported at the press conference given by the Commissioner, and it was suggested that the shot man had refused to accede to police demands.
- 16.7.28 AC Brown states he did not receive information to the effect that the man had been challenged by officers prior to being shot and is unable to identify the source from which the Commissioner gained this information.
- 16.7.29 Cmdr. Alfred Hitchcock is responsible for the policing of North East London and holds the Safer Neighbourhoods portfolio¹⁹. At the 15:30hrs Gold Group meeting he states it was recognised that Borough reassurance plans would need to take into account the events at Stockwell. He states DAC Paddick entered the meeting towards the end and whispered to him that a 'Brazilian tourist' had been shot. This is confirmed by DAC Paddick who states that he did say quietly to Cmdr. Hitchcock something like "especially if he is a Brazilian tourist". He states he said this to Cmdr. Hitchcock in response to AC Brown discussing possible community concerns about the shooting.
- 16.7.30 Ch/Supt. David Tucker leads the National Community Tensions team and attended Gold Group meetings. Following the 15:30hrs Gold Group meeting ACC Beckley states he was told by Ch/Supt. Tucker that the deceased was Brazilian and the phrase 'Brazilian tourist' was used. ACC Beckley states he is unaware of the source of the information but states that it was not broadcast at the meeting and discussion must have taken place separately.
- 16.7.31 Ch/Supt. Tucker states he was aware that there was a rumour early in the day that an innocent man had been shot. Before 17:30hrs this rumour had become more specific and included that a Brazilian tourist had been shot. He cannot recall from whom he received this information.
- 16.7.32 AC Brown states he chaired a meeting at approximately 16:00hrs with DAC Paddick, Cmdr. Hitchcock, ACC Beckley, Cmdr. Rod Jarman (Cmdr. Jarman assumed the lead on Strategic Community Engagement following the bomb attacks on 7 July 2005), Ch/Supt. Osborne and D/Supt. Kavanagh. He states the purpose of the meeting was to discuss the community impact of the fatal shooting and to identify issues which would arise should the deceased prove to be the person identified in the wallet. AC Brown rejects that, at this stage, he knew the identity of the dead man. He states he thought it appropriate

¹⁹ Safer Neighbourhoods is a London wide community policing initiative which, through community consultation, aims to ensure that the policing priorities of that area reflect those of its citizens.

contingency planning to consider the implications should the deceased be thus identified. He was clear that to maintain community confidence, the MPS needed to engage and share information where possible, and in relation to the shooting it was important to acknowledge that this was a DPS investigation and that as such 'we would only give inclusion into what we know not what we guess'.²⁰

- 16.7.33 In relation to the meeting Cmdr. Hitchcock states that AC Brown provided an overview of the Stockwell incident and indicated that the man who had been shot was thought to be a Brazilian national. He (Hitchcock) wrote down the name given for the deceased, as he heard it from AC Brown, as 'Jean Charles Meneziz'. Whilst he cannot recall the exact word used he formed the opinion, based on the briefing, that this man was not one of the known suspects and that there was a strong possibility that it was an innocent man that had been shot. He was then tasked by AC Brown with producing initial thoughts on a community engagement plan and to be cognisant of the possibility that the MSF might disengage their support for the MPS. Cmdr. Hitchcock's contemporaneous note made at the meeting shows that he recorded the name 'Jean Charles Meneziz (sic) – Brazilian'
- 16.7.34 ACC Beckley states that he was given the name "Jean Charles Menezes" by AC Brown at the meeting. ACC Beckley recalls that AC Brown also stated that the deceased was connected to the terrorism inquiry because he came from an address relevant to the investigation, but was not believed to be one of the bombers from the previous day. As the address was multi-occupancy, it was likely he was not involved in the attempted bombings. The connection was that he came out of the same premises but that would not be finally confirmed until the search of the premises was concluded. ACC Beckley's contemporaneous notes of the meeting confirm the fact that he was given the name Jean Charles Menezes, and that reference was made to Portuguese and Brazilian communities.
- 16.7.35 ACC Beckley states the connection to the address had to be established by a search of the premises and his understanding was that as the investigation progressed it was likely to establish the deceased was not one of the 'key players' although he may have been connected in some way. He states that he had the impression from the meeting that he should prepare for the likelihood that the deceased was innocent, but that the situation was imprecise.

²⁰ In response to the extracts disclosed during the Salmon process, AC Brown stated "It was appropriate to share information internally to prepare contingency plans in the event that the wrong person had been shot".

- 16.7.36 ACC Beckley states there were two versions of the Community Impact Assessment (CIA)²¹ produced, one for the Metropolitan Police and one nationally. He states the national one was very similar to the MPS CIA, but the National CIA could not be saved as the software was incompatible with that of the MPS. He states that Supt. Tucker typed up the National CIA which was then compared to the MPS one and they were amended to complement each other. They were submitted to AC Brown. ACC Beckley is certain that the National CIA made reference to the impact on Portuguese and Brazilian communities, but this is not included in the MPS version. He is adamant that the impact on these communities was discussed as he recalled references to a sizeable Portuguese community in Lambeth, and he considered the likely impact on the Portuguese community in his own policing area.
- 16.7.37 ACC Beckley states that he, Cmdr. Hitchcock and Ch/Supt. Tucker considered it important to issue a press statement as soon as possible if it turned out that an innocent person had been shot.
- 16.7.38 DAC Paddick recalls that AC Brown said that the person who had been shot was Mr de Menezes. He cannot remember with what degree of certainty AC Brown made the statement but DAC Paddick commented during the meeting that it would soon be realised that the MPS had shot the wrong person as the MPS were still looking for four bombers. He does not recall the exact phrase which was used but taken together with what the Commissioner's staff had told him, he believed at that time, (about 16:15hrs), that the MPS had shot an innocent person.
- 16.7.39 The evening Management Board meeting has been variously described by a number of witnesses as taking place at 17:00hrs or 18:00hrs. The minutes of the meeting reflect that the original time of the meeting has been amended from 17:00hrs to 18:00hrs. It seems most likely that the meeting took place at, or shortly after, 17:00hrs but references to the 17:00 or 18:00hrs Management Board meeting should be taken to mean the same meeting. **For clarity the meeting is referred to from hereon as the 17:00hrs Management Board meeting.**
- 16.7.40 A further meeting took place immediately following the 17:00hrs Management Board meeting which is variously described by the attendees as a continuation of the initial meeting but with fewer attendees, a further meeting or a sub-meeting. **Again for clarity from hereon the meeting is described as the sub-meeting of the 17:00hrs Management Board.**
- 16.7.41 The Commissioner chaired the 17:00hrs Management Board meeting. The attendees included AC Brown, AC Hayman, DAC Paddick and a number of

²¹ A Community Impact Assessments (CIA) is undertaken to in order to assess community concerns and devise appropriate strategies to deal with identified issues.

senior police officers, members of the Metropolitan Police Authority (MPA) and the Home Office. The minutes of the meeting show that the discussions centred mainly on the investigation into the events of the previous day. In relation to the shooting at Stockwell the minutes contain the following references:

'Community Strategy – There is a need to put out information about the shooting. (Lines subsequently agreed by Commissioner, AC Hayman, AC Brown and Dick Fedorcio and subsequently issued.)'

'DPS – Inquiry progressing and being undertaken mindful of CT (counter-terrorism) investigation. Investigation will take primacy where required'

- 16.7.42 Cmdr. Sue Wilkinson represented the Specialist Crime Directorate (SCD). She recollects that the 17:00hrs Management Board meeting was given an update on the investigation, discussed community concerns, the impact on the Muslim Safety Forum and other representative groups and what the Commissioner could place in the public domain regarding the shooting.
- 16.7.43 She recollects the Commissioner asking AC Hayman for assistance with what could be discussed publicly. She cannot recall the deceased being named in the meeting or any discussion regarding a wallet or mobile telephone being found. She understood that identification might take some time as she was aware that he might be unrecognisable because of his injuries.
- 16.7.44 At the 17:00hrs Management Board meeting DAC Paddick did not raise his concerns about the fact that he had heard that a 'Brazilian tourist' had been shot and that therefore the deceased was likely to be innocent. He has been specifically asked about this, and states that AC Brown expressed community concerns about the shooting and asked that members of the Muslim Safety Forum (MSF) meet with anti-terrorist officers as they (MSF) were on the point of withdrawing their support. In response to this suggestion DAC Paddick states that AC Hayman said that it was needed to pin down the identity of the person shot and it needed to be done through DNA. DAC Paddick states that he interpreted this as AC Hayman trying to prevent the MSF and anti-terrorist meeting taking place. DAC Paddick refers to an apparent disagreement between AC Brown and AC Hayman's positions. AC Hayman appeared to be expressing doubt as to the person's identity which contrasted with AC Brown's earlier comments which indicated a greater degree of certainty. He (Paddick) believed AC Hayman was closer to the investigation than AC Brown, and while there appeared to be disagreement between them as to the facts, he did not believe that it was his place to challenge either of them in the meeting. DAC Paddick states that he was present in the role of Acting Assistant Commissioner and had previously been told by a member of the Commissioner's staff that he was really only a DAC: implying that his views were not needed and he was only in attendance in an observer capacity.

Also, DAC Paddick states there was so little detail about the shooting being discussed in the meeting, he assumed that the Commissioner was being briefed more fully outside of the formal meeting structure.

- 16.7.45 The 17:00hrs Management Board sub-meeting was attended by the Commissioner, AC Hayman, Mr Dick Fedorcio (DPA Director), AC Brown, Deputy Commissioner Stephenson, DAC Richard Bryan, Cmdr. Wilkinson, Mr Len Duvall (Chair of MPA), Ms Catherine Crawford (Chief Executive and Clerk (MPA) and Ms Murdoch. All attendees at this meeting have provided witness statements to the investigation team with the exception of the Commissioner and AC Hayman who were interviewed under disciplinary caution in relation to their involvement. AC Hayman did initially provide a witness statement stating that he could not recall the content of the meeting; that the deceased had not been identified; and that at that time he did not know if the deceased was one of the bomb suspects or not. Ms Murdoch states that the only purpose of the follow-on meeting (sub-meeting) was to discuss what information about the shooting could be given to the public in order to address the community concerns being raised.²²
- 16.7.46 Ms Murdoch made brief hand written notes of the sub-meeting. From these notes she produced two typed versions of the notes. One version covered only the Management Board meeting and was disseminated to all attendees. The other version covered the Management Board meeting and the sub-meeting and was produced specifically for the Commissioner as he was due to attend the Home Affairs Select Committee and she wanted him “to have more detail about what exactly was said at the meeting”. She stated that she could not recall exactly when she made the two typed versions of the notes but they were made “fairly soon after the meeting and I know the meeting was still fresh in my mind.” The typed version covering the sub-meeting were, “my – fuller – interpretation of the meeting”. These notes are significant and are reproduced in full below:

‘Commissioner (check)²³ : In terms of the link with the investigation how about “the man shot today at Stockwell was under police surveillance after he left the house under observation as a result of our inquiries following the incidents yesterday”

Len DUVALL : People watching must understand that the intelligence led the police there and that you thought he could be dangerous.

Dick FEDORCIO : I will craft something for the public.

²² In response to the extracts disclosed during the Salmon process, AC Brown has stated that he may have been at the meeting initially but apologised and left for an 18:20hrs meeting. He states that he was not present for any of the conversation recorded in Ms Murdoch’s notes.

²³ Commissioner (check): is the exact wording shown on the typed note.

AC HAYMAN: There is press running that the person shot is not one of the four bombers. We need to present this that he is believed to be. This is different to confirming that he is. On the balance of probabilities, it isn't. To have this for offer would be low risk.

Commissioner : Also his behaviour reported at the scene added to the circumstances. So, he came from the address, his behaviour, he was followed by officers, this led to shooting.

The second point is that for the time being the CT (Counter Terrorism) investigation is pre-eminent. In due course we will discuss handing over to the IPCC. We must have this space.

Action agreed that Dick Fedorcio is to produce the above and issue as an official statement. The IPCC will take over Monday'.

- 16.7.47 As discussed in paragraphs 16.10.11 to 16.10.24 below, the IPCC has witness evidence that about 16:30hrs AC Hayman briefed members of the Crime Reporters Association (CRA) that the shot man was not one of the bombers from the day before. It was the recovery of Ms Murdoch's typed note of the sub-meeting of the 17:00hrs Management Board coupled with witness evidence indicating the terms in which AC Hayman had briefed the CRA that changed the status of AC Hayman from a witness to being under investigation. The comments attributed to AC Hayman in the typed note appeared to contradict what he had told the CRA and gave rise to concern about his actions.
- 16.7.48 Ms Murdoch was asked if she was able to expand on the meaning of the above notes. She states that her interpretation of the notes was that AC Hayman commented that whilst he believed, on the balance of probabilities, that the man was not one of the four, the MPS needed, at that stage, to say that he still might be, as they did not yet know that he was not. During the conversation AC Hayman suggested that this would be "low risk". Her interpretation is that by stating "we believed" the MPS would not be making any inaccurate statements, but would be putting as much information as it could into the public domain. Ms Murdoch states that the Commissioner suggested that the statement should refer to the behaviour of the deceased in relation to the circumstances of the shooting. She believes that he was referring to the individual getting off and then back onto the bus.
- 16.7.49 Mr Fedorcio is the Director of the DPA and is responsible for media relations and internal communications. He states that during the meeting he was unaware of the identity of the deceased, or whether he was one of the four bomb suspects. Mr Fedorcio states that given the media coverage, and questions following the press conference about whether the person shot was one of the four suspected suicide bombers whose pictures had been issued,

the general view from the sub-meeting was that there was a need to provide more clarity about the shooting and, specifically what the man's link to the attempted bombings and ongoing operations had been.

- 16.7.50 Mr Fedorcio states that the Commissioner had said at the press conference that he understood the man had been challenged. He (Mr Fedorcio) had heard that the man had worn a bulky jacket. He had also learned, possibly from the sub-meeting, that the man had got onto a bus and got off it again which had been perceived to be an anti-surveillance technique. He agreed to draft a press release following the meeting (not 'craft' as recorded in the typed note). He states that he had used the words 'clothing and behaviour' rather than specifying what had been discussed, because he wished to protect witness integrity²⁴. He drafted the press release on a computer outside the Deputy Commissioner's office with the Commissioner reading it over his shoulder. The Commissioner then approved the release subject to minor grammatical amendment.
- 16.7.51 Cmdr. Wilkinson recalls a discussion at the sub-meeting around the importance of finding a form of words to inform the public in a way that was not misleading or inaccurate. The Commissioner tried to clarify with AC Hayman what he could say. She considered AC Hayman to be the most appropriate person to advise the Commissioner as he would have had the most detailed knowledge of events as head of the counter terrorism investigation. Her recollection is that AC Hayman was unable to confirm whether the deceased was one of the four bombers wanted in connection with the attempted bombings on 21 July 2005 and that the Commissioner asked several times whether the deceased was directly connected to the ongoing operation. She recollects that AC Hayman 'did not, could not or was not prepared to confirm or deny that to be the case, and hesitated over his words'. She was aware that identification might take some time but it was apparent to her that the deceased had not been in the process of attempting a suicide bombing when he was shot.
- 16.7.52 Cmdr. Wilkinson is adamant that there was no agreement at the meeting to attempt to mislead or deceive. She considered AC Hayman to be reluctant to make a definitive statement as to whether the deceased was one of the four bombers. It appeared to her that the Commissioner did not know that an innocent man had been shot and AC Hayman could not, or did not, provide the clarification the Commissioner was seeking. She did not know whether this was because of AC Hayman's professional caution or because he was not prepared to speak openly in that environment.

²⁴ Mr Fedorcio verbally explained to the investigation team that he did not wish to contaminate the evidence of potential witnesses by giving a prescriptive account of what had happened.

- 16.7.53 Ms Crawford is the Chief Executive and Clerk of the Metropolitan Police Authority. She states she received updates from NSY in relation to the shooting investigation. She cannot recollect when she knew the deceased was not one of the four bombers, but states that by late afternoon it was looking as though this might be the case.
- 16.7.54 Ms Crawford attended the 17:00hrs Management Board meeting with Mr Duvall, chair of the MPA. She states there was discussion about the need for proper identification of the deceased and her understanding was that, whilst people might have thought he was not one of the four, it did not mean he was not connected to terrorist activity. She then attended the sub-meeting with Mr Duvall.
- 16.7.55 Ms Crawford states the sub-meeting focused on the identification of the deceased. She states there was a decision to release press lines and the strategy was not to withhold anything the MPS knew to be true. She can recall identification via DNA being discussed and that the MPS needed to be certain of the facts that went into the public domain. She cannot recollect in detail what was said during the meeting, but is certain that there was no intention to conspire to manipulate the facts or information presented to the public.
- 16.7.56 Ms Crawford cannot recall being given a name or potential name for the deceased during the meeting and would not necessarily have expected the recovery of a wallet to have been openly discussed. She states that during the meeting, as far as she can recall, AC Hayman gave the impression that it was looking increasingly unlikely that the deceased was one of the four wanted men. Following the sub-meeting she was contacted by another MPA member who told her a Brazilian tourist had been shot. She thinks that is the first time that she heard a nationality mentioned for the deceased.
- 16.7.57 Mr Duvall states that his recollection of the sub-meeting was that the man was not one of the four people sought in relation to the failed bombings but a connection with terrorism could not be ruled out completely. He states that he was robust in emphasising that information relating to the shooting needed to be put into the public domain and that Mr Fedorcio was to prepare a press release. At this point he was not aware of a possible identity or nationality for the deceased.
- 16.7.58 DAC Bryan stated he briefed the international media on community reassurance following the press conference at 15:30hrs. He attended both the 17:00hrs Management Board and the sub-meeting but could recall none of the detail. When shown the notes made by Ms Murdoch he recalled discussion around the form of words to be chosen for the press release as the MPS needed to be sure that whatever they said could not be misinterpreted or misrepresented. He recalled the emphasis being on the connection between the intelligence leading to the operation and the deceased. This

was not the same as saying that he was a terrorist or one of the bombers. DAC Bryan had no knowledge of whether or not the deceased was one of the bomb suspects.

- 16.7.59 Deputy Commissioner Stephenson stated he attended the 17:00hrs Management Board meeting where his main concern was that of organisational resilience. He attended the sub-meeting and has been shown the note of that meeting. He states that he is satisfied that there was no attempt to mislead the media or the public and that he did not hear anything that would compromise his personal integrity.
- 16.7.60 The MPS issued a press release following this meeting at 18:44hrs.
- 16.7.61 At 19:00hrs AC Brown states he chaired the Gold Group in which he asked about progress in relation to the 21 Scotia Road address. He was advised that intelligence was developing around the address. He asked for an update on the name of the individual who had been shot and was told that there was no further information.
- 16.7.62 At approximately 20:30hrs AC Brown states he was contacted by A/Cmdr. Gwilliam advising him that when the deceased's body had been moved from the train carriage a bank statement had been discovered in the name of Mr de Menezes with an address of 17 Scotia Road.
- 16.7.63 AC Brown states he went to discuss the consequences of this information with AC Hayman but was advised that he was no longer on duty. He then went to DAC Clarke's office where he discussed the new information with him and Cmdr. John McDowall. (Cmdr. McDowall works to DAC Clarke on national investigation into terrorism). AC Brown states the address of 17 Scotia Road was a critical piece of information, but the on-going operation at 21 Scotia Road prevented enquiries being made at the address. AC Brown knew of the events in Madrid following police intervention in terrorist incidents and he was concerned for the safety of officers and the public. Agreement was reached that no direct approach should be made to 17 Scotia Road at that time, but that the details of Mr de Menezes should be entered onto the missing person's database to facilitate contact with anyone who was looking for him.
- 16.7.64 Sometime before 22:00hrs AC Brown states he was contacted by A/Cmdr. Gwilliam who advised him that Specialist Operations were withdrawing as they had no further interest in the deceased. AC Brown states that he checked with DAC Clarke who agreed that they maintained an interest and had not excluded the man from their enquiries. AC Brown directed the DPS investigators to pursue attempts to identify the deceased through the telephone enquiries and to liaise with Specialist Operations to ensure that the names and addresses were of no interest to them. He advised A/Cmdr. Gwilliam of this decision.

- 16.7.65 On 23 July 2005 AC Brown states he chaired a Gold Group at 09:00hrs and sought an update from the investigation via D/Supt. Kavanagh. As the update was similar to the previous night's position AC Brown directed D/Supt Kavanagh to make further enquiries. AC Brown states D/Supt. Kavanagh returned with information that during the night contact had been made with a friend of Mr de Menezes, 'Gesio,' and there was now no doubt that the deceased was Mr de Menezes and there were no known links to Islamic fundamentalism.
- 16.7.66 AC Brown stated that he called a meeting at 10:15hrs on 23 July 2005 with the Commissioner, DAC Clarke, and Mr Fedorcio. Also present were Ch/Supt. Osborne and Ch/Supt. Stewart. AC Brown advised them that the deceased had been identified²⁵ and discussions took place around the covert operation at 21 Scotia Road. He states it was agreed that no press release would be made until the operation was complete, that DPS would continue with the inquiry but no approaches would be made to 17 Scotia Road until Specialist Operations had completed their operation.
- 16.7.67 During the afternoon AC Brown stated he was informed that a number of friends and relatives of Mr de Menezes were aware of his death and there was a risk of compromise to the operation at 21 Scotia Road. AC Brown states he therefore requested the release of the press statement which confirmed his identity.
- 16.7.68 D/Supt. Kavanagh spoke to A/Cmdr. Gwilliam at 13:47hrs. He states that A/Cmdr. Gwilliam expressed concerns to him regarding the safety of the family of Mr de Menezes. Members of his family had apparently been to the Scotia Road address which was still subject of a covert surveillance operation and media interest was likely to impact on the investigation. D/Supt. Kavanagh states that A/Cmdr. Gwilliam suggested the family members were asked to attend Brixton Police Station in order for liaison to take place.

²⁵ In response to the extracts disclosed during the Salmon process AC Brown made a further witness statement in which he clarified the extent to which he had briefed the Commissioner on the morning of 23 July. He states that he briefed the Commissioner fully regarding the sequence of events in the identification of the deceased and the rationale behind his decision making. He states he (AC Brown) had been aware of the recovery of the mobile phone, wallet and bank statement the previous day but that address checks were precluded due to the continuing operation at Scotia Road and the opportunity to obtain comparative data for DNA, fingerprint and odontology testing to confirm identity was not available. He states that he made the Commissioner aware that he (AC Brown) had not been certain of the deceased's identity on the 22 July and had only become certain of it upon receipt of information from the DPS at 09:30hrs that morning (23 July). He confirms that he told the Commissioner about the finding of the documents near to the deceased on the 22 July at the same briefing on the 23 July.

16.7.69 At 15:50hrs D/Supt. Kavanagh states A/Cmdr. Gwilliam advised him that a sister of Mr de Menezes had arrived at Brixton Police station in a distressed state and he (Gwilliam) was concerned that with the growing number of people aware of the identity of Mr de Menezes, the security of the Scotia Road operation was about to be compromised. D/Supt. Kavanagh states that he updated AC Brown who authorised him to direct the press office to release the previously prepared statement.

16.8 **Information flow within the Commissioner's office**

16.8.1 The Commissioner believes that AC Hayman told him at some point between 10:00hrs and 10:30hrs on 22 July 2005 that somebody had been shot seven times at Stockwell and was dead. At that time the Commissioner understood that the deceased was one of the bombers from the previous day. This information was re-iterated to him by Ch/Supt. Stewart following his visit to the Special Operations room in NSY. The Commissioner contacted Sir John Gieve, the Permanent Secretary at the Home Office and discussed with him that the IPCC should not become involved in the investigation into the shooting because of the impact this would have on the counter-terrorist operation.

16.8.2 At approximately 10:50hrs Mr Hardwick states that he advised the then IPCC Director of Investigations, Mr Roy Clark, that there had been a police shooting and asked him to contact the MPS. Mr Hardwick states he had earlier been notified of the shooting by Sir John Gieve at the Home Office. He states that following a conversation between Mr Clark and the Commissioner, the Commissioner spoke to him on the telephone. The Commissioner taped the conversation with Mr Hardwick which included the following :

'We've now shot somebody, I think dead, who refused to respond to anything that we were asking him to do...'

and

'I've got three more potential suicide bombers out there...'

16.8.3 Mr Clark states that he spoke to the Commissioner at 10:52hrs. He states the Commissioner told him that a terrorist suspect had been shot and had refused to do what was being asked of him. The Commissioner said he would be contacting the Home Office asking for a suspension of Section 17 of the PRA 2002 for incidents relating to terrorism and that he would speak to Mr Hardwick.

16.8.4 At 13:55hrs AC Brown met with the Commissioner and other senior staff members as outlined previously in paragraph 16.7.11.

- 16.8.5 At 14:20hrs DI McDonald Payne states he was asked to make an entry in the policy log 'fast track action from Comm (Commissioner's) office – deceased wallet' by either the SIO or Acting D.Ch/Supt. Wolfenden. He cannot recall any further detail about this entry and states that the information did not come direct to him.
- 16.8.6 Shortly before the 15:30hrs press conference DAC Paddick was with the Commissioner's staff when he says he was told by Ch/Supt. Stewart that a Brazilian tourist had been shot. DAC Paddick states that the Commissioner walked by about the same time, he presumed on his way to the press conference, but without saying anything and without anything being said to him by his staff.
- 16.8.7 Ms Murdoch states that neither she nor Ch/Supt. Stewart told the Commissioner that they had been informed a wallet containing identity documentation relating to a Brazilian national had been found. They explain that this was because the identity had not been confirmed.²⁶
- 16.8.8 The Commissioner attended the 15:30hrs press conference at the QEII Centre and included in his address:
- 'The information I have available is that this shooting is directly linked to the ongoing and expanding anti-terrorist operation. Any death is deeply regrettable, I understand the man was challenged and refused to obey.'*
- 16.8.9 Ms Murdoch believes, but can provide no supporting note or other evidence, that by the time she attended the 17:00hrs Management Board meeting, AC Hayman had briefed the Commissioner to the effect that the deceased was not one of the four wanted men.
- 16.8.10 The Commissioner attended the 17:00hrs Management Board meeting and sub-meeting and was involved in the drafting of the subsequent 18:44hrs press release as previously described in paragraph 16.7.50.
- 16.8.11 Following the 17:00hrs Management Board meeting and sub-meeting, the Deputy Commissioner states he held a meeting in his office with the MSF. The Commissioner joined the meeting briefly to thank them for their efforts.
- 16.8.12 D.Ch/Supt. de Brunner was deployed to AC Hayman's office to act as a conduit for information between the Deputy Commissioner's office and that of ACSO. She states her brief was to read secret intelligence material and update ACSO accordingly.

²⁶ In response to the extracts disclosed during the Salmon process, Ch/Supt. Stewart has stated that Ms Murdoch and he did not pass the information on to the Commissioner because a huge amount of information had been passed to him and they made a conscious decision not to overburden him with unconfirmed information.

- 16.8.13 About 19:00hrs D.Ch/Supt. de Brunner states she met the Commissioner outside the Deputy Commissioner's office. She said the Commissioner asked, *'Do we know who this man is who we have shot?'* She replied, *'No sir'*, and he said, *'Why not?'* – to which she replied, *'Because we can't visually identify the man and we must wait for DNA'*“He said *'Do we know if he was a terrorist or not?'* She said, *'No sir, not to my knowledge'*.
- 16.8.14 She considered the Commissioner to be concerned and frustrated that he did not know the facts. She then saw him enter the Deputy Commissioner's office to address the MSF.
- 16.8.15 The Commissioner left NSY shortly after his conversation with D.Ch/Supt. de Brunner.
- 16.8.16 Despite her deployment it was not until a meeting about 20:00hrs with DAC Susannah Becks and Cmdr. Gormley that D.Ch/Supt. de Brunner was given the details of Mr de Menezes in an intelligence briefing by AC Hayman's private office staff. D.Ch/Supt. de Brunner raised the issue that the Commissioner would like to be able to say to the public whether the deceased was a terrorist or not. This followed her conversation with the Commissioner before the meeting. It was discussed that it was still not possible to say as DNA identification was awaited. She states AC Hayman joined the meeting after it had begun and she believes that he originally stated that DNA identification was required but she cannot be certain for how long he was present at the meeting. Her notes show “suspect shot – out of address, foot journey, bus – tube. Not consistent with a compliant person, slim chance that he was one of the four bombers”. Although she had emerging doubts in her mind about the identity of the shot male she was still of the opinion when she left NSY that evening that he was connected to terrorism.
- 16.8.17 On 23 July 2005 the Commissioner returned to NSY at about 08:15hrs. He went to visit officers at Buckingham Gate and on his return to NSY he was advised that AC Brown wanted to meet with him and Mr Fedorcio.
- 16.8.18 At 10:15hrs, a meeting was held in the Commissioner's office between the Commissioner, AC Brown, Ch/Supt. Stewart and Mr Fedorcio. AC Brown advised that the deceased had been identified as Jean Charles de Menezes and was unconnected to terrorism. Discussions then centred on the operational and associated matters which arose. It was agreed that no press release would be made until the covert operation at 21 Scotia Road was complete; that DPS would continue with the inquiry but no approaches would be made to 17 Scotia Road until Specialist Operations had completed their operation.
- 16.9 **The Muslim Safety Forum**
- 16.9.1 Mr Azad Ali is a civil servant and Chair of the MSF. His role as Chair is to meet regularly with the MPS in order to discuss safety and security issues within the MSF remit. Mr Tahir Butt is a fellow MSF representative.

- 16.9.2 Cmdr. Jarman assumed the lead on strategic community engagement following the bomb attacks on 7 July 2005 working with Cmdr. Hitchcock. He resumed this role following the failed bombings of 21 July 2005. On 22 July 2005 he stated he had a meeting with Mr Butt and Mr Ali between 11:00hrs and 12:00hrs. He felt that they were becoming increasingly frustrated at the lack of information being given to them and suggested a visit to the scene where they could speak with the SIO. Cmdr. Jarman states that AC Brown agreed this course of action during the 15:30 Gold Group meeting. Cmdr. Jarman attended the beginning of the subsequent meeting chaired by AC Brown relating to community confidence issues but left almost immediately to attend Stockwell station with Mr Ali and Mr Butt.
- 16.9.3 Having raised growing community concerns within the MPS following news of the shooting Mr Ali states he was invited to a meeting with Cmdr. Jarman at 15:00hrs on 22 July 2005. He was accompanied by Mr Tahir Butt. He states his knowledge of the shooting at that time was limited to media coverage and numerous calls taken from people who thought that an innocent Muslim had been shot. He states he was then taken to Stockwell Underground Station where he attended a meeting at either 16:00 or 17:00hrs with D.Ch/ Supt. Levett and Acting D.Ch/Supt. Wolfenden. Mr. Butt states that the latter provided information about the investigation. The information included:
- 'An update on the time the shooting had taken place, when his team had arrived on scene, that he had taken witness statements; paramedics had confirmed death, that a pathologist, coroner, biologist, photographer and forensics had attended the scene. The police officers were going through a post incident procedure and the deceased had been identified'.*
- 16.9.4 In response to Mr Ali's question as to whether there had been a challenge he says his notes show a response of 'can't comment' and this was indicative of a number of answers to his questions. Although nothing was said at this meeting to indicate that the person shot was innocent it was what was not said rather than what was said which led him to form the opinion that an innocent man had been shot.
- 16.9.5 Mr Butt states that he believes that although the police officers present did not reveal the identity of the deceased, they knew that an innocent man had been killed. He states that Cmdr. Jarman confirmed this to him on the drive back to NSY.²⁷
- 16.9.6 Cmdr. Jarman states he met Acting D.Ch/Supt. Wolfenden and A/Cmdr. Gwilliam who asked him for the terms of reference for the proposed meeting with the representatives of the MSF. He advised them to focus on the facts

²⁷ In response to the extracts disclosed during the Salmon process, Cmdr. Jarman has stated that he did not tell Mr Butt that an innocent man had been killed and he did not establish that as fact until the following day (23.7.05)

and not on speculation. About 16:30hrs they met with Mr Butt and Mr Ali who asked many questions relating to the investigation which they could not answer. Three possible outcomes were discussed;

- a The police had done the right thing for the right reason.
- b The police had done the wrong thing for the wrong reason
- c The police had done the wrong thing for the right reason.

- 16.9.7 Cmdr Jarman states that the discussion centred around the last statement, was very emotional, and with hindsight he acknowledges that more could have been read into his comments than was intended. However, he does not think they could have misunderstood the conversation. The discussions continued during the car journey on the way back from the meeting during which the first and third of the above potential outcomes were discussed. He states both Mr Ali and Mr Butt pushed him to focus on the third and this was debated heavily.
- 16.9.8 ACC Beckley states about 19:00hrs a meeting was held in the office of the Deputy Commissioner, Paul Stephenson, attended by Cmdr. Hitchcock, Mr Ali, Mr Butt and himself. The Commissioner joined the meeting briefly.
- 16.9.9 During the meeting neither Cmdr. Hitchcock nor Deputy Commissioner Stephenson mentioned the deceased's name and nationality. ACC Beckley was surprised that this was held back, but assumed there must have been reasons for so doing. ACC Beckley states Deputy Commissioner Stephenson did acknowledge that it was unlikely that the deceased was connected to the investigation, but emphasised that the exact circumstances were still subject to inquiry.
- 16.9.10 Deputy Commissioner Stephenson states that he met Cmdr. Hitchcock prior to the meeting and approved the text that Cmdr. McDowall had agreed for sharing with the MSF. He states the text included that the deceased was South American but of similar appearance to someone of Asian heritage. At the meeting he (Stephenson) states that Cmdr. Hitchcock delivered the approved text without any additions from himself. He states that Mr Ali did raise the potential for the deceased not to be a terrorist and if this transpired the community impact would need to be considered as it would be a key issue.
- 16.9.11 Mr Butt states that Cmdr. Hitchcock began the meeting with an update of events around the events of 7 and 21 July and covered the shooting incident in the following terms:
- 'He described the Stockwell shooting incident, how the victim was shot from the front as he got upthat the victim shot was not one of the four alleged bombers..... and that the victim was described as Brazilian / South American and not a Muslim'.*

- 16.9.12 Mr Butt states that at the meeting, Mr Ali and he advised the Deputy Commissioner that the police needed to be as open as possible about the shooting incident, to carry out detailed community impact assessments and to ensure that such an incident did not happen again. Looking back at the meeting, Mr Butt is convinced that everybody present, including the Commissioner, knew that an innocent man had been shot. Mr Ali cannot remember which part of the meeting the Commissioner would have heard. He concedes that it is possible that, on the basis of what he heard at that meeting, the Commissioner did not know that an innocent man had been shot but feels that this would be a remote possibility. Mr Butt states that the meeting finished at approximately 20:00hrs.
- 16.10 **MPS media releases (MPS and IPCC press releases are reproduced in Appendix C)**
- 16.10.1 Mr Fedorcio as Director of the DPA for the MPS is responsible for media relations and internal communications. On 22 July 2005 he attended the Management Board meeting at 09:15hrs. He states it was established that the DPA priority was to optimise press coverage for the planned release of the photographs of the four bomb suspects from the previous day's attempted bombings and to establish an appeal for information. This was primarily dealt with by the DPA Specialist Operations Team.
- 16.10.2 Sometime before 10:00hrs Mr Fedorcio states he was in a meeting with AC Hayman and other Specialist Operations staff when a call came in, he thinks to D/Supt. Prunty, to say that shots had been fired. Whilst he cannot recall the detail of the conversation he was of the opinion that the shooting had resulted in a fatality.
- 16.10.3 Ms de Vries states she is a Senior Information Officer in the DPA. Her role was to provide a link between the DPA and the Gold Group chaired by AC Brown. She learned of the fatal shooting whilst in the 10:00hrs Gold Group meeting and was tasked with handling the media issues. She drafted the initial press line which was agreed by AC Brown and asked her colleague in Special Operations to have it approved. It was duly approved by Cmdr. McDowall and released at 10:46. It stated:
- 'We can confirm that just after 10.00 today 22 July 2005 armed officers shot a male at Stockwell LT station. We are not in a position to release further information at the moment'.**
- 16.10.4 Ms de Vries states she then collected a copy of the Command and Despatch (CAD) log for the incident and prepared a further release. This was based on information from the first release, the CAD log and her previous knowledge of firearms procedures and incidents. Her belief was that it was standard practice with police shootings that a suspect would be challenged. AC Brown states he approved the draft release at approximately 11:20hrs. He states his

responsibility in relation to the press release was to consider the implications for the wider police response. He did not contribute to its composition or have access to information to suggest it was not factually correct. AC Brown is aware that Cmdr. McDowall also approved the release from a Specialist Operations perspective. At 11:41hrs the following release was issued:

‘We can confirm that at just after 1000 this morning, Friday 22nd July 2005, armed officers from the MPS entered Stockwell Tube station. A man was challenged by officers and subsequently shot. LAS and HEMS both attended the scene. Life was pronounced extinct at the scene. Stockwell Tube station is closed and cordons of 200 metres are in place. As is routine officers from the Directorate of Professional Standards has been informed’.

- 16.10.5 Mr Paul Halford states he worked as a press officer on the MPS Specialist Operations desk. Following the failed bombings of the previous day he was expecting to provide media support to the SO13 investigation. At an early morning meeting of chief officers, chaired by AC Hayman, he states a strategic decision was taken to release the images of the four suspected bombers with an appeal for public information.
- 16.10.6 He states he attended a further operational meeting at 09:30 hrs to discuss the draft wording to inform the public when they should call 999 or use the anti-terrorist hotline. During this meeting he believes that he was informed by Cmdr. McDowall that a man had been shot. He does not recall that he was given any further details about the deceased at that stage and he was not sure whether the terrorist investigation was limited to just four suspects. He did not assume that it automatically followed that the deceased was one of the four known suspects.
- 16.10.7 Mr Halford states as a result of his existing commitment to the public appeal for information, he played no part in dealing with media relating directly to the shooting except to pass an initial holding line, prepared by DPA colleagues, to Cmdr. McDowall for approval. He states that having received news of the fatal shooting it became clear to him that the planned press conference could not proceed without reference to it. He included a brief reference to the shooting in his initial drafts for the press conference because the strategy was to focus media and public attention on the urgent appeal for information in identifying the four suspects.
- 16.10.8 Mr Halford states that AC Hayman was to lead the press conference but he was later advised that the Commissioner would also be participating. He therefore worked in conjunction with Ms Joy Bentley, the Commissioner’s press officer, to develop further drafts of the planned statement. They agreed the Commissioner would open and close the conference with AC Hayman, as ACSO continuing to deliver the main section around the terrorist investigation.

- 16.10.9 Mr Halford states the statement went through numerous edits and drafts and Ms Bentley took the final version to the Commissioner for approval. Mr Halford states the Commissioner made some handwritten amendments to the draft which Mr Halford recollects included reference to further detail around the shooting at Stockwell. These amendments were incorporated into the final version given to AC Hayman as he left to attend the press conference.
- 16.10.10 At the 15:39hrs press conference at the QEII Centre the Commissioner said:
‘The information I have available is that this shooting is directly linked to the ongoing and expanding anti-terrorist operation. Any death is deeply regrettable, I understand the man was challenged and refused to obey...’
- 16.10.11 Mr Halford states that following the conference there was much media interest and it was agreed that Mr Robert Cox, the MPS Chief Press Officer, would host a further briefing which would be delivered by AC Hayman at NSY. (This briefing was exclusively to members of the Crime Reporters Association (CRA).)
- 16.10.12 Mr Cox states he greeted the reporters on arrival and was continually asked which one of the four bomb suspects, whose images had been released at the press conference, had been shot. When AC Hayman and Mr Halford arrived Mr Cox advised them that the reporters would seek to establish this. Mr Cox states Mr Halford indicated that it was his understanding that the deceased was not one of the four suspects. Mr Halford states he believed this because at about 16:30hrs he had been telephoned by Ms de Vries who had been attending the Gold Group meetings as the DPA representative. He states that she informed him that it was now her understanding that the deceased was not believed to be one of the four bomb suspects whose photographs had been released. Mr Halford states that AC Hayman made a telephone call and then discussed with him and Mr Cox that the waiting reporters would be advised that it remained clear that the MPS were still looking for all four suspects. As a result, the media would continue to run all of the photographs and descriptions. It was felt that media speculation regarding who had been shot could mislead the public and potentially be harmful to the investigation.
- 16.10.13 Mr Halford states that the briefing to the CRA lasted approximately twenty minutes. He states AC Hayman reiterated the appeal for witnesses and dealt with questions from journalists which focused mainly around the four suspects and police activity at various addresses. In response to a question regarding the identity of the deceased AC Hayman confirmed that the MPS did not believe the man was one of the four suspects. The briefing was not tape recorded but Mr Halford made contemporaneous notes.
- 16.10.14 Mr Halford and Mr Cox have been interviewed twice by IPCC investigators and both remain adamant that, in relation to his actions at the CRA briefing,

AC Hayman made a telephone call before the briefing. Mr Cox maintains that AC Hayman then told the CRA that the deceased was not one of the four wanted pictured suspects. Mr Halford stated that AC Hayman told the CRA that the deceased was not believed to be one of the four.

- 16.10.15 Subsequent to interview under disciplinary caution AC Hayman volunteered his mobile telephone records for the afternoon of the 22 July. He made a number of telephone calls which are not thought to be relevant but at 16:21hrs called Cmdr. McDowall at SO13. Cmdr. McDowall confirms that the number dialled was his but is now unable to recall any conversation with AC Hayman confirming or not confirming if the deceased was one of the four bombers. Had he known that the deceased was not one of the four wanted bombers at that time he states that he may have told AC Hayman. However, he feels it that it was evening rather than afternoon when he learned that the deceased was not one of the four. He made no notes and therefore cannot be sure of his timings.
- 16.10.16 A list was obtained of CRA members believed to have been present at the CRA briefing but no actual register of attendees appears to have been kept. It would appear that there were somewhere in the region of 15 to 20 reporters in attendance.
- 16.10.17 Attempts were made to contact all of the CRA members who were believed to be present. The majority were located and three were prepared to make witness statements. Other members assisted but either could not remember what had been said or verbally confirmed that the CRA had been told that the deceased was not one of the four.
- 16.10.18 One of the reporters present made contemporaneous notes of what was said at the briefing and retained them. He states that the CRA members, including himself, wanted to know if the deceased had been identified and in particular if he was one of the four bombers from the previous day. He clearly recalls that in response to a direct question from the floor, it was said that the deceased was not one of the four that the MPS were seeking but he was believed to be a terrorist suspect. He believes that this was said by AC Hayman. He also recalls that it was said that the MPS were still not certain of the deceased's identity. His account is supported by his contemporaneous note of the CRA briefing in which he wrote 'Not one of 4 people.... but believed to be terrorist suspect',
- 16.10.19 At 17:07hrs, shortly after the CRA briefing, BBC Television News 24 reported the following:

'A line just in about the shooting in Stockwell earlier. The man shot dead at the tube station is not thought to be one of the four men shown in CCTV pictures released this afternoon'.

- 16.10.20 This was followed at 17:18hrs by footage of a BBC reporter outside NSY confirming that there had been a special police briefing and stating:
- ‘...We don’t know anymore than the police have said for sure that he was challenged, he refused to obey instructions, he was subsequently shot and he was not one of the four people whose images were released by police a little earlier’.**
- 16.10.21 It has been established that the reporter shown outside NSY was not at the CRA briefing. It is believed by the BBC that the information he provided about the ‘special briefing’ would have been as a result of the information fed to their news desk by a reporter who had been present at the briefing.
- 16.10.22 A second reporter who attended the CRA briefing at 16:30hrs on 22 July is unable to trace his notes of that meeting. However, he can recall that it was made clear at the meeting that the person shot was not one of the four bombers being hunted by the police. He believes that information was provided by AC Hayman, although without his notes he cannot be certain.
- 16.10.23 The third reporter who provided a statement states that at the CRA briefing AC Hayman volunteered the information that the man shot at Stockwell was not one of the four men sought for the 21 July bombings. However, when pressed on who the deceased man was, AC Hayman said that he thought that he may have been linked to the terror plot in some way but refused to answer any more questions on the subject.
- 16.10.24 Following the press conference Mr Fedorcio stated he remained in the QEII centre whilst the Commissioner and AC Hayman left. He returned to NSY and attended the sub-meeting of the 17:00hrs Management Board. He stated Ms Bentley attended the main meeting in his absence.
- 16.10.25 Mr Fedorcio states the press release was drafted by him on a computer outside the Deputy Commissioner’s office. He states the Commissioner read the copy over his shoulder and approved the release, subject to minor grammatical amendment. Two copies were printed. One was taken to AC Hayman who was in his office with Cmdr. McDowall. He handed a copy to AC Hayman who approved it with Cmdr. McDowall. The copy was then taken to AC Brown who also approved it and retained a copy. No one who was asked to approve the press release queried any material part of it. The release was duly issued at 18:44hrs in the following terms:
- ‘The man shot at Stockwell station is still subject to formal identification and it is not yet clear whether he is one of the four people we are seeking to identify and whose pictures have been released today. It therefore remains extremely important that members of the public continue to assist police in relation to all four pictures. This death, like all deaths related to police operations, is obviously a matter of deep regret. Nevertheless the man who was shot was under police observation because he had emerged from a house**

that was itself under observation because it was linked to the investigation of yesterday's incidents. He was then followed by surveillance officers to the station. His clothing and his behaviour at the station added to their suspicions. While the counter terrorist investigation will obviously take pre-eminence, the investigation into the circumstances that led to his death is being pursued and will be subject to scrutiny through the IPCC in due course'.

16.10.26 The IPCC then issued a press release at 19:51hrs in the form of a statement by Nick Hardwick, as follows:

'This morning's shooting at Stockwell Station is being referred to the Independent Police Complaints Commission for investigation, in line with formal requirements under the Police Reform Act 2002. The IPCC independently investigates all fatal police shootings. In carrying out this investigation, the IPCC will ensure that nothing is done to hinder the urgent police priority of tracking down and bringing to justice those responsible for the recent London bombings and their vital work in preventing further outrages'.

16.10.27 About 23:05hrs, following a meeting with D/Supt. Levett, DCI Evans states he contacted the MPS press office and provided the following update. This was released as an 'if asked' press release. (This would have been given out had there been media contact but was not openly issued) :

'On Friday 22nd July 2005 at approx 10am armed police entered Stockwell underground station. There they confronted a 27 year old male. As a result of the confrontation the male was shot and suffered fatal injuries. The Directorate of Professional Standards are investigating the matter. A post mortem will take place at 8 am on Saturday 23 July'.

About 23:37hrs 22 July 2005, the MPS issued the final press release for that day in the following terms:

'...On Friday 22.07.05 at approx 10am armed officers from the MPS entered Stockwell tube station. A man was challenged by officers and subsequently shot. LAS and HEMS both attended the scene. Life was pronounced extinct at the scene. As is routine officers from the Directorate of Professional Standards have been informed. The man shot is still subject to formal identification and it is not yet clear whether he is one of the four people who attempted to cause explosions. The man who was shot was under police observation because he had emerged from a house that was itself under observation because it was linked to the investigation of yesterday's incidents, Surveillance officers then followed him to the station. His clothing and behaviour at the station added to their suspicions. While the counter terrorist investigation will obviously take pre-eminence, the investigation into the circumstances that led to his death is being pursued and will be subject to scrutiny through the IPCC in due course'...

16.10.28 On 23 July 2005 around 11:00hrs Ms Bernadette Ford, a Senior Information officer in the DPA states she met with Mr Fedorcio. She was tasked by him with drafting a press release to clarify that the man shot by police officers was innocent. This was the first point at which she was aware an innocent man had been shot. Ch/Supt. Osborne states that AC Brown directed that no press release would be issued until the ongoing covert operation at 21 Scotia Road was complete. She drafted a release which was finally approved for release by AC Brown, DAC Paddick and Mr Fedorcio at around 16:40hrs. She is unable to recall what amendments, if any, were made to the draft and by whom. The following was released at 16:52hrs 23 July 2005:²⁸

‘We believe we now know the identity of the man shot at Stockwell underground station by police on Friday 22nd July 2005, although he is still subject to formal identification. We are now satisfied that he was not connected with the incidents of Thursday 21st July 2005. For somebody to lose their life in such circumstances is a tragedy and one that the Metropolitan Police Service regrets. The man emerged from a block of flats in the Stockwell area that were under police surveillance as part of the investigation into the incidents on Thursday 21st July 2005. He was then followed by surveillance officers to the underground station. His clothing and behaviour added to their suspicions. The circumstances that led to the man’s death are being investigated by officers from the MPS Directorate of Professional Standards, and will be referred to the IPCC in due course’.

16.10.29 AC Brown states that in the press release there is an inaccuracy in relation to ‘clothing and behaviour’. At the time that the release was drafted he was not aware of any information that contradicted this position.

16.10.30 Following publication of the release, Ms Ford states she received a call from a Detective Chief Inspector concerning the matter of the wrong address being given out which was causing concern in the community. She therefore issued an amendment at around 18:13hrs 23 July 2005 to reflect that the man had left premises in Tulse Hill and not Stockwell. The release stated:

‘We believe we now know the identity of the man shot at Stockwell underground station by police on Friday 22nd July 2005, although he is still subject to formal identification. We are now satisfied that he was not connected with the incidents of Thursday 21st July 2005. For somebody to lose their life in such circumstances is a tragedy and one that the Metropolitan Police Service regrets. The man emerged from a house in Tulse Hill that was itself under observation because it was linked to

²⁸ In response to the extracts disclosed during the Salmon process, AC Brown states that it was the Commissioner’s decision to delay the press release until the covert operation at 21 Scotia Road had been completed. He (AC Brown) agreed with that decision and directed Ms Ford accordingly.

the investigation on Thursday 21st July 2005 . He was then followed by surveillance officers to the underground station. His clothing and behaviour added to their suspicions. The circumstances that led to the man's death are being investigated by officers from the MPS Directorate of Professional Standards, and will be referred to the IPCC in due course'.

16.10.31 About 18:30hrs 23 July Mr Hardwick states he spoke to Mr Leigh Lewis who was the Permanent Secretary Crime, Policing, Counter Terrorism and Delivery at the Home Office. Mr Lewis states he was involved in the discussions as to whether or not the Metropolitan Police Service should involve the IPCC in the investigation into the shooting. Mr Hardwick states it was agreed that the IPCC would not comment further and neither should the MPS until after the two met on 25 July 2005. Mr Hardwick states Mr Lewis advised that the MPS had agreed this but the Commissioner was to give an interview to Sky News on 24 July 2005.

16.10.32 Shortly after 21:00hrs on 23 July 2005 Ms Ford states she was made aware that a news agency was preparing to conduct an interview with either a friend or family member of Mr de Menezes. She contacted AC Brown who authorised her to contact the family through the Family Liaison Officer. She secured their agreement to release the name of Mr de Menezes provided she also clarified that he was not a terrorist. The press release was issued at 21:28hrs:

'The deceased man has been formally identified as Jean Charles de Menezes aged 27 years old (date of birth 07.01.78), a Brazilian national. He was not connected to incidents in Central London on 21st July 2005 in which four explosive devices were partly detonated. An inquest will be opened to acknowledge formal identification and adjourned awaiting the outcome of the investigation into the circumstances surrounding the death'.

16.10.33 Rachael Collins, IPCC press officer, made representations to the MPS press office that it had breached the agreement not to comment further. No further releases were issued that day.

16.11 **The Home Office**

16.11.1 Helen Bayne is head of the Terrorism and Protection Unit (TPU) at the Home Office. She states she was at the Home Office when she was informed about the shooting on 22 July 2005. She told the Home Secretary's Private Office and the then Permanent Secretary, Sir John Gieve. She was informed about the shooting by the GLT who were working at NSY on a rota basis. She recalled that there was talk of someone running away and jumping barriers, but that there was some confusion at the time about the information that she was getting. She believes that some may have come from the media coverage. She states Mr Page, head of the GLT, gave an update following the 15:30hrs MPS Gold Group meeting on 22 July 2005 in the following terms:

The Directorate of Professional Standards were at the scene of the shooting. The victim had left an address under observation, he had failed to comply with police orders, it was believed but to be confirmed that he had been shot on the underground train, his identity had not yet been established and that there was a strong suspicion that the victim was not one of the four suspects for the failed bombings but this was subject to confirmation. Also, there was reference to the victim's mobile telephone being examined.

- 16.11.2 Sometime after 18:00hrs Ms Bayne states she was advised by Mr Page that property had been recovered from the victim which showed that he was Brazilian. She cannot recall if she was given the name Mr de Menezes at that time. She went to update Sir John Gieve with this information and was told that he was at NSY with the Commissioner. She assumed that whilst there Sir John would get a full briefing about the shooting investigation.
- 16.11.3 Sir John Gieve attended the 17:00hrs Management Board meeting with Mr Richard Riley, his private secretary. He states the meeting received an update on the role of the DPS in the shooting investigation. Mr Riley states there was discussion about the desirability of putting out a media statement with what was known about the circumstances of the shooting in order to address public concern. Mr Riley stated that at this stage the identity of the deceased had not been confirmed. It was agreed that the MPS would prepare the release, which would be seen by the Home Office, and the IPCC would be asked to comment.
- 16.11.4 Sir John and Mr Riley are sure that there was no mention during the 17:00hrs Management Board meeting that the deceased was a Brazilian national, and no names were discussed at all. Discussion at the meeting focused on the community concerns arising from the shooting, rather than identification issues.
- 16.11.5 Sir John states that had he been made aware of the fact that the man was believed to be a Brazilian national and might be unconnected with terrorism, he would have alerted the Home Secretary and the Prime Minister to such information.
- 16.11.6 Sir John was not aware until 23 July 2005 that the deceased was Brazilian and unconnected to the ongoing terrorism operation. He cannot recall who telephoned him but he was being updated on developments in the terrorist operation. It was still his understanding at this point that the man had behaved strangely and that the events were tragic but accountable. It was not until the following week that he became aware of how misleading the initial eye witness accounts had been and of the full scale of the tragedy.
- 16.11.7 Mr Page states that he met with AC Brown at approximately 18:20hrs. AC Brown authorised the release of the victim's identity to the Foreign and Commonwealth office (FCO). Mr Page states he was told by AC Brown

that the victim was Mr de Menezes born 07.01.78 in São Paulo, Brazil.²⁹ He understood that Ms Jacinta Banks at the FCO had requested the victim's details and that it was reasonably certain that this was the victim's identity. The identification was subject to formal confirmation through DNA analysis. He passed this information to the FCO and Home Office at approximately 18:30hrs on 22 July 2005.

- 16.11.8 In contrast to the evidence given above by Mr Page, AC Brown states that he told Mr Page that the identity of the deceased was not known but he did tell Mr Page that he could confirm to the FCO that property in the name Jean Charles de Menezes had been recovered from the scene.
- 16.11.9 Between 09:00hrs and 12:00hrs on 23 July 2005 Ms Bayne states she received a number of telephone updates during which it was made clear that it was definitely a Brazilian national who had been shot.
- 16.11.10 About 12:15hrs on 23 July 2005 Ms Bayne states Sir John Gieve asked her to establish the immigration status of the deceased. About 12:45hrs she got an update from the latest MPS Gold Group meeting when she was told that the victim's name was not to be released at that stage as the post shooting investigation was still continuing. At about 15:25hrs Mr Page telephoned and advised her of Mr de Menezes' immigration status.
- 16.11.11 At approximately 17:00hrs Ms Bayne had read over to her the draft of the press release that the MPS wanted to put out. She then informed the Permanent Secretary, the Private Office of the Home Secretary and others, through the appropriate channels where necessary, about what was happening.

16.12 **The Foreign and Commonwealth Office**

- 16.12.1 Ms Banks is a Desk Officer for crisis management, contingency planning and exercises planning in the Crisis Management Team of Counter Terrorism Policy Department in the FCO. She telephoned the TPU at the Home Office and requested a situation report about the shooting at Stockwell Underground Station. She received a telephone call from the COBR cell and got an update of the situation following which she sent an email timed at 15:08hrs on 22 July 2005 detailing what she had been told. Her information was that the detail about the shooting was quite scant but in summary:

'The police believed they knew who all four bombers were from the previous day. Two of them were under surveillance. One of those under surveillance was the man who was shot at Stockwell. He was followed to the station, did not stop when asked to do so and was shot. His injuries made it difficult to

29 In response to the extracts disclosed during the Salmon process, Mr Page clarified that AC Brown did not state that the deceased was Jean Charles de Menezes in the 18:20hrs meeting. AC Brown advised him that property from a Brazilian male had been recovered from the scene in the identity of Jean Charles Menezes, born São Paulo on 7/1/78. AC Brown told him that the identification was subject to further enquiries including DNA analysis.

identify him. The police recovered his mobile and confirmed he was carrying no explosive devices’.

- 16.12.2 Later in the afternoon, she states she was asked to make enquiries about the identity of the individual who had been shot. This course of action was required because of concerns about taking necessary security measures at the post in Pakistan should the deceased be of Pakistani origin. At that time it was not known whether the 21 July bombers were associated with those from 7 July 2005 who had links to Pakistan. She called the TPU and spoke to Mr Page and explained the concerns. He advised her that he would consult with the Gold command and call back. Mr Page telephoned back and said that SO13 wanted to identify the person 100 per cent and that it was not yet clear if this was one of the people that they were looking to trace. The deceased had emerged from a house under observation and his clothing and behaviour had added to suspicion. Property recovered from the scene belonged to a Brazilian male called Jean Charles de Menezes born São Paulo on 07.01.78. There would be no chance of formal identification without DNA and there was no reason to believe that there was a Pakistan connection. She stated that he concluded that it was possible the documents were stolen but, until the person reported them stolen or DNA proved the identification, it could not be known for certain.

16.13 **Emerging knowledge of Brazilian nationality**

- 16.13.1 Mr Roy Clark (formerly IPCC Director of Investigations) believes that some senior MPS officers were attending a cricket test match at Lord’s during the afternoon of 22 July 2005 and had become aware that the Stockwell shooting was a “terrible mistake”. He cannot remember the source of the information but believes he was told it in a telephone call.
- 16.13.2 DAC Yates was then the Director of Serious and Organised Crime within the MPS SCD. On 22 July 2005 he attended a cricket match at Lord’s. He states at some point during that morning he was contacted on his mobile telephone and advised that the MPS had fatally shot a person at Stockwell. He cannot recall who telephoned him but recollects that one of his staff, Cmdr. Dick, was involved in terms of the command of the operation.
- 16.13.3 He states that he had received a number of calls throughout the day. He cannot recollect exactly the people with whom he spoke except AC Brown with whom he discussed Gold command coverage, and a welfare call he made to Cmdr. Dick.
- 16.13.4 Cmdr. Wilkinson learned of the fatal shooting on 22 July 2005 through the media reports and information openly available in the MPS. In the early afternoon she telephoned DAC Yates, who was off duty, to consult him regarding the welfare arrangements for Cmdr. Dick who was a close colleague of theirs. She states DAC Yates advised her that he had the welfare arrangements in hand and had already spoken with Cmdr. David Armond who was the on call crime Commander in the SCD.

- 16.13.5 At sometime after 15:00hrs, Cmdr. Armond states he was asked by AC Brown to relieve the commander for the operation (Cmdr. Dick) that led to the shooting. This was part of the post incident procedure. He states that he chaired an intelligence briefing at 17:35hrs at which time he was aware of the potential identification for the deceased as Mr de Menezes and of his immigration history. He was also aware that work was continuing on intelligence checks around information from the mobile telephone recovered from the scene. Cmdr Armond recalls being contacted twice during the day by DAC Yates, his line manager, but being unable to speak with him due to operational requirements. He states that he cannot recall having any substantive conversations with DAC Yates on 22 July 2005.
- 16.13.6 AC House led the MPS Central Operations Business Group. He was on annual leave on 22 July 2005. He states that he had received a telephone call from his deputy, DAC Alan Given, now retired from the MPS around 16:00hrs. He recalled that DAC Given telephoned to see whether he had heard that the MPS had shot someone. He said that DAC Given did not know the identity of the shot person. AC House believes that DAC Given may have told him that the shot person might be 'Brazilian' but he cannot be absolutely certain. He does not recall DAC Given referring to a 'Brazilian tourist'.
- 16.13.7 DAC Given has no recollection of making a call to AC House on 22 July 2005. On that day he was the most senior line manager on duty for the firearms officers involved in the Stockwell operation. He later gave a lengthy interview to the *Observer* newspaper in which he supported the Commissioner's stance that the Commissioner had not known for 24 hours that an innocent man had been shot. He stated that he based that on the fact that he had not known until the following day and believed he had been well informed. He stated that he did meet the Commissioner on the 22 July and attended Gold Group meetings.
- 16.13.8 DI Peter Howarth works at Marylebone Police station dealing with crimes of a sexual nature. On 22 July 2005 at approximately 17:00hrs he states he had a face to face conversation with a senior officer in a Central London police station. He states it was a social encounter and he was told, 'There has been a massive cock up at Stockwell the person who's been shot was a Brazilian tourist.'
- 16.13.9 DI Howarth stated that he would not divulge the name of the senior officer who spoke to him about the shooting and he came forward only in response to media statements. The statements to which he refers are those made by the Commissioner that he did not know for twenty four hours that there had been a mistake, and to discussion in various newspapers about the time when senior members of the MPS first became aware that an innocent man had been shot.
- 16.13.10 MPS Supt. Andrew Rowell was a DCI working at Marylebone Police station on 22 July 2005. He had no connection with the fatal shooting or the investigation of it on 22 July. He states he was aware that a man had been

shot and that a number of different versions were circulating about the circumstances of the shooting. He states that he cannot be certain of the date and time of these versions or assist with their origins. He recalled that he heard at one point that a 'Brazilian electrician' had been shot and then some days after the event, that a Brazilian tourist had been shot. He confirms that he knows Ch/Supt. Stewart but had not spoken with him for a number of years. He also knows DI Howarth who worked in the same unit as him at the time. As they had offices next door to one another, he concedes it is possible he spoke with DI Howarth on 22 July 2005. He cannot recall the substance of any conversation that may have taken place.

- 16.13.11 It was suggested to the inquiry team, but not evidenced, that Supt. Rowell was the person who informed DI Howarth that a "Brazilian Tourist" had been shot and that Supt. Rowell had got the information from Ch/Supt. Stewart. Supt. Rowell and Ch/Supt. Stewart deny this.
- 16.13.12 PC John Jeffrey is a full time Police Federation Representative for the borough of Lambeth. Around 10:00hrs on 22 July 2005 he received a telephone call from PC Mark Williams, a fellow Police Federation representative for SO1g firearms officers. He states that PC Williams told him there had been a fatal shooting but thinks he was already aware of that information. He attended the scene at Stockwell but returned to his office to be available if required. He recollects receiving a further call from PC Williams about 15:00hrs the same day advising him that the man who had been shot was Brazilian. He distinctly recalls the phrases 'wrong man', 'mistake' and 'Brazilian' being used. He also observed that the atmosphere in his workplace was subdued.
- 16.13.13 He has since been told by PC Williams that he, Williams, did not get this information until 22:00hrs that evening when DCI Evans updated him. It follows that he could not have passed on the information at 15:00hrs. However, PC Jeffrey remains convinced that he was told of the mistaken identity at 15:00hrs.
- 16.13.14 PC Williams states that, based on the intelligence and information he had received, he understood on 22 July 2005 that the deceased was connected to terrorism. He then received a call from DCI Evans at 21:30hrs that day advising him that the deceased was not involved in terrorism. PC Williams then made a number of telephone calls relating to the officers who had been involved and how this news would impact on them.
- 16.13.15 PC Williams is aware that PC Jeffrey is adamant that he was told by him at 15:00hrs that the shot man was innocent but rejects this stating that he could not have done so as he was not advised himself until 21:30hrs. He has consulted his mobile telephone records which show that he did have an eight minute conversation with PC Jeffrey but that it was on 23 July at 15:14hrs, which is consistent with his account.

16.14 **Newspaper articles**

- 16.14.1 The *News of the World* newspaper published an article on the 21 August 2005 which contained the following quote attributed to the Commissioner:

‘The key component was, at that time, and indeed for the next 24 hours or so, I and everybody who advised me, believed that the person who was shot was a suicide bomber’.

- 16.14.2 DAC Paddick had concerns when he saw the News of the World article referred to above. He states that he requested a transcript of the interview from the DPA and spoke with Cmdr. Hitchcock and Cmdr. Jarman who had also expressed concerns about the article. DAC Paddick states “I was concerned that I had some corroboration of what I believed to be true before I took the matter any further”.

- 16.14.3 On 22 August 2005, DAC Paddick went to the Commissioner’s office and told him that he had had been concerned since he had heard him (the Commissioner) state at the press conference that the deceased was directly linked to the anti-terrorist operation. He explained to the Commissioner that he had been in the Commissioner’s Staff Officer’s office when the Commissioner had walked past on his way to the press conference and that he had been told by the Commissioner’s Staff Officer and Chief of Staff that the MPS had shot a Brazilian tourist (DAC Paddick does not suggest that the Commissioner was party to or even heard this conversation). He states that the Commissioner disputed this and said he had checked with Ms Murdoch and it was about 19:00hrs when he knew the deceased was Brazilian. DAC Paddick states that the Commissioner told him that the fact that the deceased was Brazilian did not mean that he could not have been a terrorist. He states the Commissioner cited the case of an Argentinean who had been found with a hand grenade at Gatwick Airport.

- 16.14.4 DAC Paddick agrees that he had not been concerned by the Commissioner’s assertion that the man was directly linked to the investigation as he had been seen to leave premises which were under surveillance. However, when he read the transcript of the *News of the World* interview, indicating that the Commissioner was saying that for twenty four hours or so he and everybody who advised him believed that the person who was shot was a suicide bomber (or a potential suicide bomber) he was concerned with the accuracy of the statement.

- 16.14.5 In his meeting with the Commissioner DAC Paddick told him about the fact that the Commissioner’s staff had given him (Paddick) the impression they did not believe the deceased to be a suicide bomber and that if they had not advised him (the Commissioner) of that then they should have. He states he further told the Commissioner that AC Brown had asked Cmdr. Hitchcock to prepare a Community Impact Assessment based on the fact the MPS had

shot an innocent person. He says the Commissioner replied that he could not account for this as AC Brown had sanctioned a press release on the evening of the 22 July which would contradict that version of events³⁰. He states the Commissioner also said he recalled being in his office on 23 July when AC Brown told him that the MPS had shot the wrong man.

- 16.14.6 DAC Paddick told the Commissioner that Cmdr. Jarman had expressed concerns as he told him (DAC Paddick) that he (Cmdr. Jarman) had attended a meeting with the MSF at 18:00hrs on 22 July when the SIO, A/ D.Ch/Supt. Wolfenden had been reluctant to speak to the MSF because the man that had been shot was a Brazilian national. DAC Paddick states the Commissioner told him that he (the Commissioner) could only say what he believed and that is what he had said all along and that *"we both know the penalty for not telling the truth."* He states that the Commissioner also said that it was important that he told as few people as possible for as long as possible what he (Paddick) had told him.
- 16.14.7 DAC Paddick states that later the same day, following his meeting with the Commissioner, he typed out what he could recall of the conversation between them. He is able to produce a copy of that document³¹. He also produces an agreed record of a meeting between D.Ch/Supt. Beggs and himself after he later met with him to assist in producing a timeline for Operation Erini.
- 16.14.8 Examination of the two documents shows that DAC Paddick made detailed notes of his 22 August meeting with the Commissioner. Those notes, and the notes he agreed with D.Ch/Supt. Beggs, appear wholly consistent with the evidence that he has now given.
- 16.14.9 On the 22 August 2005, DAC Paddick rang Mr Clark at the IPCC. Mr Clark states that DAC Paddick told him that he and a Commander were having difficulties with statements made by the Commissioner (*News of the World*) as apparently the Commissioner was stating that neither he nor those advising him knew of the reality of the incident until 23 July 2005. DAC Paddick said that he and another person were aware that the Commissioner's Chief of Staff and Staff Officer were aware of the fact that the deceased was not a terrorist on the afternoon of the day of the shooting. DAC Paddick told Mr Clark that he thought it inconceivable that the Commissioner would not have had this information as it would have been a prime responsibility for two senior members of the Commissioner's staff to inform him of such a significant matter.

³⁰ Refers to the press release issued at 18:44hrs on 22 July 2005 which states "it is not yet clear if he is one of the four people we are seeking to identify".

³¹ A chart compiled from witness statements and documentation showing events that have occurred at any given time during the period of the investigation.

- 16.14.10 Later the same day Mr Clark again spoke with DAC Paddick who told him he had been to see the Commissioner about his concerns and that the Commissioner had said, "*I do not see the discrepancy between what you are saying and what I have said.*" He also reported the Commissioner as saying, "*the fewer people who know about this for as long as possible the better.*"
- 16.14.11 In relation to his meeting with the Commissioner, DAC Paddick states that he sought advice from Ms Crawford before doing so and that she had suggested that he speak to the Commissioner about his concerns. After the meeting he told her that the meeting had taken place.
- 16.14.12 Ms Crawford agrees that DAC Paddick met her on the morning of the 22 August 2005. She states he told her the *News of the World* article of the previous day had contained material which suggested to him that the Commissioner had not been told what his staff had known in the aftermath of the shooting. He also told her that he had heard a version of events which was different from that presented by the Commissioner and he was concerned that the Commissioner was unaware of this situation. She advised him to speak to the Commissioner about his concerns. She states that he later telephoned her to say that he was glad he had spoken to the Commissioner and was grateful for the advice she had given him. Ms Crawford states he did not specifically say what was said between them but, as the Commissioner had said he did not think the *News of the World* had misrepresented events, he was still concerned that the Commissioner was not in possession of the facts as he understood them.
- 16.14.13 Assistant Commissioner Tim Godwin was on leave on 22 July 2005 and states that DAC Paddick was deputising for him with responsibility for the Territorial Policing Command of the MPS. On 22 August 2005 AC Godwin states he was approached by DAC Paddick. He states that DAC Paddick had concerns over the accuracy of the article published in the *News of the World* quoting the Commissioner, which was published on 21 August 2005. AC Godwin states that he advised DAC Paddick that if he had concerns over the accuracy of the Commissioner's statement in the article he should speak to the Commissioner about it. Following confirmation from DAC Paddick that he wished to speak with the Commissioner, AC Godwin states that he offered to facilitate the meeting. AC Godwin states that he spoke to the Commissioner and informed him of DAC Paddick's concerns and request to discuss it with him. AC Godwin states the Commissioner directed him to arrange the meeting. AC Godwin states that both parties expressed a desire to see each other and discuss the matter.
- 16.14.14 Cmdr. Hitchcock states that he had seen a news report which indicated that the Commissioner was only aware of the possibility of the mistaken shooting of Mr de Menezes on the morning of Saturday 23 July 2005. He was

concerned that following the briefing by AC Brown on 22 July he had believed that some senior members of the MPS were aware that significant doubts existed during the late afternoon of that day. On 22 August 2005 he shared his concerns with DAC Paddick who went to see the Commissioner to discuss the matters.

- 16.14.15 Cmdr. Jarman is aware that DAC Paddick has indicated that he has concerns with the report in the News of the World relating to the Commissioner in August 2005. However, he stated that he had not read the *News of the World* article at that time. He had a meeting with DAC Paddick on 22 August 2005 and DAC Paddick asked him for his recollection of the meeting alluded to in the article. Cmdr. Jarman told him he had no knowledge about what the Commissioner did or did not know. He can only assume that DAC Paddick thought that he was also at the 16:00hrs meeting chaired by AC Brown following the Gold group. Cmdr. Jarman left this meeting shortly after it began to visit Stockwell Underground station. He states that he had previously expressed concerns about the lack of the involvement of the IPCC and speculates that this had confused DAC Paddick's recollection.
- 16.14.16 In November 2005 the Commissioner gave an interview to the *Guardian* newspaper as part of a series of interviews following his first year as Commissioner of the MPS. On the 30 January 2006 the *Guardian* published the following in response to their question to the Commissioner about when he had known that the deceased was a Brazilian:
- 'I'm quite sure that by 730pm at night we still had nothing that was identifying him..., otherwise we wouldn't have been putting out the messages that we were putting out'*
- 16.14.17 This statement contradicts what DAC Paddick says the Commissioner told him when they met on the 22 August 2005, namely that he, the Commissioner, had checked with Ms Murdoch and it was about 19:00hrs on the 22 July 2005 when he found out he was a Brazilian.
- 16.14.18 Ms Murdoch has been asked about this and agrees that she has had discussions with the Commissioner about what was known and when. She has no recollection of reaching the conclusion with the Commissioner that it was known by 19:00hrs that the deceased was a Brazilian as stated by DAC Paddick. She states that she can recall being with D.Ch/Supt. de Brunner about 19:00hrs on 22 July 2005 and heard the Commissioner ask D.Ch/Supt. De Brunner if they (MPS) knew who the deceased was. She heard D.Ch/Supt. De Brunner reply that they did not.

17 Responses and interviews with officers subject of complaint

17.1 Interview with AC Hayman

- 17.1.1 On the 24 July 2006 AC Hayman was interviewed under disciplinary caution by IPCC Acting Director of Operations, Peter Goode and Senior Investigator Mike Grant. The interview was video and tape recorded and conducted at the IPCC London office. AC Hayman was accompanied by his 'friend'³² Insp. Andrew Slater and his solicitor John Harding.
- 17.1.2 Whilst a solicitor would not normally be allowed in a conduct interview, the circumstances in this case were exceptional. The Crown Prosecution Service had already decided that a criminal prosecution should be launched in relation to the death of Mr de Menezes under Health and Safety legislation. It was agreed that the role of Mr Harding was only to interject should he believe that the interview was straying into areas that might be subject of the Health and Safety proceedings.
- 17.1.3 In total, excluding appropriate breaks, AC Hayman was interviewed for 2 hours and 44 minutes. Full transcripts of the interviews have been produced. Below are the salient points:
- 17.1.4 AC Hayman outlined the context in which the MPS were operating following the bombings of 7 July and attempted bombings of the 21 July 2005. He described the differences in the command structure between the MPS and a provincial force. He explained that AC Brown was Gold Commander for London and responsible for ensuring normality, resilience, working with partner agencies and creating an environment where the investigations could proceed. His own role was to head the terrorist investigations, provide support to the Anti Terrorist Branch, advise Government and COBR (Cabinet Office Briefing Room) and advise the Commissioner and senior MPS team.
- 17.1.5 He stated that his role was in connection with the terrorist attacks on 7 July 2005 and attempted attacks on 21 July 2005. He did not have a stipulated role in the investigation into the shooting of Mr de Menezes which he stated would have been led by someone from the DPS. He explained that the SIO would have been looking to see if the deceased was a terrorist.
- 17.1.6 In relation to the reporting of information, he stated that it would happen at his morning and evening team meetings, with anything exceptional being drawn to his attention in between. He stated that there were a number of senior people between himself and the SIO and unless it was something really exceptional most people would have left it until to the end or beginning of a day. He was totally accessible by telephone and could have been contacted with critical information.

³² The Police (Conduct) Regulations 2004 allow an officer to be accompanied in interview by a fellow police officer who is not connected to the matters under investigation. This person is known as a 'friend'.

- 17.1.7 He stated that DAC Clarke and Cmdr. McDowall would report to him but DAC Clarke was on leave and had then been called back. He stated that he reported to the Commissioner and that there was nobody in the reporting line between the Commissioner and himself.
- 17.1.8 He was asked if he had a role in checking press releases on 22 July 2005. He said that he was aware that colleagues had put in their statements that he was shown specific releases but that was something that he could not recall. He said that he did not want to dispute what people had said but checking press releases was not normally something he would do.
- 17.1.9 He was asked how the Commissioner would be kept apprised of the post shooting events. He stated that it was his responsibility to do so if he had any information that his judgement told him needed to go to the Commissioner. He would not hesitate to ring him or go through a staff officer to contact him. Over and above that he would brief him at the regular morning and evening Management Board meetings.
- 17.1.10 In relation to post shooting contact with the Commissioner he stated that it was difficult to recall the detail but he remembered the press conference at the QEII Centre and there being a short meeting just before they went in. The next occasion he recalled was the 17:00hrs Management Board and the meeting subsequent to it.
- 17.1.11 He explained that he worked from a perspective of “no surprises” and that if he knew anything that was to do with his area of work that had a potential for becoming a major issue he would telephone the Commissioner.
- 17.1.12 He stood by the content of his witness statement of 5 April 2006 and he had not had any further recollections since making it. He was then asked about aspects of the statement and expanded on them.
- 17.1.13 At the time of the 15:30hrs press conference he thought that there were four or possibly five bombers at large from the previous day. There was no precise information about the deceased and he did not know at that time if he was one of the four, associated, or unconnected to them.
- 17.1.14 After the press conference he briefed over 20 reporters from the CRA at NSY. He could not recall what information he gave them but guessed it was to do with the photographs of the wanted men being circulated to the public.
- 17.1.15 He could not recall being told that the deceased had documentation on him in the name Jean Charles de Menezes or whether he had ever been told that. He could not be sure if he was told about the recovery of the wallet and mobile telephone. He said he did have a recollection of being told at some point during the day that there were papers on the body and a possible name which did not accord with the four that the MPS had named. He stated there were lots of possible scenarios which could not be resolved until the deceased was identified.

- 17.1.16 He was asked what was known at the time of the 18:00hrs³³ (now believed between 17:00 and 18:00hrs) Management Board meeting which he agreed he attended. He answered that he could not be a hundred percent sure but did recall that he probably knew there was documentation on the body that did not accord with the four but there was an absence of any definite identification. He stated that he tried to keep the meeting focused on not saying anything until the deceased's identity was known. He accepts that there were probably people at the meeting, who knowing that there was identification on the body and a wallet would have thought things did not look particularly good, but this was speculation. He stated that he may have come across as difficult in the meeting. He agreed he probably knew about the wallet at the time of the meeting but did not know about the mobile telephone.
- 17.1.17 He stated that his recollection is that he did not know that the deceased was not one of the four wanted men until the Saturday morning and that he had kept an open mind at the time of the 18:00hrs Management Board meeting as it had not been proved or disproved.
- 17.1.18 In relation to the sub-meeting after the 18:00hrs Management Board, he said that it was fairly short and he could recall AC Brown and possibly Mr Fedorcio being present.
- 17.1.19 He was shown the notes of the meeting but said they did not really jog his memory. He could recall repeating what he had said at the Management Board that no one knew the identity of the deceased at that time. He stated that it was highly unlikely that he would have been involved in the preparation of the subsequent press release as it was not his role.
- 17.1.20 He confirmed that he had left NSY for the day sometime between 19:00hrs and 20:00hrs at which time he still had an open mind as to the involvement of the deceased. He could not recall if others had been talking to him before he left about the possibility of the deceased being innocent. He stated that had they done so he would have told them that an open mind was needed until the deceased had been identified. He did not have any contact about the shooting after leaving NSY.
- 17.1.21 On Saturday morning 23 July 2005 he got to work mid to late morning. He could not recall who briefed him but he was told the deceased was not one of the four bomb suspects. He stated that he could not recall when he was told that the deceased was innocent.
- 17.1.22 Questions were put to AC Hayman on the timeline of events and in particular his meeting with the CRA and his actions at the meeting following the Management Board meeting.

³³ During interview reference was made to the 18:00hrs meeting and sub-meeting but, as referred to in the report, this should be taken to mean the 17:00hrs meeting.

- 17.1.23 He denied that he was told just prior to the briefing with the CRA that the deceased was not one of the four bombers. He could not recall it and explained the first the MPS knew for sure it was the wrong person was something like 01:00hrs 23 July 2005 or maybe 21:00 or 22:00hrs 22 July 2005. He said even if he had been told that it would not have been factually and evidentially correct.
- 17.1.24 Having agreed that he knew Mr Halford and Mr Cox he was told that they claimed they had heard that the deceased was not one of the four wanted bombers and passed that information to him before he briefed the CRA. He stated he could not recall that nor could he recall making a telephone call and then confirming to Mr Cox and Mr Halford that what they had heard was right.
- 17.1.25 The relevant parts of Mr Halford and Mr Cox's statements were read to him. He maintained that he could not recall briefing the CRA that the deceased was not one of the four. It was not the known position at that time and he would have been working off the factual evidential position. He stated he did not know whom he would have telephoned for confirmation but it certainly would not have been the SIO.
- 17.1.26 He was asked if he had let the Commissioner down by briefing the CRA with more information than he was prepared to give the Commissioner, the MPA or the Home Office. He stated there was a big difference between saying he was not one of the four bombers, which had not been established at that time, and the possibility or probability that he was not likely to be one of the four bombers.
- 17.1.27 He was told that the allegation against him was that he was told about 16:30hrs, before he briefed the CRA, that the deceased was not one of the four. He stated he could not recall that but what he did know is that they (Mr Cox and Mr Halford) could only have been relaying conversations that had been given to them third or fourth hand. They were not evidential facts.
- 17.1.28 He again agreed that he had told the 18:00hrs Management Board meeting and the sub-meeting that he could not confirm if the deceased was one of the four bombers or not. He could not recall saying it to the CRA but there was no way he would brief on any information until he knew it was accurate and correct.
- 17.1.29 He was asked if he recalled telling the Management Board sub-meeting that *"there is press running that the person shot is not one of the four bombers. We need to present that he is believed to be. This is different to confirming that he is"*. He stated he had read that before and it was very confusing. He stated his position at that time was that until they knew for sure who the deceased was they could not discount any scenario.

- 17.1.30 He was asked if there was a need to present the deceased as being one of the four bombers. He thought the notes of the meeting were confusing and they were not an accurate record of his message that until they knew who the deceased was they had to remain open minded.
- 17.1.31 He did not understand the reference in the notes to presenting the deceased as being one of the four would be a low risk.
- 17.1.32 He was asked if he had briefed the Commissioner before the 18:00hrs meeting that the deceased was not one of the four as evidenced by Ms Murdoch. He responded that he could not recall that and it would not have happened because it was not known at the time.
- 17.1.33 He said that he had not had any involvement in the drafting of the 18:44hrs press release.
- 17.1.34 AC Hayman was then handed a copy of the witness statements of Mr Cox and Mr Halford.
- 17.1.35 Following a break in the interview AC Hayman said that he did not wish to add anything having seen the witness statements of Mr Cox and Mr Halford.
- 17.1.36 He was asked if he admitted or denied the allegations as contained in the Regulation 9 Notice served on him. He stated he denied them.

17.2 **Written responses from the Commissioner**

- 17.2.1 In response to the Regulation 9 Notices served upon him, the Commissioner submitted a written response dated the 7 July 2006. He subsequently submitted an amended version of the response dated the 4 August 2006, offering some minor corrections to his first statement.
- 17.2.2 In his written response the Commissioner states that he and his colleagues were dealing with demands that were unparalleled in recent times and refers to the bombing incidents of the 7 and 21 July 2005. He describes his role and responsibilities and the fact that whilst he relies upon his Assistant Commissioners for advice and information, he is accountable for everything that happens in the MPS. He takes full responsibility for all actions and decisions in which he was involved but points out that there is a limit to the knowledge that he can have about any single incident.
- 17.2.3 In relation to the events surrounding the death of Mr de Menezes, the Commissioner refers to the events of 21 and early 22 July 2005. He believes that AC Hayman told him at some point between 10:00hrs and 10:30hrs that somebody had been shot seven times at Stockwell and was dead. At that time he understood that the deceased was one of the bombers from the previous day. This information was re-iterated to him by his staff officer Ch/Supt. Stewart.

- 17.2.4 Having been told of the shooting he informed the Home Office and the IPCC but took no part in the drafting of the press release of 11:41hrs. He refers to his office being full of people coming and going, updating him on events and that he was made aware of the television coverage. He spoke to AC Hayman, AC Brown and DAC Given on occasions during the day but does not have an independent memory of the conversations. He understands that he was briefed by AC Hayman sometime before 1400hrs and that the issue with which he was most concerned was the identification of the deceased and his link to the incidents of the 7 and 21 July 2005.
- 17.2.5 In relation to the press conference of 15:30hrs 22 July 2005, he states that it had been delayed and the whole object was to put the faces of the four wanted suspect bombers before the public. He does not recall being involved in the writing of the press statement for the press conference but thinks he intervened by inserting the words '*the information I have available is*' and '*I understand that*' in relation to the shooting. He knew by that stage that the building from which Mr de Menezes had emerged was one which the terrorists had occupied. He said the press statement stated "I understand the man was challenged and refused to obey" and he had no reason to believe that information was not correct. At the time he believed the press statement to be true and, whilst it was the result of many hands, he takes full responsibility for it.
- 17.2.6 He details his next involvement as the 17:00hrs 22 July 2005 emergency session of the Management Board and that the minutes and subsequent note are available. He states he has no detailed memory of the Management Board or sub-meeting and refers to the minutes and notes. He refers to now being aware that DAC Paddick was at the meeting as acting AC Territorial Policing but he did not raise any concerns about the identity of the deceased at that time or in the hours and days which followed. He encourages and expects open discussions and challenges in Management Board meetings and if anyone thought Mr de Menezes was not connected to terrorism it would have been their duty to say so.
- 17.2.7 He states he first became aware that DAC Paddick had concerns when he had a short meeting with him on the 22 August 2005. He reiterated that whatever anyone else knew, he had not known until the morning of 23 July 2005 that Mr de Menezes was an innocent man. He did not discuss DAC Paddick's own knowledge of events as he thought it inappropriate to do so.
- 17.2.8 He states that at the sub-meeting, after the 17:00hrs Management Board meeting, they began to draft another press statement which was released at 18:44hrs. He refers to the note of the meeting as not being clear but recalls that there was absolutely nothing to suggest that the deceased was unconnected to terrorism. There was a possibility that he was not one of the

four bombers but he was believed to be involved. Because the deceased's role was not certain, the press release said it was not clear if he was one of the four people they were seeking to identify. He wishes to make it absolutely clear that if someone at the meeting had raised a suggestion that there was any reason to believe that the deceased was not a terrorist then there would have been a full discussion on that point which would have been recorded.

- 17.2.9 In relation to the note of the meeting recording that he said the press release should include that the deceased's behaviour added to the circumstances, he can not now recall what he had in mind. He refers to the previous press statements indicating that the man had been challenged and the note of the meeting recording him as having referred to the deceased's behaviour after he left the address. He believes it is likely that he had been told of the deceased's behaviour in getting on and off the bus but, in any event, there was clear agreement to his own view that the deceased's behaviour had contributed to police action.
- 17.2.10 He states he does not recall why the press release (18:44hrs) included a reference to the deceased's clothing and does not recall any discussion on this aspect. The draft was agreed by all present and he had, and still has, no impression that they were trying to hide anything.
- 17.2.11 In relation to speaking to the MSF, he explains that shortly after the 18:44hrs press release the Deputy Commissioner was meeting with them. He joined the meeting briefly to thank them and express the view that they were all working together.
- 17.2.12 He has been informed that he then met the Deputy Commissioner's Staff Officer, D.Ch/Supt. de Brunner and in response to his questions was told by D.Ch/Supt. de Brunner that the deceased had not been identified and the force was not sure whether he was one of the four wanted terrorists. He has no recollection of this conversation. He believes he left Scotland Yard about 20:15hrs.
- 17.2.13 On the following morning 23 July 2005, he states he returned to Scotland Yard about 08:15hrs and went out with Ch/Supt. Stewart to meet operational officers. On the way back he was confronted by a Sky Television reporter and made it clear he was proud of how the MPS were doing. He then returned to his office and just after 10:00hrs AC Brown and Mr Fedorcio informed him of the identity of Jean Charles de Menezes and the fact that he was apparently unconnected to the bombings. He asked them to draft a press release but he did not take any part in it and did not see what went out. He requested that AC Brown confirm that procedures were in place to support the family of Mr de Menezes and the officers involved in the shooting at Stockwell. He then had discussions about the latest developments in the shooting inquiry and the search for the bombers and left NSY about 15:00hrs.

- 17.2.14 The following day 24 July 2005 he gave an interview to Adam Boulton for a Sky News programme. He believed it was necessary to give an account of what had happened and it included the first public apology.
- 17.2.15 In response to the second Regulation 9 Notice and the statement attributed to him by the *News of the World*, he stated that it was an abbreviation of what he actually said and attached a transcript of the full interview to the written response. He states that the relevant section is:
- 'The key component was, at that time, and indeed for the next 24 hours or so, I and everybody who advised me, believed that the person who was shot was a suicide bomber (or a potential suicide bomber and either one of the four for whom we were looking, or even worse than that, someone else).'*
- 17.2.16 He points out that the *News of the World* quote stops after the first use of the term suicide bomber, and argues that the rest of what he said (in bold above) provides clear qualification. He states that the full sentence is consistent with his understanding in the first 24 hours after the events at Stockwell. He reiterates that he believed the deceased was involved in terrorism until around 10:30hrs on 23 July 2005, some 24 hours after the shooting. He understood that to be the position of all those, without exception, who were providing him with advice. During many discussions no contrary view or information was expressed.
- 17.2.17 In relation to the *Guardian* article, he states that the interview took place in November 2005. He believes it is correct that by 19:30hrs on 22 July 2005 they had not identified Mr de Menezes and that the *Guardian* statement that we had nothing identifying him is an incomplete account of the relevant part of the interview with the journalist Ian Katz. He attached a transcript of this interview to his written response.
- 17.2.18 He states that the relevant part of the interview is:
- IK – "Because I suppose the, the punters have this sort of reaction to this whole thing is, sure you might not have known it was absolutely the wrong man until Saturday morning but surely at the point you find out this guy is Brazilian it's a serious worry and you [rein] back on the message".*
- SIB – "I have no memory of knowing him as a Brazilian at all. Now that doesn't mean that other people did not know it or suspect it in this gigantic organisation, erm, I'm quite sure that by 7.30pm at night we still had nothing that was identifying him at this level, otherwise we wouldn't have been putting out the messages that we were putting out".*
- 17.2.19 The Commissioner states that what he has underlined was missed out by the newspaper and that he was telling the truth as he knew it. He believes the full transcript makes it clear that he was saying that at the top of the organisation they did not know by 19:30hrs the identity of Mr de Menezes and this is

entirely supported by his conversation with D.Ch/Supt. de Brunner. He was not commenting on the state of knowledge within the MPS as a whole.

17.2.20 He states that he believes it is clear from the full transcripts of the interviews that he did not say anything misleading to the *News of the World* or *Guardian* newspapers.

17.2.21 Finally in his written response, the Commissioner documents his own conclusions. A summary follows:

The MPS made a dreadful mistake in shooting Jean Charles de Menezes.

The press releases of 22 and 23 July 2005 contained inaccurate information. These were not corrected by the time the MPS were asked by the IPCC to refrain from further comment at 23:35hrs on 23 July 2005. He apologises for these mistakes.

The information provided to him on the morning of 22 July 2005 was limited given the incident had just occurred, but he had no reason to doubt the accuracy of information provided to him by ACSI (AC Hayman) and his own staff officer.

It would have been unrealistic to have provided no information to the public. There were community concerns and the public needed to be reassured.

He did not become aware of the full extent of the misinformation that had been contained in the press releases until 27 July 2005 by which time the IPCC had requested the MPS to make no further comment. Some true facts then started to emerge into the public domain.

Lessons have been learnt concerning the handling of information as a result of the events of 22 and 23 July 2005 and a review of procedures has been undertaken.

The system of information control internally failed in the face of an enormous incident. This has now been rectified.

He believes that he and everyone involved acted in good faith in circumstances that placed them under unprecedented pressure. He acted with complete integrity. He is very sorry for the de Menezes family and the MPS takes full responsibility for their son's death.

He rejects the substance of the complaints about his personal conduct.

17.3 **Interview with the Commissioner**

17.3.1 On 3 August 2006 the Commissioner was interviewed under disciplinary caution by IPCC Acting Director of Operations, Peter Goode and Senior Investigator Mike Grant. The interview was video and tape recorded and conducted at the IPCC London office. The Commissioner was accompanied by his 'friend' Inspector Peter Richardson and his solicitor Stephen Parkinson.

- 17.3.2 As with AC Hayman, the Commissioner was allowed to have a solicitor present in a conduct interview because of the impending Health and Safety prosecution. It was agreed that the role of Mr Parkinson was only to interject should he believe that the interview was straying into areas that may be subject to the Health and Safety case.
- 17.3.3 In total, excluding appropriate breaks, the Commissioner was interviewed for 2 hours and 53 minutes. Full transcripts of the interviews have been produced. The salient points are below:
- 17.3.4 At the start of the interview the Commissioner read verbatim from the written statement he handed over immediately prior to the interview. A summary of that statement is shown below:
- He confirmed that the MPS accepted full responsibility for the death of Mr de Menezes.
 - He made a number of minor corrections to his written response of 7 July 2006.
 - He detailed the significant operational challenges that the MPS were facing throughout July 2005.
 - He spoke of his unique position as Commissioner as opposed to any other chief officer and his accountability for the actions of the MPS, his need to rely on others and there being a limit to the depth of knowledge which he can have about any single incident.
 - It being difficult to recall much with confidence due to the passage of time, the inappropriateness of talking to others due to the investigation, the repetitive nature of events between the 7 and 21 July 2005 and the continual media speculation.
 - His need to rely almost entirely on written records.
 - The need to be judged on what he actually said as opposed to what newspapers printed.
 - Lessons had been learned and will continue to be learnt as a result of the death of Mr de Menezes.
 - He has no doubts about his honesty and integrity in relation to his position and command in July 2005.
 - He remains immensely sorry for the de Menezes family but rejects the substance of the complaints made on their behalf about his personal conduct.
- 17.3.5 The Commissioner then responded to all of the questions that were put to him about the events following the shooting of Mr de Menezes and the allegations made against him. During interview he re-iterated the contents of his written response dated 7 July 2006 (as subsequently amended on 4 August 2006).

- 17.3.6 He detailed the unique management structure of the MPS in comparison with other forces and stated that with 51,000 employees the Assistant Commissioners are amongst the most senior officers in the police service. He spoke about the situation the MPS faced following the events of 7 and 21 July 2005 and the roles of AC Hayman as ACSO and AC Brown as Gold.
- 17.3.7 In response to being asked what his expectations were for being kept informed on the 22 July 2005, he stated that he had received briefings by AC Hayman, AC Brown and DAC Given and that the day was filled with people being in and out of his office. He added that he had to rely on the experience and knowledge of his Assistant Commissioners as to what they told him.
- 17.3.8 He was repeatedly asked about what he should have been told by AC Hayman, AC Brown and others following the shooting. He responded by stating that he relied upon their experience and judgement as to what they would tell him.
- 17.3.9 He was again asked, having seen the material disclosed to him prior to interview, whether AC Hayman and AC Brown should have told him what they knew. He responded again by saying that he relied on their professional judgements. He had not given specific instructions as to what he should be kept informed about in relation to the shooting.
- 17.3.10 He was asked if it was acceptable for others, including ACC Beckley from another police force and the MSF members, to be given information, including a possible identity and nationality for the deceased, and yet he not be told. He stated that the question was being repeated in another way and that those dealing with the incident were amongst the most experienced counter-terrorist officers in the world. He added that Mr Beckley, the MSF and DAC Paddick are not the experts and he relies on experts.
- 17.3.11 It was put to him that as he had engaged himself in the 15:30hrs press conference then there was a responsibility upon him to ensure that he was being given relevant information. He responded by saying that the press conference was not about the actual shooting but the bombings, but it was impossible not to talk about the shooting to some extent.
- 17.3.12 He stated that Mr Fedorcio, as Director of the DPA for the MPS, had been responsible for the media strategy but that it would have been developed by AC Hayman and AC Brown with Mr Fedorcio advising. In relation to his own involvement he stated that he played no part in the morning press release, the second at 15:30hrs was largely written for him but with his additions and the third, the 18:44hrs release, was where he had had a hand in the drafting.
- 17.3.13 He was asked what mechanisms were in place for information that was coming in about the shooting to get through to him. He responded by stating that he relied upon his senior colleagues to update him in a crisis situation.

- He stated AC Brown and AC Hayman had an absolute responsibility to update him, but it was for their judgement as to what they told him.
- 17.3.14 He agreed that having read the pre interview disclosure he now had a good idea of what others knew and again repeated that he relied upon the experience of others. He was asked if AC Brown and AC Hayman had fulfilled their obligations to him on 22 July and again responded by referring to the judgements that they had to make.
- 17.3.15 The Commissioner was again asked if he was happy with the fact that he was not given information about the deceased when ACC Beckley, the MSF, Cmdr. Hitchcock, Mr Halford, the FCO and the HO were told. He responded by stating that it was necessary to distinguish what particular information was provided to which parties and again spoke about relying upon the judgements of others as to what he was told.
- 17.3.16 The Commissioner was then asked questions in relation to his written response of the 7 July 2006. He had provided information to the IPCC shortly after the shooting that the deceased had refused to respond to anything that the MPS had asked him to do. He was asked where he got the information from. He stated that he assumed that he got it from a combination of AC Hayman and his staff officer Ch/Supt Stewart. He accepted the information was wrong but that he believed it at the time. He accepted the 11:41hrs press release was wrong when it referred to the deceased having been challenged, but reiterated that he had not been involved in its drafting. He was asked if he had had access to television coverage at the time. He stated that he did not think he saw any television reporting at that time and was unlikely to have been watching television given the circumstances of the shooting and the telephone calls he was making.
- 17.3.17 In relation to the identity of the deceased and the fact that he had raised his concerns with AC Hayman at 14:00hrs, he was asked if that was not another reason why he should have been told about the identification of the deceased as it unfolded. He responded by repeating that he relied upon the judgements of others and that he was pressing AC Hayman for information. He confirmed that had anyone thought Mr de Menezes was not connected to terrorism then it was their duty to say so.
- 17.3.18 In relation to the 17:00hrs 22 July 2005 Management Board meeting and the subsequent sub-meeting, he was asked if AC Hayman had told him before they started that the deceased was not one of the four wanted bombers. He stated he had no recollection of that happening.
- 17.3.19 Having agreed he was pushing for information at the meetings, he was asked if he would have expected AC Brown or AC Hayman to have told him that there was a possible identification for the deceased by way of name and nationality. He responded by repeating that he had to rely on their judgements.

- 17.3.20 In relation to the allegation that AC Hayman had told the CRA prior to 17:00hrs that the deceased was not one of the four, he stated that if that is what had happened, then he would have expected and been entitled to have been told the same by him.
- 17.3.21 He agreed that prior to or at the meetings he was not told about the recovery of the deceased's mobile telephone, wallet or of a possible identity and nationality.
- 17.3.22 He was asked what was meant by the notes of the second meeting which referred to there being "press running" that the person shot was not one of the four but it needed to be presented that he is believed to be. He stated he did not understand it and had no memory of it and was genuinely puzzled. He denied that anything untoward had taken place at the meeting stating that he would not have presided over a meeting where press statements were designed to deliberately mislead.
- 17.3.23 In relation to the subsequent press release at 18:44hrs referring to the deceased's behaviour adding to the circumstances, he maintained that was his belief at the time. He stated he thought Mr Fedorcio had left the meeting to draft the press release and he would not challenge what was in Mr Fedorcio's witness statement about the fact that he had read it over his shoulder. He did not believe that this amounted to overseeing the release. He accepted that it was now known that some of the press release was flawed but there had not been any intention to deliberately mislead.
- 17.3.24 He was asked about his attendance at the 19:00hrs meeting between the Deputy Commissioner and the MSF. He stated that he just walked into the meeting and thanked them. He stated that nobody present at the meeting raised any concerns with him and that Mr Butt and Mr Ali are mistaken in their belief that he must have known that an innocent man had been shot.
- 17.3.25 He stated that he believes he left Scotland Yard for the day about 21:00hrs and did not have any contact about the shooting until the next morning. He did not leave any instructions to be contacted in the event of anything happening, but he is available 24 hours a day.
- 17.3.26 In relation to the identity of the deceased he stated that he believes he first heard the name Jean Charles de Menezes and his nationality when AC Brown briefed him at sometime between 10:15hrs and 10:30hrs on Saturday 23 July 2005. In relation to the wallet, mobile telephone and other items found upon the deceased, he stated that he could not be sure when he was told about them but would imagine, logically, that it was at about the same time.
- 17.3.27 In respect of the evidence that an entry had been made in a log at 14:20hrs 22 July 2005 that there was a fast track action from the Commissioner's office regarding the deceased's wallet, he stated that he did not have any knowledge of this.

- 17.3.28 He confirmed that at no time had his staff officer Ch/Supt. Stewart discussed with him the possibility or rumour that a Brazilian tourist had been shot and that he had not heard the alleged conversation between DAC Paddick and Ch/Supt. Stewart during the afternoon of 22 July 2005.
- 17.3.29 Having stated that he asked AC Brown and Mr Fedorcio to draft a press release once he had been told that Mr de Menezes was innocent, he was asked if he thought he could be criticised for having been prepared to be involved in the drafting of the press release on the evening of 22 July but not once he knew the deceased was innocent on 23 July. He responded by stating that he did not think that would be fair as one had emerged out of a lengthy meeting and a requirement to give more information and he gave direction on the other.
- 17.3.30 He was asked why on 23 July the press release had still contained information about the deceased's clothing and behaviour. He said that there were two issues: firstly, he did not write it or see it and secondly, that at that time the information was still believed to be true. He referred to his written response and the failings that had already been identified by the MPS in relation to how it handled the information.
- 17.3.31 He was then asked about the interviews that he had given to the *News of the World* and *Guardian* newspapers and maintained what he had said in his written response. He stated that he had not misled the reporters and the full transcript of what he actually said had to be considered. He maintained that he stood by the fact that he did not know for 24 hours that the deceased was not a terrorist.
- 17.3.32 He was asked if he classed AC Brown and AC Hayman as those he referred to in the interviews as his advisors and if he still believed that those who had advised him did not know for 24 hours that the deceased was not a bomber or potential suicide bomber. He confirmed that he did class AC Brown and AC Hayman as his advisors and that he did not think that they had known earlier.
- 17.3.33 It was suggested to him that people looking in would find it hard to believe that it was acceptable for the Commissioner not to be given the information alleged to have been known by AC Brown, AC Hayman and others. He responded to the above by saying that he had already agreed the system had failed, but that he was now being asked if he was blaming the two Assistant Commissioners. They took a professional judgement. He added that 'if you start blaming people for taking a fine judgement and getting it wrong, then you don't have much of an organisation'. In respect of his personal integrity he said he wanted it made clear that it was untrue that he did not take bad news easily as had been suggested in a newspaper article.

- 17.3.34 He was then asked about his meeting with DAC Paddick on the 22 August 2005 and he said that he had not been supplied with a copy of DAC Paddick's statement. He was asked if he wished to expand upon the brief reference to it in his written response. He stated that the meeting took place on the day after the *News of the World* article was published and that DAC Paddick's supervisory officer had told him, or given him the impression, that DAC Paddick believed the article was untrue. He told the supervisory officer to tell DAC Paddick to see him because he ought to say it to his face. He also asked if DAC Paddick was "whistle blowing" in some way as if that was the case DAC Paddick needed to take advice on what he was doing. He could not have DAC Paddick saying it to people without saying it to him and he knew that what he had said to the *News of the World* about his state of knowledge was entirely accurate.
- 17.3.35 He said that DAC Paddick came to see him at about 17:00hrs 22 August 2005 and the meeting lasted about a minute. During the meeting DAC Paddick said that he could not believe that he (the Commissioner) had not known (about the emerging Brazilian identity for the deceased). He told DAC Paddick that they could not discuss the matter, but did say that whatever DAC Paddick thought he (the Commissioner) had known, and what he (the Commissioner) actually knew, may not be the same thing. He told DAC Paddick he was telling the truth and that he should go away and do whatever he needed to do. He stated that he had not made a record of the meeting.
- 17.3.36 In response to being told that DAC Paddick had alleged that during the meeting he (Paddick) had challenged him about when he knew that the deceased was a Brazilian and that he (the Commissioner) had replied that he had been through the timings with Ms Murdoch and it was about 19:00hrs on 22 July 2005. He stated that he did not believe the allegation to be true. It did not make sense and it was not referred to in Ms Murdoch's statement. He continued to deny that he had told DAC Paddick that he had known that the deceased was Brazilian at 19:00hrs and questioned why, if he did, he was then asking D.Ch/Supt. de Brunner at 19:30hrs about the identity of the deceased.
- 17.3.37 He was asked if there was any adverse history between DAC Paddick and himself and he said that there was not. When asked if DAC Paddick was lying, he replied that he was very seriously mistaken and asked if he could see DAC Paddick's witness statement.
- 17.3.38 Following a break in the interview when the Commissioner was provided with a copy of the witness statements of DAC Paddick and Cmdr. Jarman, he said he was disappointed with what DAC Paddick had said. He recalled the meeting between them being shorter, but there were resonances of the conversation that he was prepared to accept. In particular, he referred to having mentioned an Argentinian. He then detailed why he disputed the

allegations being made by DAC Paddick and indicated the evidence that contradicted DAC Paddick's version of events. He said that he had told DAC Paddick to go and talk to the proper authorities and not to spread the issue around because that was not the way to deal with it.

- 17.3.39 He was again asked if he knew of any reason why DAC Paddick was saying what he was. He responded by saying that he had a number of ideas but that it would be unfair to DAC Paddick to make those points and he needed to stop at that. He stated he fundamentally disagreed with the statement and had concerns about why DAC Paddick should say what he had, but without more knowledge, it would be unwise to go any further. He confirmed that this was his position and declined to say what his ideas were.
- 17.3.40 In relation to the alleged failure to correct press releases between 18:44hrs on 22 July and 23:25hrs on 23 July, he stated that he did not think that there was an opportunity to do so.

18 Investigation findings and conclusions

- 18.1 The initial terms of reference provided the parameters for the investigation. The evidence gathered, including the responses obtained during interview, identified six key areas which required analysis and conclusion. Those issues in the context of the terms of reference are set out below at paragraphs 19 to 24:

19 Did the Commissioner or anyone within the MPS, following the shooting of Mr de Menezes on the 22 July 2005, knowingly or negligently release misinformation or concur with public statements made by officers or staff of the MPS concerning the circumstances of the death that were inaccurate. This included statements that Mr de Menezes had failed to stop when challenged by police, had leapt over a ticket barrier, was wearing a heavy jacket with wires protruding from it and other indications his behaviour had alerted suspicion?

(Terms of Reference 1–6 – see para 12.1)

19.1 Findings

- 19.1.1 The investigation has established that the MPS did release information that was incorrect. This information was released to the public by the Commissioner in the 15:30hrs 22 July 2005 press conference and then by the MPS DPA in the form of press releases that day and the following day.
- 19.1.2 The releases wrongly stated that Mr de Menezes had been challenged by the MPS and refused to obey them before being shot and had been wearing clothing that added to their suspicions.
- 19.1.3 While this investigation did not examine the circumstances of the shooting, the investigation team understands that Mr de Menezes did not refuse to obey a challenge prior to being shot and was not wearing any clothing that could be classed as suspicious.
- 19.1.4 In relation to Mr de Menezes' actions it is now known they were completely innocent. How they were interpreted by the MPS at the time was not within the remit of this investigation but was covered by the Stockwell 1 inquiry. However, the actions of Mr de Menezes were referred to in the post-shooting media releases and the references included the assertion that his behaviour added to the suspicions of the MPS.
- 19.1.5 Those responsible for drafting and producing the releases are believed to have understood that Mr de Menezes' actions had contributed to the decision to shoot him. The decision to continue with that line, after he was established as being an innocent victim, is the subject of separate consideration (*see para 20.2*).
- 19.1.6 Whether Mr de Menezes was challenged is disputed and forms part of the Stockwell 1 investigation. However, there is no suggestion that the challenge is one that an innocent man would have understood or that Mr de Menezes was given instructions that he could have chosen to obey.
- 19.1.7 It is clear that the initial reports that Mr de Menezes had been challenged and refused to obey were repeated in briefings to officers undertaking the post shooting investigations and then passed to the senior management of the MPS including the Commissioner. These became accepted as fact and formed part of 11:41hrs press release and then repeated by the Commissioner at the 15:30hrs press conference.
- 19.1.8 There was also human error in the DPA office. Ms de Vries has admitted that she made an error when drafting the 11:41hrs press release in that she inserted a phrase that the deceased had been challenged before being shot. She has explained that she assumed that this would have been standard practice in all police shootings. Her draft was cleared for release by senior

MPS officers including AC Brown³⁴ and Cmdr. McDowall. It is coincidental that Ms de Vries made that mistake when it appears that an account may have already been coming from the scene that a challenge had been made.

- 19.1.9 Shortly after Mr de Menezes was shot the Commissioner tape recorded a telephone call he made to Mr Hardwick at the IPCC during which he stated that the deceased had refused to cooperate with the MPS. In interview he stated that he believes he was told this by AC Hayman and his staff officer Ch/Supt. Stewart. AC Hayman stated that he had no recollection of advising the Commissioner that there had been a shooting or of the circumstances. Ch/Supt. Stewart only refers to having told the Commissioner that there had been a shooting.
- 19.1.10 Reference to Mr de Menezes clothing was made in the 18:44hrs 22 July 2005 and 16:52hrs 23 July 2005 MPS press releases. These references sought to explain that Mr de Menezes clothing added to the MPS suspicions about him. The information appears to originate from the MPS and the public. Both had separately described the deceased as wearing thick un-seasonal clothing.
- 19.1.11 There is nothing to indicate that any of the public witnesses who spoke to the IPCC and gave media interviews which described the deceased as wearing bulky clothing, jumping the barrier or running from the police were describing anything other than what they had perceived happened in what were clearly extreme stressful circumstances.
- 19.1.12 The rapid television coverage, which included the interviews with eye witnesses, was seen by staff from the MPS, MPA, HO and other interested parties. A number of them have spoken about seeing the television coverage as the events unfolded following the shooting. It is believed that some of those involved in the anti-terrorist and post-shooting investigation saw the coverage and it is apparent that during subsequent briefings some of what had been seen on television was presented as fact.
- 19.1.13 There appears to have been some confusion at the scene with public witnesses talking to the media and their accounts being broadcast before they spoke to the MPS.
- 19.1.14 The investigation has established that a number of rumours were circulating within the MPS in the hours following the shooting including that a Brazilian tourist had been shot. DAC Paddick states that he heard this from Ch/Supt. Stewart outside the Commissioner's office before the 15:30hrs press conference. Ch/Supt. Stewart denies referring to a Brazilian tourist but states he did give DAC Paddick the information that he had received from D/Supt. Kavanagh that a wallet had been found that contained a Brazilian identity.

³⁴ In response to the extracts disclosed during the Salmon process, AC Brown reiterated that the purpose of him signing off the press release was to ensure that the policing response could take account of what was being said (in the press release).

DAC Paddick then passed the information on to Cmdr. Hitchcock during the 15:30hrs Gold Group meeting.

- 19.1.15 It is clear that the rumours circulated outside NSY and this is evidenced by D/Insp. Howarth at Marylebone Police Station who had no role in the shooting or terrorism investigations. He was told by a senior officer at 17:00hrs on 22 July that there had been a massive 'cock up' at Stockwell and a Brazilian tourist had been shot. Most disappointingly, despite several requests, he refused to assist the investigation by identifying the officer concerned even though he admitted that he knew of his identity. The IPCC finds it unacceptable that an MPS officer should refuse to cooperate with what at the time was a criminal investigation.
- 19.1.16 Intelligence subsequently provided to the inquiry team indicates that DI Howarth's source of information was probably Supt. Rowell who at the time was a DCI and worked with DI Howarth on the same unit at Marylebone Police station. Supt. Rowell has stated that he did hear rumours on the 22 July and may have had discussions with DI Howarth. There is no evidence that either DI Howarth or Supt. Rowell heard anything other than speculation and rumour following the discovery of the identification items upon or around the body Mr de Menezes. However, with the exception of the deceased not being a tourist, the speculation and rumours proved to be correct.
- 19.1.17 Supt. Rowell denies that he got the information about the deceased being Brazilian from Ch/Supt. Stewart as was verbally suggested to the inquiry team.
- 19.1.18 The dispute in timings between Police Federation representatives PC Jeffrey and PC Williams cannot be resolved. PC Jeffrey is convinced that PC Williams told him during the afternoon of the 22 July that the deceased was innocent and PC Williams is equally convinced that it was later in the evening. Although there is a dispute between the two officers the evidence is that PC Williams was advised by DCI Evans about 21:30hrs on 22 July 2005 that the deceased was not involved in terrorism. This makes it more likely that PC Williams is correct. There is no evidence of malice or intent to mislead by either officer and both are believed to have been trying to assist the investigation.
- 19.1.19 It is also clear that on 22 July 2005, senior officers in the MPS had emerging knowledge that the deceased might not have been a terrorist suspect. DAC Yates was on leave and attending a cricket match at Lord's. He states that he took a number of calls whilst there, but cannot recollect any, save those he made to AC Brown and Commander Dick for whom he is line manager. The evidence of Mr Clark suggests that he may have been told that the shooting was a mistake. Cmdr. Wilkinson confirms that she telephoned DAC Yates during the cricket and he told her that Cmdr. Armond had already telephoned him.

19.2 Conclusions

Following the shooting of Mr de Menezes, inaccurate information was released by the MPS on the 22 and 23 July during a press conference given by the Commissioner and in a number of media releases.

There is no evidence that the Commissioner or any other member of the MPS knowingly released the incorrect information to the media and public that Mr de Menezes had been challenged and that his clothing had added to their suspicions. Whilst they did release this information it was believed by them to have been correct at the time.

Those within the MPS responsible for preparing the media releases and statements, sanctioning them and actually releasing the material should have ensured that the provenance and veracity of the information they contained had been established. Whilst they could be considered to have been negligent in not doing so account must be taken of the extraordinary pressures under which the MPS were operating at the time.

Information that Mr de Menezes was wearing unseasonable clothing originated from officers engaged on the anti terrorist operation at Stockwell and members of the public. That information is not correct, but it was passed on and became part of the MPS media releases. The information that Mr de Menezes had been challenged was also released by the MPS. Whether or not that was actually factual is a matter for the Stockwell 1 investigation. Mr de Menezes was not given an instruction by police officers that he could have chosen whether to obey or refuse.

Ms de Vries in the MPS DPA made a genuine error when she included in the 11:41hrs 22 July 2005 press release that Mr de Menezes had been challenged. She wrongly based it on her assumption that a challenge would always be made. Her text was not changed when it was checked prior to release.

Public witnesses who gave early televised statements contributed to the release of incorrect information when they stated that Mr de Menezes had been wearing suspicious clothing and had jumped a ticket barrier. Their actions were based upon what they had perceived occurred in a very stressful situation and they were genuinely mistaken. The information they provided to the media was outside the control of the MPS.

MPS staff and witnesses from other agencies were monitoring 24 hour television news coverage following the shooting. It is believed that some of them may have been influenced by the inaccurate accounts that were being reported.

Not all of the failures in relation to information handling following the shooting can be attributed to the pressures that the MPS were operating under or as a result of human error. Considerable information about the emerging identity of Mr de Menezes and his likely lack of involvement in terrorism was withheld from the Commissioner, other senior MPS officers, the MPA and HO at the crucial 1800hrs Management Board and sub meeting. AC Brown has explained in a later statement to the investigation that his reason for doing so was because he was Gold Commander for London and that this was an operational matter for which he had responsibility and that the Commissioner had no role to play in the command of the operation. AC Hayman was aware of the emerging evidence and failed in his responsibility to keep the Commissioner informed. In the case of both officers we consider these to have been mistakes; as any indication that Mr de Menezes was innocent was crucial information which would, and subsequently, did have a massive impact on the force.

Ch/Supt. Stewart and Ms Murdoch as the Commissioner's personal staff must also accept some responsibility for having failed to inform the Commissioner of the discovery of a wallet under the body of the deceased. They received this information during the afternoon of 22 July from D/Supt. Kavanagh and whilst there is some dispute about what DAC Paddick was told, they shared it with DAC Paddick but not the Commissioner. We do not understand this as it was critical information for the Commissioner and the force but there is no evidence that they acted in bad faith in not telling the Commissioner.

During July 2005 following the suicide bombings of the 7 July and attempted bombings of the 21 July, the MPS were operating under tremendous pressures which stretched resources and staff resilience to levels unprecedented in recent times. The MPS accept that management information structures were severely tested, errors were made and lessons learned.

20 Did anyone within the MPS fail to take steps to correct the inaccurate information that had been released into the public domain by the MPS prior to requests from the IPCC to the MPS, at 2325hrs on the 23 July 2005, to avoid further comment on the circumstances of Mr de Menezes' death?

(Terms of reference 4,5 and 6 – see para 12.1)

20.1 Findings

- 20.1.1 During the morning of the 23 July 2005 the Commissioner was told that Mr de Menezes was innocent. He did not become involved in the drafting of the media releases which went out at 16:52hrs and 18:13hrs that day.

The releases confirmed that the MPS believed they knew the identity of the deceased but formal identification was required, he was not connected to the incidents of the 21 July, the shooting was a tragedy, he had been followed from a block of flats under observation and his clothing and behaviour added to MPS suspicions.

- 20.1.2 Whilst it may have been the case that the deceased's actions, as interpreted by the MPS, including getting off and back on the same bus, may have aroused MPS suspicions, it is clearly untrue that his clothing was in anyway unusual and reports of it being bulky or otherwise un-seasonal were incorrect.
- 20.1.3 During the 23 July 2005, prior to the MPS media releases that day, some of the facts were emerging including from the CCTV footage, which showed that Mr de Menezes had not jumped the ticket barrier, and his actual clothing was known following the examination of his body. This information does not appear to have been relayed to Bernadette Ford who prepared the subsequent press releases and the inaccurate information was not spotted by AC Brown and the others who checked them. It is apparent that the emerging information was probably not being passed to those who required it but there is no evidence that anyone deliberately allowed the releases to go out knowing that there was incorrect information in them.
- 20.1.4 The assertion that Mr de Menezes was challenged before he was shot remained in the releases. Whether that assertion is correct is the subject of the Stockwell 1 investigation. It would be inappropriate for this investigation to reach any firm conclusion on whether Mr de Menezes was actually challenged. The investigation has sought to examine whether and when the assertion that he was challenged was known at NSY.
- 20.1.5 The Commissioner personally became involved in the preparation of media releases prior to, during, and after the 17:00hrs 22 July Management Board sub-meeting. He participated in the discussions as to what could go into the 18:44hrs 22 July 2005 media release and supervised Mr Fedorcio when he typed it. He contributed to the release by ensuring that it referred to Mr de Menezes' actions having contributed to the shooting which he has now stated was his understanding at the time.
- 20.1.6 Following the Commissioner being told that Mr de Menezes was innocent on the morning of the 23 July 2005 he chose not to become involved in the drafting and preparation of the releases that followed that day. Those releases continued to refer to Mr de Menezes' clothing and behaviour having contributed to the shooting. Whilst there may have been no intent to do so the releases do suggest that, despite being innocent, Mr de Menezes' actions had some bearing on the MPS decision to shoot him. In interview the Commissioner stated that he gave direction in relation to the press releases on the 23 July 2005. He did not think it was fair that he should be criticised for not remaining personally involved, as he had been the previous day.

20.2 Conclusions

By 23:25hrs on the 23 July 2005 those within the MPS responsible for preparing and checking the media releases are unlikely to have known that Mr de Menezes may not have been challenged and therefore did not realise the information may have been incorrect.

The failure to correct the information about Mr de Menezes clothing appears to be as a result of the failure by those in possession of the emerging facts to relay them to those drafting or checking the media releases. This appears to have been a communication breakdown and there is no evidence of a deliberate attempt to mislead the media and public.

By 23:25hrs 23 July 2005 the MPS still considered that Mr de Menezes' actions, albeit subsequently found to be completely innocent, contributed to their suspicions about him and therefore the media releases in that respect were not technically incorrect.

By 23:25hrs 23 July 2005 the MPS were aware that Mr de Menezes had not jumped the ticket barrier at Stockwell Underground Station but, as they had not released this information, they were not responsible for correcting it. The information originated from a witness who gave a television interview not under the control of the MPS. It is not known if the MPS intended to correct this information but in any event they would have been prevented from doing so after 23:25hrs following the agreement with the IPCC that they would not make any further media releases.

Once the Commissioner had chosen to personally involve himself in the preparation of media releases he had a responsibility to ensure that they were accurate and reflected the current position. He was prepared personally to contribute to and oversee the drafting of releases when he believed Mr de Menezes may have been a terrorist and then leave them to others once he was established as innocent. Those later releases about Mr de Menezes' innocence had a significance for the MPS, and as such he should have continued to oversee them and ensured their accuracy.

Once the MPS knew that Mr de Menezes was innocent on the morning of the 23 July 2005 they should have refrained from publicly discussing the shooting until such time as the facts had been fully established. Whilst the MPS admitted to having made a tragic mistake they continued to try to justify the shooting by referring to Mr de Menezes' own actions and clothing.

- 21 Did the Commissioner tell the truth in interviews that he gave to the *News of the World* and *Guardian* newspapers when he stated that he, and everybody who advised him, believed for 24 hours or so that Mr de Menezes was a suicide bomber or a potential suicide bomber and possibly one of the four they were looking for or even worse someone else, and that by 7.30pm on 22 July 2005 there was nothing identifying the deceased as a Brazilian.

(Terms of reference 7 – see para 12.1)

21.1 **Findings**

- 21.1.1 No direct evidence has been found which suggests that following the shooting of Mr de Menezes on 22 July 2005, the Commissioner was informed that day about an emerging identity for him, the recovery of any items from his body and the likelihood that he was not involved in terrorism. All indications are that the Commissioner was first informed on these issues on the following morning, 23 July 2005.
- 21.1.2 Ms Murdoch and Ch/Supt. Stewart, the Commissioner's personal staff, were amongst those who became aware during the afternoon of the 22 July of the discovery of a wallet containing a Brazilian identification document near the body of the shot man. They heard this from D/Supt. Kavanagh. Not keeping the Commissioner informed about what was clearly a major development and critical matter for the force was a mistake on their part.
- 21.1.3 Ms Murdoch has stated that she believes AC Hayman briefed the Commissioner that the deceased was not one of the four wanted men before the 17:00hrs Management Board meeting. No evidence has been obtained to substantiate this and the Commissioner and AC Hayman state that it did not. It is believed that Ms Murdoch is genuinely mistaken in her belief.
- 21.1.4 In his written responses and during interview the Commissioner stated that he was not told of the identity for Mr de Menezes and his innocence until after 10:00hrs on the 23 July 2005. He states that he was not told of the 22 July developments, including the emerging identity for the Mr de Menezes and the recovery of documentation from the body during that day.
- 21.1.5 The only contradictory evidence is that given by DAC Paddick who states that he went to see the Commissioner on the 22 August 2005, having seen the *News of the World* article of the previous day, which quoted the Commissioner as saying that neither he nor those advising him had known for twenty four hours that the deceased was not a suicide bomber. He states that he raised his concerns about the article and told the Commissioner that his (the Commissioner's) Staff Officer and Chief of Staff had told him before the 15:30hrs press conference that a Brazilian tourist had been shot. DAC Paddick claims that the Commissioner told him that he had been through the

timings with Ms Murdoch and it was about 19:00hrs on 22 July that he (the Commissioner) was told the deceased was a Brazilian. Caroline Murdoch has no recollection of reaching this conclusion with the Commissioner although they had been over the timings.

- 21.1.6 Both the Commissioner and DAC Paddick maintain that their contradictory evidence is right. No record was made at the time of the meeting although DAC Paddick made a note later the same day. No other person was present. DAC Paddick also states that during the meeting the Commissioner said to him that they both knew the penalty for not telling the truth and that it was important that as few people as possible knew for as long as possible what he (Paddick) was saying. The Commissioner gives a different account of the meeting and refers to telling DAC Paddick to do what he needed to do and not to spread it about but to talk to the appropriate authorities.
- 21.1.7 The evidence of DAC Paddick and the Commissioner in relation to their meeting on the 22 August 2005 cannot be reconciled. DAC Paddick maintains that the Commissioner told him that he knew by 19:00hrs on 22 July that the deceased was Brazilian and the Commissioner maintains that he did not. DAC Paddick is supported by the notes that he made of the meeting and the Commissioner is supported by Ms Murdoch who states that she does not recollect ever concluding with the Commissioner that he knew of Mr de Menezes' nationality by 19:00hrs. The weight of evidence supports that the Commissioner did not know anything of the emerging identity by the time he left NSY.
- 21.1.8 During interview the Commissioner stated he fundamentally disagreed with DAC Paddick's account of the meeting and that there may be reasons why DAC Paddick was saying what he was. He said it would be unfair on DAC Paddick to discuss those reasons further and declined to give more information to the investigation in relation to it. He did say that he did not know of any adverse history between DAC Paddick and himself.
- 21.1.9 The Commissioner has relied upon the evidence of D.Ch/Supt. de Brunner as support that he did not know at 19:00hrs that the deceased was a Brazilian. Whilst he states that he cannot recall the conversation himself, he was made aware that he questioned her about the deceased's identity before leaving NSY on 22 July.
- 21.1.10 D.Ch/Supt. de Brunner's evidence is that the Commissioner asked her about 18:45hrs if it was known who they had shot and whether or not he was a terrorist. She told him she did not know the answer to either. Ms Murdoch has confirmed that she was present and heard this conversation. This evidence indicates that at that time, as the Commissioner was about to address the MSF, he did not know the identity of the deceased and that he

was concerned about the lack of information. It appears that Mr Butt and Mr Ali were mistaken in their belief that the Commissioner must have known at the time he addressed the MSF that the deceased was innocent.

- 21.1.11 The Commissioner agrees that he classed AC Hayman and AC Brown as ‘those advising him’. In interview he stated that when he gave the interviews to the *News of the World* and *Guardian* newspapers he told the truth when he said that he and everybody who advised him believed the person who was shot was a suicide bomber or potential suicide bomber and he was quite sure that by 7.30pm at night there was still nothing identifying him as Brazilian.
- 21.1.12 The Commissioner maintains that since 23 July he has not spoken to AC Brown or AC Hayman about their knowledge of events on the 22 July because of the IPCC investigations. He acknowledges he was briefed by AC Brown on the identity of Jean Charles De Menezes on 23 July. However, he maintains that at the time he gave the interviews to the *News of the World* and the *Guardian* it was his belief that all those who advised him also believed at that time that the dead man was involved in terrorism.
- 21.1.13 The Commissioner gave the interview to the *News of the World* in August and the *Guardian* in November 2005. The investigation team find it somewhat surprising that in the days following the shooting, let alone by November, nobody sought to inform the Commissioner that AC Brown’s and AC Hayman’s knowledge of the emerging post shooting events of 22 July was considerable, whilst his own was negligible. The complaint against the Commissioner was not made until October 2005 and therefore there would not have been any criticism of him had he have attempted to establish the facts from AC Brown and AC Hayman before that time.
- 21.1.14 AC Hayman and AC Brown had a different knowledge of events on 22 July to the Commissioner. Both had knowledge of the emerging events of the post shooting investigation. In particular AC Brown was well informed and briefing others.
- 21.1.15 AC Brown agrees he was receiving the information during 22 July 2005 and whilst aspects of it were passed on directly or indirectly to numerous parties including ACC Beckley, the MSF, FCO and the Home Office Government Liaison Team, he did not tell the Commissioner.
- 21.1.16 It is believed that the failure to pass important information to the Commissioner could have, and probably has, caused embarrassment to him and the MPS. In interview he maintained that AC Hayman and AC Brown were very experienced and that he relied upon their judgement as to what they told him. He would not criticise them but accepted that mistakes had been made and lessons learnt.

Conclusions

When the Commissioner left NSY mid evening on the 22 July 2005 he was almost totally uninformed about the post shooting events at Stockwell. He did not know of the considerable information within the MPS in relation to the emerging identity for Mr de Menezes and the likelihood that he was not involved in terrorism. Numerous others within the MPS did know.

There is insufficient evidence to substantiate the claim that the Commissioner deliberately misled the *News of the World* newspaper when he told them that he and everybody who advised him believed for 24 hours that the deceased was a suicide bomber or potential suicide bomber.

There is insufficient evidence to substantiate the claim that the Commissioner deliberately misled the *Guardian* newspaper when he told them in November 2005 that by 19:30hrs 22 July 2005 there was nothing identifying the deceased as being a Brazilian. There was a lot of information identifying Mr de Menezes as a Brazilian prior to that time but no one told the Commissioner.

Whilst the Commissioner may not have intentionally misled the *News of the World* what he told them was wrong. Whilst he personally may not have known that the deceased was not a suicide bomber or a potential suicide bomber on 22 July 2005 a considerable number of his staff, including those advising him, had serious doubts but no one told him.

The allegation that the Commissioner deliberately misled the *News of the World* or the *Guardian* newspapers following the shooting of Mr de Menezes is unsubstantiated.

Although DAC Paddick states that on the 22 August 2005, the Commissioner told him that he had known at 19:00hrs on the day of the shooting that the deceased was a Brazilian, the majority of available evidence indicates that he remained uninformed of the emerging identity, including the potential nationality, until the following day.

If, despite the briefing by AC Brown on the morning of 23 July, the Commissioner was still not fully aware by November 2005 of the extent to which evidence about the identity of the deceased had emerged on 22 July or the extent to which knowledge of that evidence had spread, then this is another indication of a failure to keep the Commissioner briefed on critical issues. There is no reason why, prior to the complaint against him in October 2005, he could not have established or been told what the actual level of knowledge had been.

22 Did AC Hayman tell the CRA during the afternoon of 22 July 2005, that the deceased was not one of the four men wanted for the attempted bombings of the previous day and then fail to give the same information to the Commissioner, colleagues, the MPA and Home Office in subsequent meetings?

(Terms of Reference 1, 2 and 3 – see para 12.1)

- 22.1 In his witness statement and during interview under disciplinary caution AC Hayman stated that he could not recall what he told the twenty plus reporters that he states were present when he briefed the CRA at NSY at about 16:30hrs on 22 July 2005. He did not think that it was known that the deceased was not one of the four wanted bombers at the time and therefore he would not have told them that as it could have only been speculation.
- 22.1.1 The witnesses Mr Halford and Mr Cox from the MPS DPA are adamant that AC Hayman was told by Mr Halford just before the CRA briefing started that he (Mr Halford) had heard from Ms de Vries in the DPA, that the deceased was not one of the four bombers sought from the previous day. They are equally adamant that AC Hayman then made a telephone call before he briefed the CRA that the deceased was 'not one of the four' (Mr Cox) 'not believed to be one of the four' (Mr Halford).
- 22.1.2 The evidence of Mr Halford is supported by the written record that he made during the meeting. He recorded that AC Hayman told the CRA that the deceased was not believed to be one of the four. Mr Halford is not relying upon his memory many months after the event, but is supported by his contemporaneous record.
- 22.1.3 However, there is compelling corroboration that AC Hayman categorically stated at the CRA briefing that the deceased was not one of the four wanted men. Mr Cox from the MPS DPA states that AC Hayman told the CRA that the deceased was not one of the four. This was also recorded in a contemporaneous note by one of the reporters present and was then reported within a short time by the BBC, first on the lines that he was not thought to be one of the four men, but shortly afterwards, from outside NSY, that the police had said he was not one of the four in national television coverage. The two further reporters who have made statements were present and both recall AC Hayman stating that the deceased was not one of the four.
- 22.1.4 The evidence of Mr Halford and Mr Cox was put to AC Hayman in interview and their initial witness statements were shown to him. Whilst he maintained he could not recall what he had said to the CRA, he stated that he would not have told the CRA that the deceased was not one of the four as that was not known at that time and an open mind needed to be kept. The evidence from the three reporters who were present and made witness statements was obtained after AC Hayman was interviewed and therefore he was not questioned about their evidence in interview. Nevertheless at the time of the interview there was considerable evidence of what he had told the CRA.

- 22.1.5 It is evidenced that by the 16:30hrs briefing of the CRA a considerable amount of knowledge was becoming available in respect of the deceased. Mr de Menezes' wallet, mobile telephone and documentation, including photographic identification, had been recovered from his body. AC Hayman states that at some point during the 22 July he was told about the wallet and papers on the deceased but again he kept an open mind until the deceased was identified.
- 22.1.6 The evidence shows that at 16:21hrs AC Hayman telephoned Cmdr. McDowall at SO13. Whilst Cmdr. McDowall can not now recall the conversation, the timing of the call is consistent with it being shortly before the CRA briefing. It is probable that this was the telephone call following which AC Hayman told Mr Cox and Mr Halford that he had confirmed that the deceased was not one of the four wanted bombers.
- 22.1.7 If there was a motive for telling the CRA that the deceased was not one of the four wanted men, it is likely to have been to ensure that the media ran with the story that the four were still at large. This would have engaged the public in helping to trace them. In itself there would have been nothing untoward in this course of action. It must have been operationally very significant for the MPS as to whether they were seeking public assistance in tracing three or four bombers.
- 22.1.8 AC Hayman telling the CRA that the deceased was not one of the four bombers must have been based upon the emerging evidence providing a possible identification for Mr de Menezes. He had not been formally identified at that time, but it is known that rumours and speculation were rife and a number of MPS staff and others, including ACC Beckley, were beginning to believe that it would transpire that the deceased was not one of the four and probably an innocent man.
- 22.1.9 The brief typed note of the 17:00hrs Management Board sub-meeting records that it was AC Hayman who stated that there was press running that the deceased was not one of the four. Whether he or someone else said it, he must have known that the press coverage on the subject was as a result of his own disclosure to the CRA. There is no evidence that AC Hayman told the meeting that he had just briefed the CRA and what he had told them. It is clear that he did not do so.
- 22.1.10 The 17:00hrs Management Board meeting attendance included the Commissioner, other senior MPS staff, Sir John Gieve, HO representation and the MPA. The sub-meeting was attended by the Commissioner, MPS staff and the Chair and Chief Executive of the MPA. It is clear from the evidence of those who attended the meetings that AC Hayman was stating that the deceased still needed to be identified and it was not known for certain if he was one of the four or not. The latter was not consistent with what he had told the CRA.

- 22.1.11 In interview the Commissioner made it clear that if AC Hayman did tell the CRA that the deceased was not believed to be one of the four then he would have expected to have been given the same information by him. There is evidence that the Commissioner was pushing AC Hayman in the two meetings for clarity as to what was known about the identity of the deceased. As AC Hayman told the CRA that he was not one of the four then there does not appear to be any good reason why he failed to give those at the meetings and certainly not the Commissioner the same information.

22.2 **Conclusions**

The weight of evidence is that about 16:30hrs on 22 July 2005 AC Hayman told the CRA members that the deceased was not one of the four wanted bombers from the previous day.

AC Hayman failed to inform the 17:00hrs 22 July 2005 Management Board meeting and the sub meeting that followed what he had told the CRA some 30 minutes or so earlier. It is apparent that he deliberately withheld the information both that he had briefed the CRA and on the contents of that briefing despite being asked for information by the Commissioner. He therefore misled the Commissioner, other senior MPS officers and representatives from the MPA and HO who were present.

The attendees at the 17:00hrs Management Board and sub-meeting included the Commissioner and others who were required to make critical strategic decisions about the post shooting events. The withholding of vital information by AC Hayman, including him having been told that the deceased was not believed to be, or was not, one of the four wanted bombers, may have prevented further discussion about the status of the deceased including the possibility that he was an innocent man.

AC Hayman told the 17:00hrs Management Board sub meeting that there was press running that the deceased was not one of the four wanted bombers. He failed to tell them that this was because he had just briefed the media to that effect via the CRA. The actions of AC Hayman in this respect are of concern.

23 Did AC Hayman's alleged actions, as above, lead to inaccurate or misleading information being released by the MPS?

(Terms of reference 2, 5 and 6 – see para 12.1)

23.1 Findings

- 23.1.1 AC Hayman had information that led him to tell the CRA that the deceased was not one of the four at about 16:30hrs 22 July 2005. Consideration must be given as to what impact this had on the information that was released to the media and, therefore, the public by the MPS.
- 23.1.2 AC Hayman placed information in the public domain which was not part of the MPS media strategy at the time. He confirmed in interview that the media strategy was not within his remit. The sub-meeting to the 17:00hrs Management Board, which was debating the content for the next media release, lacked some of the very information they were seeking from him.
- 23.1.3 The MPS press release that went out at 18:44hrs included:
'The man shot at Stockwell is still subject to formal identification and it is not yet clear whether he is one of the four people we are seeking to identify and whose pictures have been released today. It therefore remains extremely important that members of the public continue to assist police in relation to all four pictures...'
- 23.1.4 Had AC Hayman told the meeting that he knew, or had such strong reason to believe that he was prepared to tell the CRA that the deceased was not one of the four, it might have had an impact on those drafting the release and, therefore, its final wording. It is most unlikely that those at the sub-meeting would have agreed to go with the wording *"it is not yet clear whether he is one of the four people we are seeking to identify..."* if AC Hayman had told them that he had already briefed the CRA, and therefore the public, that the deceased was not one of the four.

23.2 Conclusions

AC Hayman's actions in relation to his briefing the CRA and then misleading the attendees at the 17:00hrs Management Board meeting and sub-meeting led to inaccurate or misleading information being released by the MPS.

AC Hayman either misled the public when he briefed the CRA that the deceased was not one of the four or when he allowed the 18:44hrs 22 July press release to state that it was not known if the deceased was one of the four. He could not have believed both inconsistent statements were true.

24 Did AC Hayman alone, or with others present at the 17:00hrs Management Board sub-meeting, decide to mislead the public by presenting that the deceased was still thought to be one of the four bombers when they knew or believed he was not?

(Terms of reference 1, 2 and 5 – see para 12.1)

24.1 Findings

- 24.1.1 The evidence that indicates the possibility of inappropriate conduct at the 17:00hrs Management Board sub-meeting is contained in the typed notes produced by Ms Murdoch. In the context of an acceptance by AC Hayman that there was *'press running that the deceased was not one of the four bombers'*, the typed notes as written suggest that AC Hayman was proposing to present in the 18:44hrs press release that *'the deceased was believed to be one of the four wanted bombers'*, when he probably was not, and that to do so *'would be low risk'*.
- 24.1.2 If Ms Murdoch's record is correct, there are potentially significant implications. There is no indication that anyone at the meeting challenged AC Hayman when he referred to presenting the deceased as a wanted bomber although it was likely he was not. It would follow that if those at the meeting understood what was proposed and agreed with this course of action then those present were party to an agreement to mislead the media and the public. The attendees were the Commissioner, AC Hayman, Mr Duvall, Ms Crawford and other senior MPS officers.
- 24.1.3 With the exception of AC Hayman and the Commissioner who were interviewed under disciplinary caution, all those present at the meeting have been seen and have provided witness statements. All deny that there was any suggestion that the media should be misled, and all state that they would not have been party to any such agreement. Likewise, during interview, the Commissioner and AC Hayman have denied there was any impropriety at the meeting.
- 24.1.4 The handwritten notes of the meeting are brief. Ms Murdoch states that they were written in haste during the meeting. She does not suggest that they represent a verbatim record but she believes she captured the main points. When she typed her notes she states she was able to give a fuller interpretation of the meeting for use by the Commissioner. She agrees the typed notes were not approved by anyone and they represent her record alone. In her statement she stands by the accuracy of her typed notes stating that both typed versions were made fairly soon after the meeting and whilst the meeting was still fresh in her mind.

- 24.1.5 The issue has arisen as to whether the sentences attributed to AC Hayman in Ms Murdoch's typed notes; *'There is press running that the person shot is not one of the four bombers. We need to present that he is believed to be. This is different to confirming that he is. On the balance of probabilities, it isn't. To have this for offer would be low risk'*, was actually said by him³⁵. It is clear that Ms Murdoch says she typed the notes, from her contemporaneous handwritten note, whilst the meeting was still fresh in her mind and maintains they are accurate. However, whether AC Hayman said it or not, does not matter greatly. He was present and had ample opportunity to ensure the meeting was correctly briefed. If what was attributed to him was in fact said by someone else that should have acted as a prompt for him to ensure that the meeting was correctly briefed. He was the person responsible for the press running that the deceased was not one of the four wanted bombers as he had just briefed the CRA to that effect. He was also the very person present at the meeting who could, and should, have updated the meeting that he had been briefed by telephone that the deceased was not one of the four. It is also clear that AC Hayman did not brief the meeting with the fact that a wallet and documentation had been found with the deceased which did not accord with the four wanted bombers. In interview he stated that he probably knew this information at the time of the sub-meeting.
- 24.1.6 The typed notes of the meeting produced by Ms Murdoch cannot be reconciled with the evidence of those present. If Ms Murdoch's recollection and typed notes are correct, there is nothing to indicate that anyone challenged the proposed course of conduct advanced by AC Hayman. Any suggestion that something needed to be presented in a way that was not believed to be factual, and any suggestion of there being a risk, should have raised concerns and objections from those present. The 18:44hrs press line which was issued after the meeting, included the phrase that, *'it is not yet clear whether he is one of the four people we are seeking to identify and whose pictures have been released today.'* This reflects the discussion recorded in Ms Murdoch's notes of the meeting.
- 24.1.7 Given the evidence we have had to consider the possibility that, with the exception of AC Hayman, those present at the sub-meeting, did not fully understand the true situation because of AC Hayman's decision not to brief them in the terms that he had used when speaking to the CRA. They may not have had sufficient information to realise the implications of what the note of the meeting suggests was actually happening. AC Hayman was stating that identification remained an issue that needed to be resolved by the use of DNA; it was still possible that the deceased was connected to terrorism.

³⁵ Ms Murdoch's typed notes attribute these comments to AC Hayman. The typed notes were not challenged by those who subsequently saw them. However, in response to the extracts disclosed during the Salmon process, AC Hayman stated that the handwritten notes of Ms Murdoch do not attribute the source of these comments.

- 24.1.8 The investigation team spoke to all of the witnesses who were present at the sub-meeting. There was no evidence to suggest that they were being anything other than truthful and genuinely trying to assist the Commission in relation to what took place and the actions of the Commissioner and AC Hayman.
- 24.1.9 The evidence suggests that AC Hayman gave the CRA specific information and yet, thereafter, deliberately withheld it from the Commissioner and those at the sub-meeting. No motive for such behaviour is apparent and, as he denied the allegation during interview, his reasoning could not be explored.

24.2 **Conclusions**

Ms Murdoch stands by the accuracy of her handwritten and typed notes of the sub-meeting. On face value the notes do seem to indicate a decision that the public should be told that the deceased was believed to be one of the four whereas the sense of the meeting was that on the balance of probabilities he was not. However, all of those present including Ms Murdoch, deny any intent to mislead the public or that anything untoward took place. There is insufficient evidence to substantiate that all present at the 17:00hrs 22 July 2005 Management Board sub meeting jointly agreed to mislead the media and public. Accordingly, with the exception of AC Hayman, no criticism is levelled at any of the attendees.

AC Hayman chose to mislead the public by his actions at the 17:00hrs 22 July 2005 Management Board sub-meeting. He was instrumental in the wording of the 18:44hrs press release which stated that it was not clear if the deceased was one of the four wanted bombers from the previous day. This account is not consistent with what he had told the CRA a short time before when he stated that the deceased was not one of the four.

Why AC Hayman chose to tell the CRA and therefore the public, that the deceased was not one of the four wanted bombers, and then withhold that information from the Commissioner and the others is not known. It is also not known why he allowed a press release to be prepared and released which he knew contradicted what he had previously told the CRA.

25 **Conduct recommendations**

25.1 **The Commissioner**

- 25.1.1 The complaint against the Commissioner is not substantiated and there is no evidence of misconduct. However the MPA should consider why the Commissioner remained uninformed of key information emerging during the 22 July 2005.

25.2 **AC Hayman**

25.2.1 The matters relating to AC Hayman are substantiated. Following the shooting of Mr de Menezes he had a responsibility to keep the Commissioner informed and has stated that he used his judgement to decide whether or not that was necessary. He briefed the Commissioner, MPA and senior colleagues at the 17:00 Management Board sub-meeting on lines which he must have known were not consistent with what he had told the CRA. This causes us serious concern.

25.2.2 It is recommended that the MPA as the Appropriate Authority, consider what action they intend to take concerning the conduct issues identified in relation to AC Hayman.

25.3 **AC Brown**

25.3.1 There is no evidence of misconduct by AC Brown. An error of judgement does not amount to misconduct and there is no evidence that he acted in bad faith in not telling the Commissioner. However, it was a mistake not to keep the Commissioner informed of critical events on 22 July 2005. If he had still been a serving officer we would have recommended that he receive constructive advice from his managers.

25.4 **Ch/Supt. Stewart**

25.4.1 There is no evidence of misconduct by Ch/Supt. Stewart. An error of judgement does not amount to misconduct. It was a mistake not to keep the Commissioner informed of critical events on the 22 July 2005. It is recommended that he receive constructive advice from his managers.

25.5 **Ms Caroline Murdoch**

25.5.1 There is no evidence of misconduct by Ms Murdoch. An error of judgement does not amount to misconduct. It was a mistake not to keep the Commissioner informed of critical events on the 22 July 2005. It is recommended that she receive constructive advice from her managers.

25.6 **Ms Anna de Vries**

25.6.1 There is no evidence of misconduct by Ms de Vries. She accepts that she made a genuine error when she included in a media release that Mr de Menezes had been challenged before being shot. The error does not amount to misconduct, but she should receive constructive management advice regarding the need for accuracy and not basing media releases on presumptions.

25.7 **DI Howarth**

- 25.7.1 There is no evidence of misconduct by DI Howarth but his failure to provide information at the appropriate time to the investigation is a concern. Whilst it is not recommended that any formal disciplinary action be taken against DI Howarth he should receive management advice from the MPS in relation to his failure to cooperate fully with the investigation when asked.

26 **General recommendations**

- 26.1 The IPCC recognises that following the tragic events of the 22 July 2005 the MPS had already identified the mistakes that were made and lessons that needed to be learned. Through Operation Erini, the MPS has conducted a review of the post-shooting events outside of the IPCC complaint and conduct investigation. Operation Erini has already identified that without change the MPS could again be vulnerable in any given major incident in the following areas:
- Lack of clarity regarding who has responsibility for briefing the Commissioner
 - Lack of processes and a knowledge centre for ensuring that the Commissioner is factually briefed
 - Public briefings by the Commissioner not being factually correct
 - Lack of consultation with MPS investigators prior to MPS media briefings
 - Discrepancies in the content of internal briefings
 - Absence of clarity at chief officer level with respect to developing situations
 - Senior police officers failing to make notes or keep logs resulting in later attacks upon their decision making processes
 - Management Board meetings not being updated on all press briefings
 - Lack of consistency in briefings to the media
 - Failure to appoint a nominated person to be the 'media face' for the MPS
 - Failure to ensure relevant fast track actions regarding identification issues.

Recommendation 1

The investigation has identified serious weaknesses in the MPS in relation to the handling of critical information including within the senior management team. The MPA should consider what management action is required to resolve this and, in view of the serious nature of the failings, the Home Office and Her Majesty's Inspectorate of Constabulary (HMIC) should also consider what action they need to take to address the issues raised.

Recommendation 2

The MPA recognises that the issues identified by Operation Erini are areas of concern within the MPS and that they are fully addressed and systems are implemented to prevent a re-occurrence.

Recommendation 3

The Commissioner sets out to his personal staff his expectations in relation to keeping him informed of events occurring within the MPS area.

Recommendation 4

The responsibility for keeping the Commissioner and other key staff informed of critical information is made clear to the MPS senior management team.

Recommendation 5

The MPS reviews the purpose of the CRA briefings including the potential for the MPS to be compromised if they are briefed outside an agreed media strategy.

Recommendation 6

All strategic meetings convened to discuss critical incidents are appropriately minuted in order that decisions made can be later identified and justified.

M Grant
Senior Investigator
IPCC
8 June 2007

L Edwards
Deputy Senior Investigator
IPCC
8 June 2007

Appendix A

Glossary of terms

ACPO	Association of Chief Police Officers
ACSO	Assistant Commissioner Specialist Operations
CT	Counter Terrorism
CIA	Community Impact Assessment
COBR	Cabinet Office Briefing Room
CRA	Crime Reporters Association
DPA	Department of Public Affairs
DPS	Directorate of Professional Standards
FCO	Foreign and Commonwealth Office
GLO	Government Liaison Officer
GLT	Government Liaison Team
GOLD GROUP	Senior Management Strategy Group
HMIC	Her Majesty's Inspectorate of Constabulary
HOLMES	Home Office Large Major Enquiry System
IND	Immigration and Nationality Department
IPCC	Independent Police Complaints Commission
MPA	Metropolitan Police Authority
MPS	Metropolitan Police Service
MSF	Muslim Safety Forum
NSY	New Scotland Yard
PRA	Police Reform Act
QEII	Queen Elizabeth II Conference Centre
SCD	Specialist Crime Directorate
SO	Specialist Operations
SO13	Anti Terrorist Branch, MPS
TPU	Terrorism Protection Unit

Appendix B

MPS ranks and persons referred to in the report

MPS Ranks	
Commissioner	
Deputy Commissioner	
Assistant Commissioner	AC
Deputy Assistant Commissioner	DAC
Commander	Cmdr.
Detective Chief Superintendent	D.Ch/Supt.
Chief Superintendent	Ch/Supt.
Detective Superintendent	D/Supt.
Superintendent	Supt.
Detective Chief Inspector	DCI
Chief Inspector	Ch/Insp
Detective Inspector	DI
Inspector	Insp.
Detective Sergeant	DS
Sergeant	PS
Detective Constable	DC
Constable	PC
Assistant Chief Constable	ACC (A rank in forces other than the MPS)
Acting Ranks	A/..... Denotes officers who have been temporarily appointed to the rank but are not substantively in this role.
Persons referred to in the report	
Mr Azad Ali	Chair of the MSF
Cmdr. Chris Allison	AC Brown's tactical adviser
Cmdr. David Armond	On call crime commander, Serious Crime Directorate
Mr Gesio de Avila	Colleague and friend of Mr de Menezes
Ms Jacinta Banks	Foreign & Commonwealth Office, Crisis Management Team
Ms Helen Bayne	Head of Terrorism and Protection Unit, Home Office

Assistant Chief Constable Robert Beckley	Hertfordshire Police
DAC Suzanna Becks	MPS Resourcing
D.Ch/Supt. David Beggs	Head of Operation Erini
Ms Joy Bentley	Sir Ian Blair's press officer (DPA)
Sir Ian Blair	Commissioner of Police of the Metropolis
AC Alan Brown	Gold Command for London
D.Ch/Supt. Maxine de Brunner	Staff officer to Deputy Commissioner Stephenson
DAC Richard Bryan	Briefed international media on Community Reassurance
Mr Daniel Budge	IPCC Investigator
Mr Tahir Butt	MSF representative
Mr Roy Clark	Former Director of Investigations, IPCC
DAC Peter Clarke	Head of Anti Terrorist Branch, SO13
Ms Rachael Collins	IPCC press officer
Mr Robert Cox	Chief Press Officer, DPA
Ms Catherine Crawford	Clerk and Chief Executive, Metropolitan Police Authority
DC John Davies	SO13 Investigations
Cmdr. Cressida Dick	Officer in charge of the armed operation
Insp. John Duffy	MPS – Gave initial briefing to D/Supt Levett
Mr James Donaghy	IPCC Deputy Senior Investigator
Mr Len Duvall	Chair Metropolitan Police Authority
Ms Lisa Edwards	IPCC Deputy Senior Investigator
DCI Tony Evans	DPS, Specialist Investigations Deputy SIO
Mr Dick Fedorcio	Director, DPA
Ms Jo Fendt	Coroner's officer
D.Ch/Supt. Philip Flower	Department of Professional Standards
Ms Bernadette Ford	Senior Information Officer, DPA
Sir John Gieve	Permanent Secretary at the Home Office
DAC Alan Given	Deputy to AC House
AC Tim Godwin	MPS, Territorial Policing
Mr Peter Goode	IPCC Acting Director of Investigations
Cmdr. Phillip Gormley	MPS Commander
Mr Michael Grant	IPCC Senior Investigator

A/Cmdr. Steven Gwilliam	DPS Anti Corruption Unit
Mr Paul Halford	Press Officer, Specialist Operations DPA
Mr John Harding	Solicitor acting for AC Hayman
Mr Nick Hardwick	Chair, IPCC
AC Andrew Hayman	Assistant Commissioner Specialist Operations (ACSO)
Ms Laura Holford	Personal Assistant to Deputy Commissioner
AC Stephen House	MPS Central Operations Business Group
Cmdr. Alfred Hitchcock	Holds Safer Neighbourhoods portfolio
DI Peter Howarth	MPS Marylebone Police Station
Cmdr. Rod Jarman	MPS Community Engagement
PC John Jeffrey	Police Federation Representative
Ian Jones	MPS Explosives officer
D/Supt. Stephen Kavanagh	Staff officer to AC Brown
Mr Calvin Lawson	Crime Scene Manager
D/Supt John Levett	DPS , Specialist Investigations, SIO
Mr Leigh Lewis	Home Office Permanent secretary responsible for crime, Policing and Counter Terrorism
Mr Clive Lucy	Crime Scene Manager
Ms Naseem Malik	IPCC Commissioner
Ms Liz McBrien	IPCC HOLMES Team member
Cmdr. John McDowall	Leads on National investigation into terrorism
D/Supt. Douglas McKenna	SO13, SIO
Jean Charles de Menezes	The deceased
Ms Caroline Murdoch	Commissioner's Chief of staff
Ch/Supt. Stuart Osborne	Staff officer to AC Brown
Ms Kate Owen	IPCC Investigator
DAC Brian Paddick	Acting AC Territorial Policing
Mr Jeremy Page	Government Liaison Officer (Home Office)
Mr Stephen Parkinson	Solicitor acting for the Commissioner
DI David McDonald Payne	DPS Loggist, Specialist Investigations
Mr David Petch	IPCC Commissioner
DI John Pover	SO13 Duty officer at Stockwell
Ms Mehmduda Mian Pritchard	IPCC Commissioner
D/Supt. John Prunty	SO13, Liaison between SO13 and DPS
Insp. Peter Richardson	MPS acting as 'friend' for the Commissioner

Mr Richard Riley	Private secretary to Sir John Gieve
Supt. Andrew Rowell	MPS Rape Unit, Westminster
Mr John Sampson	HM Coroner
DCI Angela Scott	SO13
Ms Karen Scott	Private Secretary to MPS Deputy Commissioner
Dr Kenneth Shorrock	HO Pathologist
DS Barry Slade	DPS Internal Investigations
Insp. Andrew Slater	MPS acting as 'friend' to AC Hayman
Deputy Commissioner Paul Stephenson	Deputy to the MPS Commissioner
Ch/Supt. Moir Stewart	Commissioner's staff officer
Ms Jennie Sugden	IPCC Investigator
Mr John Tate	IPCC Director of Legal Services
Ch/Supt. David Tucker	National Community Tensions team (Hertfordshire Police)
Ms Anna de Vries	Senior Information Officer, DPA
Mr Darren Wall	IPCC Investigator
D.Ch/Supt. Tim White	SO13
Cmdr. Sue Wilkinson	MPS Serious Crime Directorate
PC Mark Williams	Police Federation Representative
DC Malcolm Wilson	SO13
Ms Harriet Wistrich	Solicitor acting on behalf of the family of Mr de Menezes
A/D.Ch/Supt. Richard Wolfenden	DPS, Internal Investigations supporting D/Supt Levett
DAC John Yates	Director, Serious Crime Directorate

Appendix C

Summary of MPS and IPCC press releases 22 July 2005 and 23 July 2005

Initial MPS press release 10:46hrs Friday 22 July 2005 prepared by Ms de Vries

We can confirm that just after 10.00 today 22 July 2005 armed officers shot a male at Stockwell LT station. We are not in a position to release further information at the moment.

MPS press release 11:41hrs Friday 22nd July 2005 prepared by MS de Vries, approved by AC Brown and Cmdr McDowall

We can confirm that at just after 1000 this morning, Friday 22nd July 2005, armed officers from the MPS entered Stockwell Tube station. A man was challenged by officers and subsequently shot. LAS and HEMS both attended the scene. Life was pronounced extinct at the scene. Stockwell Tube station is closed and cordons of 200 metres are in place. As is routine officers from the Directorate of Professional Standards has been informed.

MPS Press Conference QEII Centre 15:39hrs Friday 22 July 2005 – the Commissioner said:

The information I have available is that this shooting is directly linked to the ongoing and expanding anti-terrorist operation. Any death is deeply regrettable, I understand the man was challenged and refused to obey.

About 16:30hrs Friday 22 July 2005 briefing to the CRA by AC Hayman

AC Hayman briefed the CRA . The weight of evidence is that he told them that the deceased was not one of the four pictured suspects from the previous day's attempted bombings

BBC Television News 24 report 17:07hrs Friday 22 July 2005, shortly after the CRA briefing.

A line just in about the shooting in Stockwell earlier. The man shot dead at the tube station is not thought to be one of the four men shown in CCTV pictures released this afternoon.

MPS press release 18:44hrs Friday 22 July 2005 issued following the Management Meeting sub meeting.

The man shot at Stockwell station is still subject to formal identification and it is not yet clear whether he is one of the four people we are seeking to identify and whose pictures have been released today. It therefore remains extremely important that members of the public continue to assist police in relation to all four pictures. This death, like all deaths related to police operations, is obviously a matter of deep regret. Nevertheless the man who was shot was under police observation because he had emerged from a house that was itself under observation because it was linked to the investigation of yesterday's incidents. He was then followed by surveillance officers to the station. His clothing and his behaviour at the station added to their suspicions. While the counter terrorist investigation will obviously take pre-eminence, the investigation into the circumstances that led to his death is being pursued and will be subject to scrutiny through the IPCC in due course.

IPCC press release 19:51hrs Friday 22 July 2005 issued by Nick Hardwick

This morning's shooting at Stockwell Station is being referred to the Independent Police Complaints Commission for investigation, in line with formal requirements under the Police Reform Act 2002. The IPCC independently investigates all fatal police shootings. In carrying out this investigation, the IPCC will ensure that nothing is done to hinder the urgent police priority of tracking down and bringing to justice those responsible for the recent London bombings and their vital work in preventing further outrages.

MPS press release prepared on `if asked` basis, 23:05 Friday 22 July 2005

On Friday 22nd July 2005 at approx 10am armed police entered Stockwell underground station. There they confronted a 27 year old male. As a result of the confrontation the male was shot and suffered fatal injuries. The Directorate of Professional Standards are investigating the matter. A post mortem will take place at 8 am on Saturday 23 July.

MPS press release at 23:37hrs Friday 22 July 2005

On Friday 22.07.05 at approx. 10am armed officers from the MPS entered Stockwell tube station. A man was challenged by officers and subsequently shot. LAS and HEMS both attended the scene. Life was pronounced extinct at the scene. As is routine officers from the Directorate of Professional Standards have been informed. The man shot is still subject to formal identification and it is not yet clear whether he is one of the four people who attempted to cause explosions. The man who was shot was under police observation because he had emerged from a house that was itself under observation because it was linked to the investigation of yesterday's incidents, surveillance officers then followed him to the station.

His clothing and behaviour at the station added to their suspicions. While the counter-terrorist investigation will obviously take pre-eminence, the investigation into the circumstances that led to his death is being pursued and will be subject to scrutiny through the IPCC in due course.

MPS press release 16:52hrs Saturday 23 July 2005 prepared by Ms Bernadette Ford

We believe we now know the identity of the man shot at Stockwell underground station by police on Friday 22nd July 2005, although he is still subject to formal identification. We are now satisfied that he was not connected with the incidents of Thursday 21st July 2005. For somebody to lose their life in such circumstances is a tragedy and one that the Metropolitan Police Service regrets. The man emerged from a block of flats in the Stockwell area that were under police surveillance as part of the investigation into the incidents on Thursday 21st July 2005. He was then followed by surveillance officers to the underground station. His clothing and behaviour added to their suspicions. The circumstances that led to the man's death are being investigated by officers from the MPS Directorate of Professional Standards, and will be referred to the IPCC in due course

MPS press release 18:01 hrs on Saturday 23 July 2005 as a correction to the previous release

....The man emerged from a house in Tulse Hill that was itself under observation because it was linked to the investigation on Thursday 21st July...

MPS press release 18:13hrs Saturday 23 July 2005 prepared by Ms Bernadette Ford

We believe we now know the identity of the man shot at Stockwell underground station by police on Friday 22nd July 2005, although he is still subject to formal identification. We are now satisfied that he was not connected with the incidents of Thursday 21st July 2005. For somebody to lose their life in such circumstances is a tragedy and one that the Metropolitan Police Service regrets. The man emerged from a house in Tulse Hill that was itself under observation because it was linked to the investigation on Thursday 21st July 2005. He was then followed by surveillance officers to the underground station. His clothing and behaviour added to their suspicions. The circumstances that led to the man's death are being investigated by officers from the MPS Directorate of Professional Standards, and will be referred to the IPCC in due course

MPS press release 21:28hrs Saturday 23 July 2005 issued by Ms Bernadette Ford

The deceased man has been formally identified as Jean Charles de Menezes aged 27 years old (date of birth 07.01.78), a Brazilian national. He was not connected to incidents in Central London on 21st July 2005 in which four explosive devices were partly detonated. An inquest will be opened to acknowledge formal identification and adjourned awaiting the outcome of the investigation into the circumstances surrounding the death.

Appendix D

IPCC Stockwell 2 investigation chronology of events

DATE/TIME	EVENT
21/07/2005	ATTEMPTED BOMB ATTACKS FOUR FAILED ATTACKS ON LONDON TRANSPORT SYSTEM. HUNT FOR THOSE RESPONSIBLE BEGINS.
22/07/2005 APPROX 10:06:00	SHOTS FIRED OFFICERS SHOOT A MALE AT STOCKWELL UNDERGROUND STATION.
22/07/2005 10:10:00	GOLD GROUP MEETING CHAIRED BY AC BROWN DURING THE MEETING, AT APPROXIMATELY 10:10 HOURS, IT IS ANNOUNCED THAT THERE HAD BEEN A SHOOTING AT STOCKWELL UNDERGROUND STATION.
22/07/2005 10:10:00	EXPLOSIVES OFFICER JONES RECOVERS A WALLET AND MOBILE PHONE. NO EXPLOSIVES FOUND DURING A SEARCH HE REMOVED A WALLET AND MOBILE PHONE FROM THE JACKET OF THE DECEASED AND PLACED THEM ONTO A SEAT OF THE TRAIN. NO EXPLOSIVES FOUND.
22/07/2005 IMMEDIATELY AFTER THE SHOOTING	MEDIA COVERAGE FROM EYE WITNESSES IN THE IMMEDIATE AFTERMATH OF THE SHOOTING, CIVILIAN WITNESSES GAVE THEIR ACCOUNT OF WHAT HAD HAPPENED TO THE MEDIA. THESE ACCOUNTS MISTAKENLY DESCRIBED MR DE MENEZES AS WEARING UNSEASONAL CLOTHING, RUNNING AWAY FROM THE POLICE, JUMPING THE TICKET BARRIER AND ACTING SUSPICIOUSLY IN OTHER WAYS. IT IS APPARENT THAT SOME OF THE WITNESSES CONFUSED POLICE OFFICERS WITH MR DE MENEZES.
22/07/2005 10:00:00 – 10:30:00	THE COMMISSIONER STATES HE WAS TOLD OF THE SHOOTING BY AC HAYMAN AC HARMAN REPORTED THAT SOMEONE HAD BEEN SHOT IN STOCKWELL AND WAS DEAD. IT WAS BELIEVED THAT THIS PERSON WAS ONE OF THE BOMBERS.

DATE/TIME	EVENT
22/07/2005 10:46:00	MPS PRESS RELEASE 1 MPS PRESS RELEASE AGREED WITH AC BROWN, GOLD AND CMDR MCDOWALL (SO13). FOR OFFER. WE CAN CONFIRM THAT JUST AFTER 10.00 TODAY (22.07.05) ARMED OFFICERS SHOT A MALE AT STOCKWELL LT STATION. WE ARE NOT IN A POSITION TO RELEASE FURTHER INFO AT THE MOMENT.
22/07/2005 10:50:00	BRIEFING HELD BY D/SUPT LEVETT DCI EVANS IS PRESENT AND IS INFORMED THAT AN ASIAN MALE WHO WAS BELIEVED TO BE A TERRORIST TARGET HAD BEEN SHOT DEAD BY FIREARMS OFFICERS IN STOCKWELL UNDERGROUND STATION.
22/07/2005 11:22:00	D/SUPT KAVANAGH SPEAKS TO D/SUPT LEVETT HE WAS TOLD THAT A LONE PAKISTANI MAN HAD BEEN SHOT AND THAT HE WAS NOT CARRYING A BOMB. THE MAN WAS IN POSSESSION OF A MOBILE PHONE.
22/07/2005 11:27:00	AC BROWN SPEAKS TO D/SUPT KAVANAGH HE WAS INFORMED THAT ONE PAKISTANI MALE HAD BEEN SHOT AND KILLED AT STOCKWELL TUBE STATION. IT WAS REPORTED THAT THE MALE HAD BEEN IN POSSESSION OF A MOBILE PHONE.
22/07/2005 11:28:00	AC BROWN SPEAKS TO DC STEPHENSON HE BRIEFED HIM AS TO HIS UNDERSTANDING OF THE SITUATION AND REASSURED HIM ABOUT THE DPS INVESTIGATION.
22/07/2005 11:37:00	D/SUPT LEVETT AND DCI EVANS ARE BRIEFED BY THE FIREARMS TACTICAL ADVISOR THERE HAD BEEN A SURVEILLANCE OPERATION INVOLVING A TERRORISM SUSPECT. JUST AFTER 1000 HOURS THE SUSPECT ENTERED THE TRAIN STATION AND THEY HAD BEEN UNABLE TO INTERCEPT HIM PRIOR TO HIM BOARDING THE TRAIN. HE HAD BEEN SHOT BY TWO OFFICERS AND WAS PRONOUNCED DEAD AT THE SCENE BY A PARAMEDIC.

DATE/TIME	EVENT
22/07/2005 11:41:00	MPS PRESS RELEASE 2 MPS PRESS RELEASE AGREED WITH AC BROWN, DPS, GOLD AND CMDR MCDOWALL (SO13). FOR OFFER. WE CAN CONFIRM THAT AT JUST AFTER 1000 THIS MORNING, FRIDAY 22nd JULY 2005, ARMED OFFICERS FROM THE MPS ENTERED STOCKWELL TUBE STATION. A MAN WAS CHALLENGED BY OFFICERS AND SUBSEQUENTLY SHOT. LAS AND HEMS BOTH ATTENDED THE SCENE. LIFE WAS PRONOUNCED EXTINCT AT THE SCENE. STOCKWELL TUBE STATION IS CLOSED AND CORDONS OF 200 METRES ARE IN PLACE. AS IS ROUTINE OFFICERS FROM THE DIRECTORATE OF PROFESSIONAL STANDARDS HAS BEEN INFORMED.
22/07/2005 AFTER 11:50:00	D/SUPT KAVANAGH SPEAKS TO A/CMDR GWILLIAM HE WAS TOLD THAT THE SHOT MAN HAD NOT BEEN IDENTIFIED, BUT SO13 WERE CONDUCTING URGENT WORK ON THE MOBILE PHONE RECOVERED.
22/07/2005 12:25:00	AC BROWN SPEAKS TO D/SUPT KAVANAGH HE IS TOLD THAT THE SHOT PERSON WAS MALE AND AS YET UNIDENTIFIED. HE HAD LEFT A HOUSE SUBJECT TO SURVEILLANCE AND HAD TRAVELLED ON BUSES, APPARENTLY CHANGING BUSES, WHICH HAD BEEN REGARDED AS SUSPICIOUS. HE HAD BEEN IDENTIFIED BY A SURVEILLANCE OFFICER AND FATALLY SHOT. SO13 WERE MAKING ENQUIRIES IN RELATION TO THE MOBILE PHONE.
22/07/2005 12:30:00	GOLD GROUP MEETING CHAIRED BY AC BROWN D/SUPT KAVANAGH INFORMED THE GROUP THAT A MOBILE PHONE HAD BEEN RECOVERED AND THAT SURVEILLANCE OFFICERS HAD BELIEVED THE DECEASED TO BE ONE OF THE SUSPECTS. NO FURTHER CLARITY ON IDENTIFICATION COULD BE PROVIDED AT THIS TIME.
22/07/2005 12:55:00	DI POVER ARRIVES AT THE SCENE HE IS TOLD BY SO13 OFFICERS THAT THE INDIVIDUAL HAD RUN TO THE TRAIN AND HAD VAULTED THE BARRIER.

DATE/TIME	EVENT
22/07/2005 13:15:00	MOBILE PHONE ENQUIRIES UNDERTAKEN THE MOBILE PHONE FOUND ON THE DECEASED WAS INTERROGATED AND A DOWNLOAD WAS SENT TO NSY FAO SO13.
22/07/2005 APPROX 13:30:00	DCI EVANS BRIEFS HM CORONER, THE CORONER'S OFFICER AND HO PATHOLOGIST THE DECEASED WAS AT PRESENT UNIDENTIFIED. HE HAD BEEN FOLLOWED FROM AN ADDRESS UNDER SURVEILLANCE BY ANTI-TERRORIST OFFICERS. HE HAD ENTERED THE TUBE AND WHEN IDENTIFIED TO THE ARMED OFFICERS HE LEAPT TOWARDS THEM AND SHOTS WERE FIRED.THE SUSPECT HAD BEEN SHOT IN THE HEAD SEVERAL TIMES.
22/07/2005 13:55:00	MEETING WITH COMMISSIONER PRESENT: THE COMMISSIONER, AC BROWN, AC HAYMAN, MR FEDORCIO, DEPUTY COMMISSIONER STEPHENSON, CH/SUPT OSBORNE, D.CH/SUPT DE BRUNNER AND MS MURDOCH. AC BROWN REPORTS THAT AC HAYMAN UPDATED THE COMMISSIONER ON THE INVESTIGATION. THE COMMISSIONER ASKED AC HAYMAN WHETHER THE PERSON SHOT WAS A SUSPECT. AC HAYMAN REPLIED THAT HE DID NOT KNOW.
22/07/2005 14:00:00	MOBILE PHONE ENQUIRIES ARE COMMENCED DC DAVIES WAS PASSED THE PHOTOGRAPHS AND PHONEBOOK FROM THE RECOVERED MOBILE TELEPHONE.
22/07/2005 APPROX 14:50:00	DC WILSON RECOVERS A WALLET AND DI MCDONALD-PAYNE MAKES A RECORD OF THIS IN HIS NOTEBOOK THE RECORD SHOWS 'SIO – DECISION TO EXAMINE WALLET' AND 'WALLET; JEAN CHARLES MENEZES; 7.1.78; INLAND REVENUE CARD'.

DATE/TIME	EVENT
22/07/2005 APPROX 15:00:00	MS BANKS AT FCO SPEAKS TO COBR SHE WAS TOLD THAT FOLLOWING THE 14:30hrs GOLD GROUP MEETING, INFORMATION ABOUT THE SHOOTING WAS QUITE SCANT. IN SUMMARY THE POLICE BELIEVED THEY KNOW WHO ALL FOUR BOMBERS WERE FROM 21st, TWO OF WHOM WERE UNDER SURVEILLANCE. ONE OF THOSE UNDER SURVEILLANCE WAS THE MAN WHO WAS SHOT AT STOCKWELL. HE WAS FOLLOWED TO THE STATION, DID NOT STOP WHEN ASKED TO DO SO AND WAS SHOT. HIS INJURIES MADE IT DIFFICULT TO IDENTIFY HIM. THE POLICE RECOVERED HIS MOBILE PHONE AND CONFIRMED HE WAS CARRYING NO EXPLOSIVE DEVICES. JACINTA BANKS THEN EMAILED THIS UPDATE TO HER FCO COLLEAGUES.
22/07/2005 APPROX 15:08:00	D/SUPT KAVANAGH SPEAKS TO D/SUPT LEVETT HE IS TOLD THAT A WALLET HAD BEEN RECOVERED FROM A SEAT ON THE TUBE NEAR THE DECEASED. THE CONTENTS INCLUDED BANK CARDS, A TEMPORARY INLAND REVENUE DOCUMENT, A DRIVING PERMIT WITH A PICTURE AND A MOBILE PHONE WHICH HAD A PICTURE OF A MANS FACE ON IT. THE SHOT MAN WAS DESCRIBED AS EASTERN EUROPEAN AND THE NAME SHOWN WAS JEAN CHARLES DE MENEZES, 7/1/78 BORN SAN PAULO, BRAZIL. NO ADDRESS WAS APPARENT.
22/07/2005 15:10:00	AC BROWN SPEAKS TO D/SUPT KAVANAGH HE IS TOLD THAT A WALLET HAD BEEN RECOVERED FROM A SEAT IN THE CARRIAGE IN WHICH THE SUSPECT HAD BEEN SHOT. THE CONTENTS OF THE WALLET INCLUDED BANK CARDS, TEMPORARY INLAND REVENUE DOCUMENT AND A DRIVING PERMIT. THE DOCUMENTS WERE IN THE NAME JEAN CHARLES DE MENEZES. THE MAN WAS OF EASTERN EUROPEAN APPEARANCE. NO ADDRESS WAS AVAILABLE FOR THE MAN AT THIS STAGE.
22/07/2005 SHORTLY AFTER 15:10:00	AC BROWN SPEAKS TO D.CH/SUPT WHITE HE TELLS D.CH/SUPT WHITE THE INFORMATION HE HAS RECEIVED FROM D/SUPT KAVANAGH.

DATE/TIME	EVENT
22/07/2005 SHORTLY AFTER 15:10	COMMISSIONERS STAFF OFFICERS AWARE OF THE CONTENTS OF THE WALLET CAROLINE MURDOCH, THE COMMISSIONER'S CHIEF OF STAFF AND CHIEF SUPERINTENDENT (CH/SUPT.) MOIR STEWART, THE COMMISSIONER'S STAFF OFFICER SAY THEY WERE TOLD BY D/SUPT. KAVANAGH ABOUT THE CONTENTS OF THE WALLET. THEY DID NOT INFORM THE COMMISSIONER.
22/07/2005 BEFORE 15:30	CH/SUPT STEWART SPEAKS TO DAC PADDICK DAC PADDICK STATES HE WAS IN THE COMMISSIONER'S STAFF OFFICE PRIOR TO THE PRESS CONFERENCE HELD AT 15:30HRS WHEN HE SPOKE TO CH/SUPT. MOIR STEWART. HE STATES CH/SUPT. STEWART TOLD HIM "WE'VE SHOT A BRAZILIAN TOURIST". HE RECALLS MS MURDOCH SUPPORTED THIS STATEMENT WITH DETAILS OF A DRIVING LICENCE HAVING BEEN FOUND ON THE DECEASED. CH/SUPT. STEWART AND MS MURDOCH DISPUTE THAT THE PHRASE "BRAZILIAN TOURIST" WAS DEFINITELY USED.
22/07/2005 15:30:00	GOLD GROUP MEETING CHAIRED BY AC BROWN THE LIVE PRESS CONFERENCE IS VIEWED. D.CH/SUPT WHITE REPORTS THAT THE SCENE AT STOCKWELL HAD BEEN SECURED AND THAT AN EXAMINATION OF A MOBILE PHONE WAS BEING UNDERTAKEN.
22/07/2005 15:30:00	PRESS CONFERENCE AT QEII CENTRE COMMISSIONER IAN BLAIR SAID:"THE INFORMATION I HAVE AVAILABLE IS THAT THIS SHOOTING IS DIRECTLY LINKED TO THE ONGOING AND EXPANDING ANTI-TERRORIST OPERATION. ANY DEATH IS DEEPLY REGRETTABLE, I UNDERSTAND THE MAN WAS CHALLENGED AND REFUSED TO OBEY".

DATE/TIME	EVENT
22/07/2005 SHORTLY AFTER 15:30:00 GOLD GROUP MEETING	MS BAYNE (HOME OFFICE) SPEAKS TO MR PAGE (GLT) SHE IS TOLD THAT THE CIRCUMSTANCES WERE THAT THE VICTIM HAD LEFT AN ADDRESS UNDER OBSERVATION, HE HAD FAILED TO COMPLY WITH POLICE ORDERS, IT WAS BELIEVED HE HAD BEEN SHOT ON THE UNDERGROUND TRAIN. HIS IDENTITY HAD NOT YET BEEN ESTABLISHED AND THAT THERE WAS A STRONG SUSPICION THAT THE VICTIM WAS NOT ONE OF THE FOUR SUSPECTS FOR THE FAILED BOMBINGS BUT THIS WAS SUBJECT TO CONFIRMATION. THERE WAS ALSO REFERENCE TO THE DECEASED'S MOBILE TELEPHONE BEING EXAMINED.
22/07/2005 16:00:00	WALLET ENQUIRIES ARE COMMENCED DC DAVIES WAS PASSED A FAXED COPY OF THE CONTENTS OF A WALLET INCLUDING A COPY OF A BRAZILIAN IDENTITY CARD IN THE NAME OF JEAN CHARLES DE MENEZES. HE MADE SEVERAL CHECKS WITH REGARD TO THE JEAN CHARLES DE MENEZES NAME AND PRODUCED ONLY ONE POSITIVE TRACE WHICH WAS FROM THE IMMIGRATION AND NATIONALITY DEPT (IND). THE IND PROVIDED A LAST KNOWN ADDRESS FOR DE MENEZES OF KINGS AVENUE, LONDON.
22/07/2005 16:16:00	MEETING CHAIRED BY AC BROWN TO DISCUSS COMMUNITY ISSUES PRESENT: AC BROWN, CH/SUPT OSBORNE, D/SUPT KAVANAGH, DAC PADDICK, CMDRS HITCHCOCK AND JARMAN AND ACC BECKLEY. AC BROWN SAID THAT IDENTIFICATION WAS DIFFICULT DUE TO FACIAL RECOGNITION NOT BEING POSSIBLE. AC BROWN SAID THAT DOCUMENTS HAD BEEN FOUND THAT PERTAINED TO A BRAZILIAN NATIONAL. THE POTENTIAL COMMUNITY ISSUES OF THE DECEASED BEING INNOCENT WERE DISCUSSED.
22/07/2005 APPROX 16:30:00	MR HALFORD SPEAKS TO MS DE VRIES ANNA DE VRIES SAID THAT SHE NOW UNDERSTOOD THAT THE DECEASED WAS NOT BELIEVED TO BE ONE OF THE FOUR SUSPECTS IN THE CCTV IMAGES.

DATE/TIME	EVENT
22/07/2005 APPROX 16:30:00	MR HALFORD SPEAKS TO AC HAYMAN AND MR COX MR HALFORD TELLS THEM THE INFORMATION HE HAD RECEIVED FROM MS DE VRIES REGARDING THE SHOT MAN NOT BEING ONE OF THE BOMBERS. MR HALFORD AND MR COX STATE THAT AC HAYMAN THEN MADE A COUPLE OF BRIEF TELEPHONE CALLS
22/07/2005 16:21:00	AC HAYMAN SPEAKS TO CMDR MCDOWALL BY TELEPHONE CMDR MCDOWALL CANNOT RECALL THE CONTENT OF THE CONVERSATION.
22/07/2005 APPROX 16:30:00	THE MUSLIM SAFETY FORUM (MSF) REPRESENTATIVES ARE BRIEFED BY OFFICERS PRESENT: CMDR JARMAN, A/CMDR Gwilliam, A/D.CH/SUPT WOLFENDEN, DC WILLIAMS, MR ALI (MSF) AND MR BUTT (MSF) A/D.CH/SUPT WOLFENDEN PROVIDED AN UPDATE ON THE TIME THE SHOOTING HAD TAKEN PLACE, WHEN HIS TEAM HAD ARRIVED ON SCENE, THAT HE HAD TAKEN WITNESS STATEMENTS; PARAMEDICS HAD CONFIRMED DEATH, THAT A PATHOLOGIST, CORONER, BIOLOGIST, PHOTOGRAPHER AND FORENSICS HAD ATTENDED THE SCENE. THE POLICE OFFICERS WERE GOING THROUGH A POST INCIDENT PROCEDURE AND THE DECEASED HAD BEEN IDENTIFIED.
22/07/2005 AFTER 16:30:00	BRIEFING TO CRIME REPORTERS ASSOCIATION BY AC HAYMAN REGARDING THE FAILED BOMB ATTACKS ON 21.07.05 MR HALFORD REPORTS THAT AC HAYMAN CONFIRMED AT THIS BRIEFING THAT THE POLICE DID NOT BELIEVE THAT THE PERSON SHOT BY THE POLICE WAS ONE OF THE FOUR PICTURED SUSPECTS. MR COX REPORTS THAT AC HAYMAN TOLD THE CRA THE DECEASED WAS NOT ONE OF THE FOUR SUSPECTS.
22/07/2005 AFTER 16:30:00	THE CRIME REPORTERS ASSOCIATION BRIEFING JOURNALISTS PRESENT AT THE BRIEFING REPORT THAT AC HAYMAN INFORMED THE BRIEFING THAT THE DECEASED WAS NOT ONE OF THE FOUR THAT THE MPS WERE SEEKING, BUT HE WAS BELIEVED TO BE A TERRORIST SUSPECT.

DATE/TIME	EVENT
22/07/2005 EITHER 17:00:00 OR 18:00:00	MANAGEMENT BOARD MEETING CHAIRED BY THE COMMISSIONER ATTENDED BY SENIOR MPS OFFICIALS, HOME OFFICE, MPA AND OTHER AGENCIES.THE MINUTES OF THE MEETING SHOW THAT THE DISCUSSIONS MAINLY CENTRED AROUND THE INVESTIGATION INTO THE EVENTS OF THE PREVIOUS DAY
22/07/2005 17:07:00	BBC TELEVISION NEWS 24 REPORT “A LINE JUST IN ABOUT THE SHOOTING IN STOCKWELL EARLIER. THE MAN SHOT DEAD AT THE TUBE STATION IS NOT THOUGHT TO BE ONE OF THE FOUR MEN SHOWN IN CCTV PICTURES RELEASED THIS AFTERNOON”.
22/07/2005 17:18	THIS WAS FOLLOWED BY FOOTAGE OF A BBC REPORTER CONFIRMING THERE HAD BEEN A SPECIAL POLICE BRIEFING AND STATING: ‘.....WE DON’T KNOW ANYMORE THAN THE POLICE HAVE SAID FOR SURE THAT HE WAS CHALLENGED, HE REFUSED TO OBEY INSTRUCTIONS, HE WAS SUBSEQUENTLY SHOT AND HE WAS NOT ONE OF THE FOUR PEOPLE WHOSE IMAGES WERE RELEASED BY POLICE A LITTLE EARLIER’.
22/07/2005 18:00:00	ENQUIRIES REGARDING THE HALIFAX CARD FOUND IN THE WALLET ARE COMMENCED DC DAVIES CONTACTED THE NATIONAL TERRORIST FUNDING INVESTIGATION UNIT WHO AGREED TO MAKE ENQUIRIES WITH THE HALIFAX.
22/07/2005 AFTER MANAGEMENT BOARD SUB-MEETING	MEETING TO DISCUSS COMMUNICATIONS CHAIRED BY THE COMMISSIONER PRESENT: COMMISSIONER, MR FERDORCIO, AC HAYMAN, AC BROWN, DEPUTY COMMISSIONER STEPHENSON, MR DUVALL, CMDR WILKINSON, DAC RYAN, MS CRAWFORD, MS MURDOCH. MR FEDORCIO IS INSTRUCTED TO PREPARE A PRESS RELEASE FOLLOWING DISCUSSIONS REGARDING WHAT WAS KNOWN AND WHAT COULD PUBLICLY BE SAID AT THAT TIME.

DATE/TIME	EVENT
22/07/2005 18:20:00	MEETING BETWEEN AC BROWN AND MR PAGE AC BROWN CONFIRMED THAT THE IDENTITY OF THE SHOT MAN WAS NOT KNOWN, HOWEVER HE DID TELL HIM THAT HE COULD CONFIRM WITH THE FCO THAT PROPERTY IN THE NAME OF JEAN CHARLES DE MENEZES HAD BEEN RECOVERED FROM THE SCENE. AC BROWN TOLD MR PAGE THAT IT WAS NOT POSSIBLE TO CONFIRM WHETHER THE DECEASED WAS JEAN CHARLES AT THIS TIME AND THAT FACIAL IDENTIFICATION WAS NOT POSSIBLE.
22/07/2005 APPROX 18:30:00	MR PAGE SPEAKS TO MS BAYNE AT THE HOME OFFICE HE PROVIDES THE DECEASED'S IDENTITY, SUBJECT TO FORMAL IDENTIFICATION.
22/07/2005 APPROX 18:30:00	MR PAGE SPEAKS TO MS BANKS AT FCO HE PROVIDES THE SHOOTING VICTIM'S IDENTITY, SUBJECT TO FORMAL IDENTIFICATION.
22/07/2005 18:40:00	D/SUPT KAVANAGH SPEAKS TO A/CMDR GWILLIAM A/CMDR GWILLIAM REPORTS THAT CORRESPONDENCE RECOVERED FROM THE SCENE LINKED TO THE DEAD MAN INCLUDED A PAKISTANI BUSINESS CARD AND A MOBILE.

DATE/TIME	EVENT
22/07/2005 18:44:00	MPS PRESS RELEASE 3 MPS PRESS RELEASE AGREED BY DPA WITH AC HAYMAN, CMDR MCDOWELL AND AC BROWN. ALSO PASSED TO CMDR HITCHCOCK. FOR OFFER. THE MAN SHOT AT STOCKWELL IS STILL SUBJECT TO FORMAL IDENTIFICATION AND IT IS NOT YET CLEAR WHETHER HE IS ONE OF THE FOUR PEOPLE WE ARE SEEKING TO IDENTIFY AND WHOSE PICTURES HAVE BEEN RELEASED TODAY. IT THEREFORE REMAINS EXTREMELY IMPORTANT THAT MEMBERS OF THE PUBLIC CONTINUE TO ASSIST POLICE IN RELATION TO ALL FOUR PICTURES. THIS DEATH, LIKE ALL DEATHS RELATED TO POLICE OPERATIONS, IS OBVIOUSLY A MATTER OF DEEP REGRET. NEVERTHELESS THE MAN WHO WAS SHOT WAS UNDER POLICE OBSERVATION BECAUSE HE HAD EMERGED FROM A HOUSE THAT WAS ITSELF UNDER OBSERVATION BECAUSE IT WAS LINKED TO THE INVESTIGATION OF YESTERDAY'S INCIDENTS. HE WAS THEN FOLLOWED BY SURVEILLANCE OFFICERS TO THE STATION. HIS CLOTHING AND BEHAVIOUR AT THE STATION ADDED TO THEIR SUSPICIONS. WHILE THE COUNTER TERRORIST INVESTIGATION WILL OBVIOUSLY TAKE PRE-EMINENCE, THE INVESTIGATION INTO THE CIRCUMSTANCES THAT LED TO HIS DEATH IS BEING PURSUED AND WILL BE SUBJECT TO SCRUTINY THROUGH THE IPCC IN DUE COURSE.
22/07/2005 18:45:00	D.CH/SUPT DE BRUNNER SPEAKS TO THE COMMISSIONER SHE STATES THE CONVERSATION WAS AS FOLLOWS: THE COMMISSIONER SAID "DO WE KNOW WHO THIS MAN IS WHO WE HAVE SHOT?" D.CH/SUPT DE BRUNNER SAID "NO SIR". THE COMMISSIONER SAID "WHY NOT?" AND D.CH/SUPT DE BRUNNER REPLIED "BECAUSE WE CAN'T VISUALLY IDENTIFY THE MAN AND WE MUST WAIT FOR DNA". THE COMMISSIONER ASKED "DO WE KNOW IF HE WAS A TERRORIST OR NOT?" D.CH/SUPT DE BRUNNER ANSWERED "NO SIR, NOT TO MY KNOWLEDGE".

DATE/TIME	EVENT
22/07/2005 APPROX 18:45:00 – 19:00:00	THE MUSLIM SAFETY FORUM ARE BRIEFED PRESENT: DEPUTY COMMISSIONER STEPHENSON, CMDR HITCHCOCK, ACC BECKLEY, MR ALI (MSF) AND MR UTT (MSF) MR BUTT STATED THAT CMDR HITCHCOCK HAD BRIEFED THAT THE DECEASED WAS NOT CONNECTED TO THE BOMBINGS AND WAS NOT A MUSLIM. MR ALI AND MR BUTT REPORT THAT THE FEELING WAS THAT AN INNOCENT MAN HAD BEEN SHOT. THE COMMISSIONER WAS PRESENT FOR A SHORT PART OF THE MEETING. THE COMMISSIONER STATES HE WAS NOT PRESENT WHEN THE ISSUE OF IDENTITY WAS DISCUSSED.
22/07/2005 19:00:00	GOLD GROUP MEETING CHAIRED BY AC BROWN THE MINUTES DO NOT SHOW ANY DISCUSSION REGARDING THE IDENTITY OF THE DECEASED.
22/07/2005 19:00:00	RESULT OF ENQUIRIES ON HALIFAX CARD RECEIVED DC DAVIES WAS INFORMED VERBALLY THAT THE CARD HOLDER'S DETAILS RECORDED BY THE HALIFAX WERE MR JEAN DE MENEZES, BORN 07.01.78 OF 17 SCOTIA ROAD, OFF UPPER TULSE HILL, LONDON, SW2 2PG.
22/07/2005 AFTER 19:00:00	DC DAVIES SPEAKS TO A NUMBER OF OFFICERS DC DAVIES CANNOT RECALL SPECIFICALLY WHO HE INFORMED ABOUT INFORMATION RELATING TO 17 SCOTIA ROAD, BUT HE PASSED IT VERBALLY TO A NUMBER OF INDIVIDUALS AND WAS SURE THAT IT WAS BEING MADE AVAILABLE TO D/SUPT PRUNTY.

DATE/TIME	EVENT
22/07/2005 19:51:00	IPCC PRESS STATEMENT RELEASED MR HARDWICK, CHAIR OF THE INDEPENDENT POLICE COMPLAINTS COMMISSION, SAID: “THIS MORNING’S SHOOTING AT STOCKWELL STATION IS BEING REFERRED TO THE INDEPENDENT POLICE COMPLAINTS COMMISSION FOR INVESTIGATION, IN LINE WITH NORMAL REQUIREMENTS UNDER THE POLICE REFORM ACT 2002. “THE IPCC INDEPENDENTLY INVESTIGATES ALL FATAL POLICE SHOOTINGS. IN CARRYING OUT THIS INVESTIGATION, THE IPCC WILL ENSURE THAT NOTHING IS DONE TO HINDER THE URGENT POLICE PRIORITY OF TRACKING DOWN AND BRINGING TO JUSTICE THOSE RESPONSIBLE FOR THE RECENT LONDON BOMBINGS AND THEIR VITAL WORK IN PREVENTING FURTHER OUTRAGES”.
22/07/2005 APPROX 20:00:00	D.CH/SUPT DE BRUNNER ATTENDS A MEETING PRESENT: DAC BECKS, CMDR GORMLEY AND AC HAYMAN. AC HAYMAN WAS ONLY PRESENT FOR PART OF THE MEETING. D.CH/SUPT DE BRUNNER STATES THAT HER NOTES SHOW: “SUSPECT SHOT – OUT OF ADDRESS, FOOT JOURNEY, BUS – TUBE. NOT CONSISTENT WITH A COMPLIANT PERSON. SLIM CHANCE THAT HE WAS ONE OF THE FOUR BOMBERS”.
22/07/2005 20:21:00	A UTILITY BILL IS FOUND UNDER THE BODY OF THE DECEASED WHEN HE IS MOVED THE LETTER IS ADDRESSED TO JEAN CHARLES DE MENEZES AT 17 SCOTIA ROAD.
22/07/2005 20:25:00	A/CMDR GWILLIAM SPEAKS TO D/SUPT LEVETT HE WAS TOLD THAT A BANK STATEMENT HAD BEEN FOUND UNDER THE BODY OF THE DECEASED THAT GAVE THE VICTIM’S NAME AND AN ADDRESS OF 17 SCOTIA ROAD, SW9.
22/07/2005 20:30:00	AC BROWN SPEAKS TO A/CMDR GWILLIAM HE IS TOLD THAT A BANK STATEMENT HAD BEEN FOUND WHEN THE BODY OF THE DECEASED HAD BEEN MOVED. THE STATEMENT WAS IN THE NAME OF MR DE MENEZES AND SHOWED AN ADDRESS OF 17 SCOTIA ROAD.

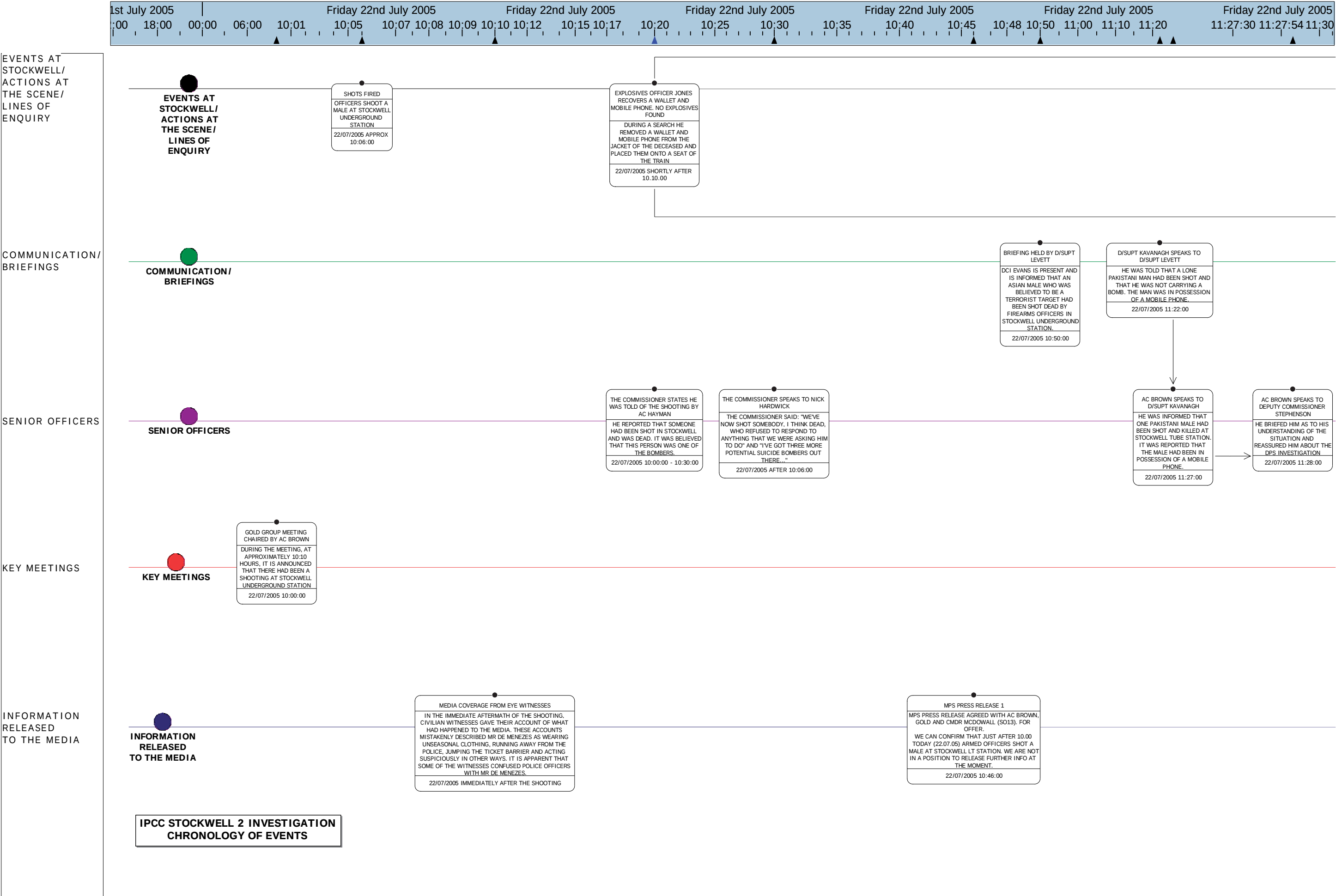
DATE/TIME	EVENT
22/07/2005 APPROX 20:30:00	AC BROWN MEETS WITH DAC CLARKE AND CMDR MCDOWALL THE INFORMATION ABOUT THE ADDRESS OF THE DECEASED AND ITS CONSEQUENCES WAS DISCUSSED.
22/07/2005 APPROX 21:30:00/21:45:00	D/SUPT PRUNTY SPEAKS TO D/SUPT LEVETT AND DCI EVANS HE CONFIRMS THAT AS A RESULT OF ENQUIRIES CONDUCTED BY THE ANTI TERRORIST BRANCH, MR DE MENEZES WAS NOT CONSIDERED TO BE LINKED TO THE EVENTS OF 21.07.05 AND AS SUCH THE RESPONSIBILITY FOR THE SCENE WAS FORMALLY BEING HANDED OVER TO THEM.
22/07/2005 AFTER 21:30:00	A/CMDR GWILLIAM SPEAKS TO D/SUPT LEVETT D/SUPT LEVETT REPORTS THAT SO ₁₃ WERE SATISFIED THAT THE DECEASED WAS NOT INVOLVED IN THE SO ₁₃ ENQUIRY.
22/07/2005 BEFORE 22:00:00	AC BROWN SPEAKS TO A/CMDR GWILLIAM HE IS INFORMED THAT SO ₁₃ NO LONGER HAD AN INTEREST IN THE SCENE OR THE DECEASED.
22/07/2005 BEFORE 22:00:00	AC BROWN SPEAKS TO DAC CLARKE HE WAS INFORMED THAT DESPITE THE EARLIER INFORMATION, SO ₁₃ MAINTAINED THEIR INTEREST AND HAD NOT EXCLUDED THE SUBJECT.
22/07/2005 23:05:00	MPS PRESS RELEASE 4 MPS PRESS RELEASE. IF ASKED. ON FRIDAY 22nd JULY 2005 AT APPROX 10AM ARMED POLICE ENTERED STOCKWELL UNDERGROUND STATION. THERE THEY CONFRONTED A 27 YEAR OLD MALE. AS A RESULT OF THE CONFRONTATION THE MALE WAS SHOT AND SUFFERED FATAL INJURIES. THE DIRECTORATE OF PROFESSIONAL STANDARDS ARE INVESTIGATING THE MATTER. A POST MORTEM WILL TAKE PLACE AT 8AM ON SATURDAY 23 JULY.

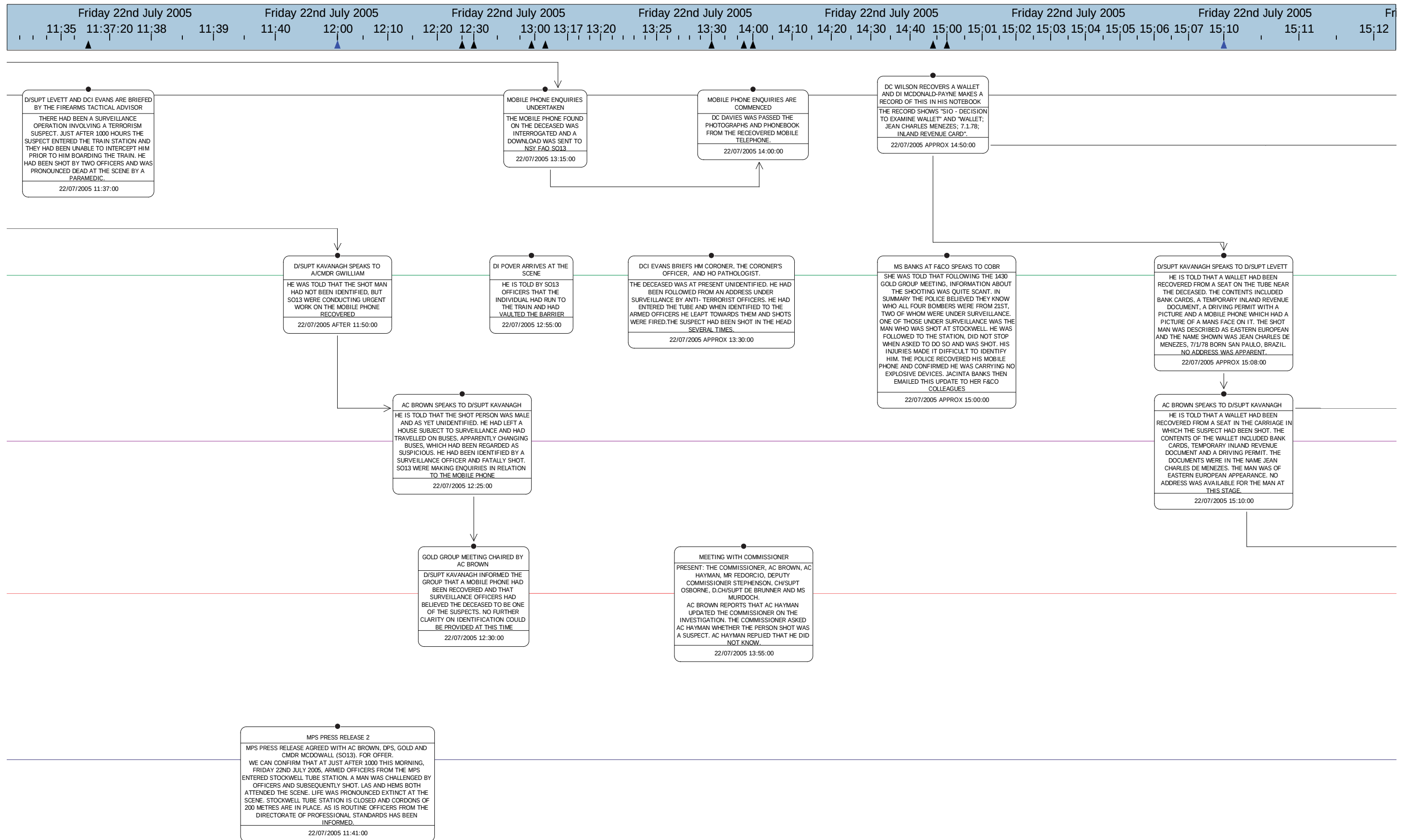
DATE/TIME	EVENT
22/07/2005 23:37:00	MPS PRESS RELEASE 5 MPS PRESS RELEASE. FOR OFFER. ON FRIDAY 22.07.05 AT APPROX. 10AM ARMED OFFICERS FROM THE MPS ENTERED STOCKWELL TUBE STATION. A MAN WAS CHALLENGED BY OFFICERS AND SUBSEQUENTLY SHOT. LAS AND HEMS BOTH ATTENDED THE SCENE. LIFE WAS PRONOUNCED EXTINCT AT THE SCENE. AS IS ROUTINE OFFICERS FROM THE DIRECTORATE OF PROFESSIONAL STANDARDS HAVE BEEN INFORMED. THE MAN SHOT IS STILL SUBJECT TO FORMAL IDENTIFICATION AND IT IS NOT YET CLEAR WHETHER HE IS ONE OF THE FOUR PEOPLE WHO ATTEMPTED TO CAUSE EXPLOSIONS. THE MAN WHO WAS SHOT WAS UNDER POLICE OBSERVATION BECAUSE HE HAD EMERGED FROM A HOUSE THAT WAS ITSELF UNDER OBSERVATION BECAUSE IT WAS LINKED TO THE INVESTIGATION OF YESTERDAY'S INCIDENTS, SURVEILLANCE OFFICERS THEN FOLLOWED HIM TO THE STATION. HIS CLOTHING AND BEHAVIOUR AT THE STATION ADDED TO THEIR SUSPICIONS. WHILE THE COUNTER TERRORIST INVESTIGATION WILL OBVIOUSLY TAKE PRE-EMINENCE, THE INVESTIGATION INTO THE CIRCUMSTANCES THAT LED TO HIS DEATH IS BEING PURSUED AND WILL BE SUBJECT TO SCRUTINY THROUGH THE IPCC IN DUE COURSE.
23/07/2005 01:20:00	DI MACDONALD-PAYNE SPEAKS TO MR DE AVILA HE HAD BEEN IDENTIFIED FROM THE MOBILE PHONE RECOVERED. INFORMATION IS OBTAINED ABOUT JEAN CHARLES DE MENEZES.
23/07/2005 08:00:00	POST MORTEM A POST MORTEM ON THE BODY OF THE DECEASED IS CONDUCTED AT GREENWICH MORTUARY.
23/07/2005 09:00:00	D/SUPT KAVANAGH SPEAKS TO D/SUPT LEVETT HE WAS TOLD THAT A FRIEND OF THE DECEASED HAD BEEN IDENTIFIED AND HAD PROVIDED BACKGROUND INFORMATION.

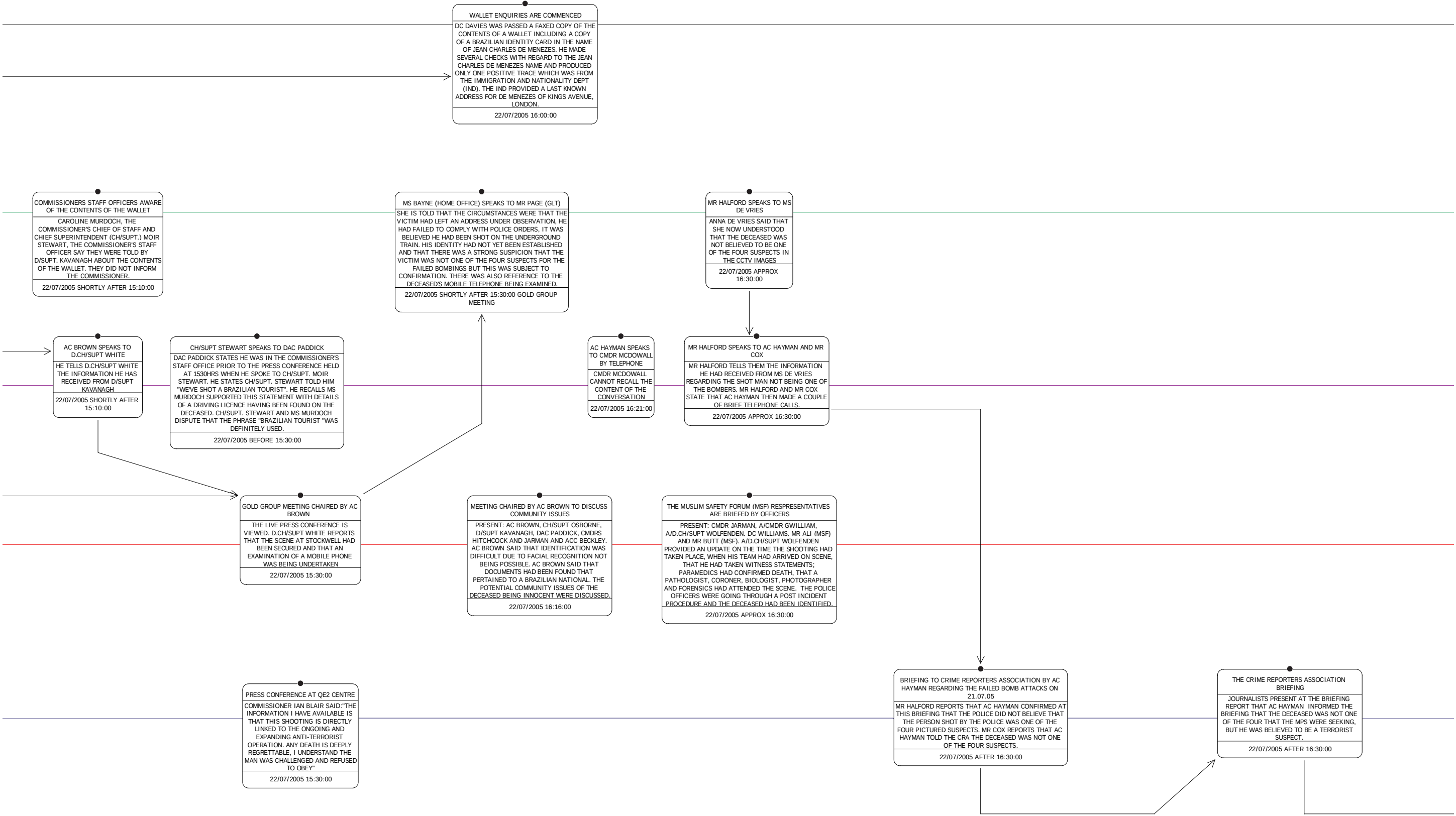
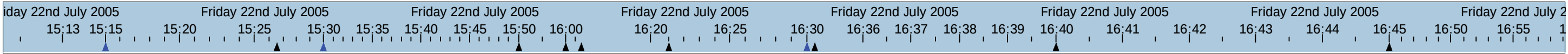
DATE/TIME	EVENT
23/07/2005 09:00:00	GOLD GROUP MEETING CHAIRED BY AC BROWN D/SUPT KAVANAGH STATED THAT DURING THE NIGHT A FRIEND OF THE DECEASED HAD BEEN IDENTIFIED AND D/SUPT LEVETT WAS LEFT IN NO DOUBT THAT THE DECEASED WAS MR DE MENEZES.
23/07/2005 10:15:00	MEETING WITH THE COMMISSIONER PRESENT: THE COMMISSIONER, AC BROWN, DAC CLARKE, MR FEDORCIO, CH/SUPT STEWART AND CH/SUPT OSBORNE. AC BROWN ADVISED THAT IT HAD BECOME APPARENT THAT THE DECEASED WAS A BRAZILIAN NATIONAL UNCONNECTED TO TERRORISM.
23/07/2005 DURING THE AFTERNOON	AC BROWN IS INFORMED OF A RISK OF COMPROMISE TO THE COVERT OPERATION AT 21 SCOTIA ROAD THIS WAS DUE TO FRIENDS AND RELATIVES OF THE DECEASED BECOMING AWARE OF HIS IDENTITY. AC BROWN THEREFORE REQUESTED THAT THE PREPARED PRESS RELEASE BE ISSUED.
23/07/2005 16:52:00	MPS PRESS RELEASE 6 MPS PRESS RELEASE CLEARED BY GOLD. DPA AWARE OF STATEMENT AND RELEASE. FOR OFFER. WE BELIEVE WE NOW KNOW THE IDENTITY OF THE MAN SHOT AT STOCKWELL UNDERGROUND STATION BY POLICE ON FRIDAY 22nd JULY 2005, ALTHOUGH HE IS STILL SUBJECT TO FORMAL IDENTIFICATION. WE ARE NOW SATISFIED THAT HE WAS NOT CONNECTED WITH THE INCIDENTS OF THURSDAY 21st JULY 2005. FOR SOMEBODY TO LOSE THEIR LIFE IN SUCH CIRCUMSTANCES IS A TRAGEDY AND ONE THAT THE METROPOLITAN POLICE SERVICE REGRETS. THE MAN EMERGED FROM A BLOCK OF FLATS IN THE STOCKWELL AREA THAT WERE UNDER POLICE SURVEILLANCE AS PART OF THE INVESTIGATION INTO THE INCIDENTS ON THURSDAY 21st JULY. HE WAS THEN FOLLOWED BY SURVEILLANCE OFFICERS TO THE UNDERGROUND STATION. HIS CLOTHING AND BEHAVIOUR ADDED TO THEIR SUSPICIONS. THE CIRCUMSTANCES THAT LED TO THE MAN'S DEATH ARE BEING INVESTIGATED BY OFFICERS FROM THE MPS DIRECTORATE OF PROFESSIONAL STANDARDS, AND WILL BE REFERRED TO THE IPCC IN DUE COURSE.

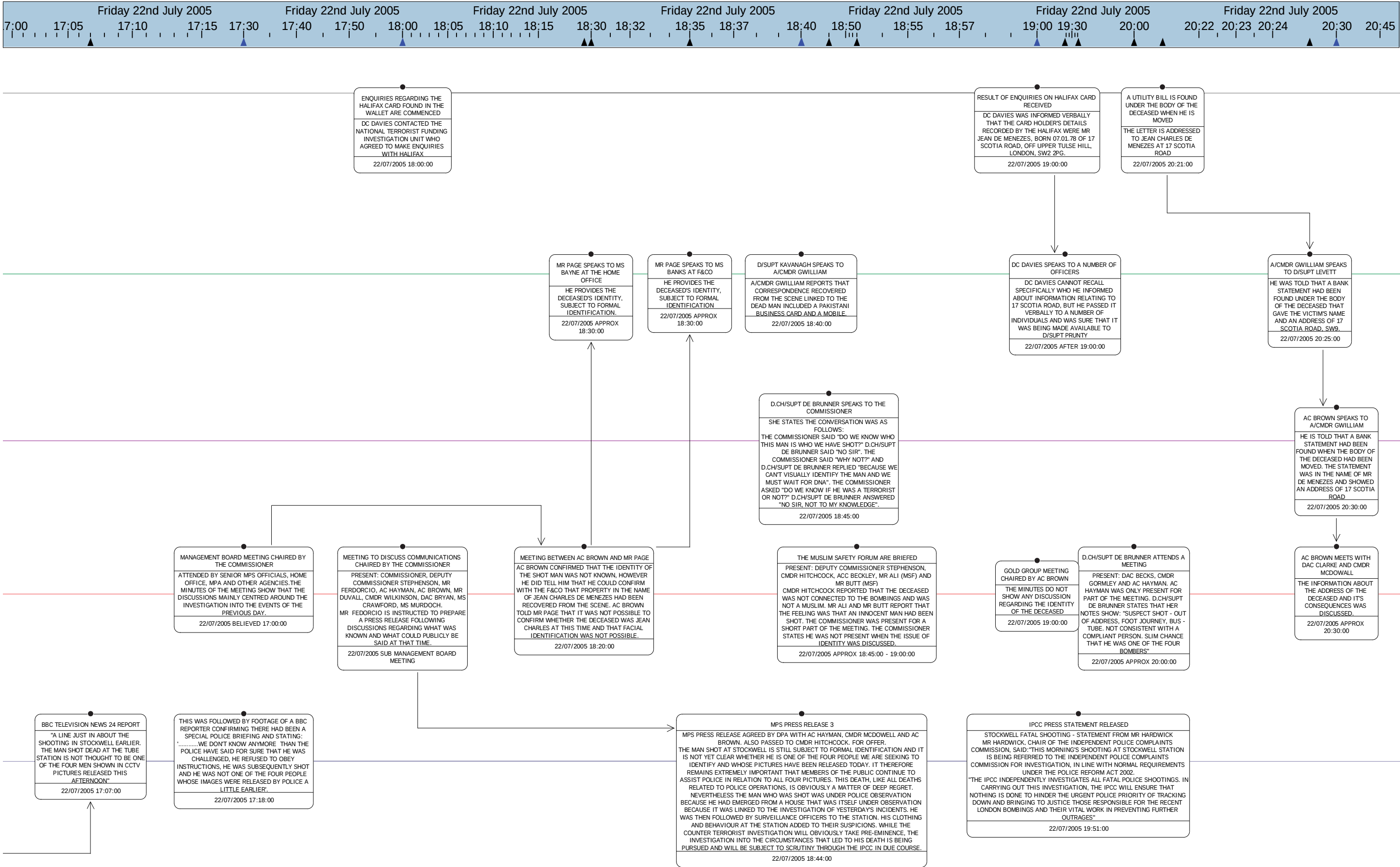
DATE/TIME	EVENT
23/07/2005 18:01:00	MPS PRESS RELEASE 7 MPS PRESS RELEASE. FOR OFFER THE MAN EMERGED FROM A HOUSE IN TULSE HILL THAT WAS ITSELF UNDER OBSERVATION BECAUSE IT WAS LINKED TO THE INVESTIGATION ON THURSDAY 21st JULY.
23/07/2005 18:13:00	MPS PRESS RELEASE 8 MPS PRESS RELEASE. FOR OFFER. WE BELIEVE WE NOW KNOW THE IDENTITY OF THE MAN SHOT AT STOCKWELL UNDERGROUND STATION BY POLICE ON FRIDAY 22nd JULY 2005, ALTHOUGH HE IS STILL SUBJECT TO FORMAL IDENTIFICATION. WE ARE NOW SATISFIED THAT HE WAS NOT CONNECTED WITH THE INCIDENTS OF THURSDAY 21st JULY 2005. FOR SOMEBODY TO LOSE THEIR LIFE IN SUCH CIRCUMSTANCES IS A TRAGEDY AND ONE THAT THE METROPOLITAN POLICE SERVICE REGRETS. THE MAN EMERGED FROM A HOUSE IN TULSE HILL THAT WAS ITSELF UNDER OBSERVATION BECAUSE IT WAS LINKED TO THE INVESTIGATION ON THURSDAY 21st JULY. HE WAS THEN FOLLOWED BY SURVEILLANCE OFFICERS TO THE UNDERGROUND STATION. HIS CLOTHING AND BEHAVIOUR ADDED TO THEIR SUSPICIONS. THE CIRCUMSTANCES THAT LED TO THE MAN'S DEATH ARE BEING INVESTIGATED BY OFFICERS FROM THE MPS DIRECTORATE OF PROFESSIONAL STANDARDS, AND WILL BE REFERRED TO THE IPCC IN DUE COURSE.
23/07/2005 18:30:00	MR HARDWICK SPEAKS TO MR LEWIS (HOME OFFICE) IT IS AGREED THAT THE IPCC AND MPS WILL NOT RELEASE ANY FURTHER INFORMATION TO THE MEDIA PRIOR TO THE MEETING SCHEDULED FOR MONDAY 25.07.05.
23/07/2005 19:30:00	THE BODY OF THE DECEASED IS FORMALLY IDENTIFIED IT IS CONFIRMED BY MR PEREIRA AS THAT OF JEAN CHARLES DE MENEZES.

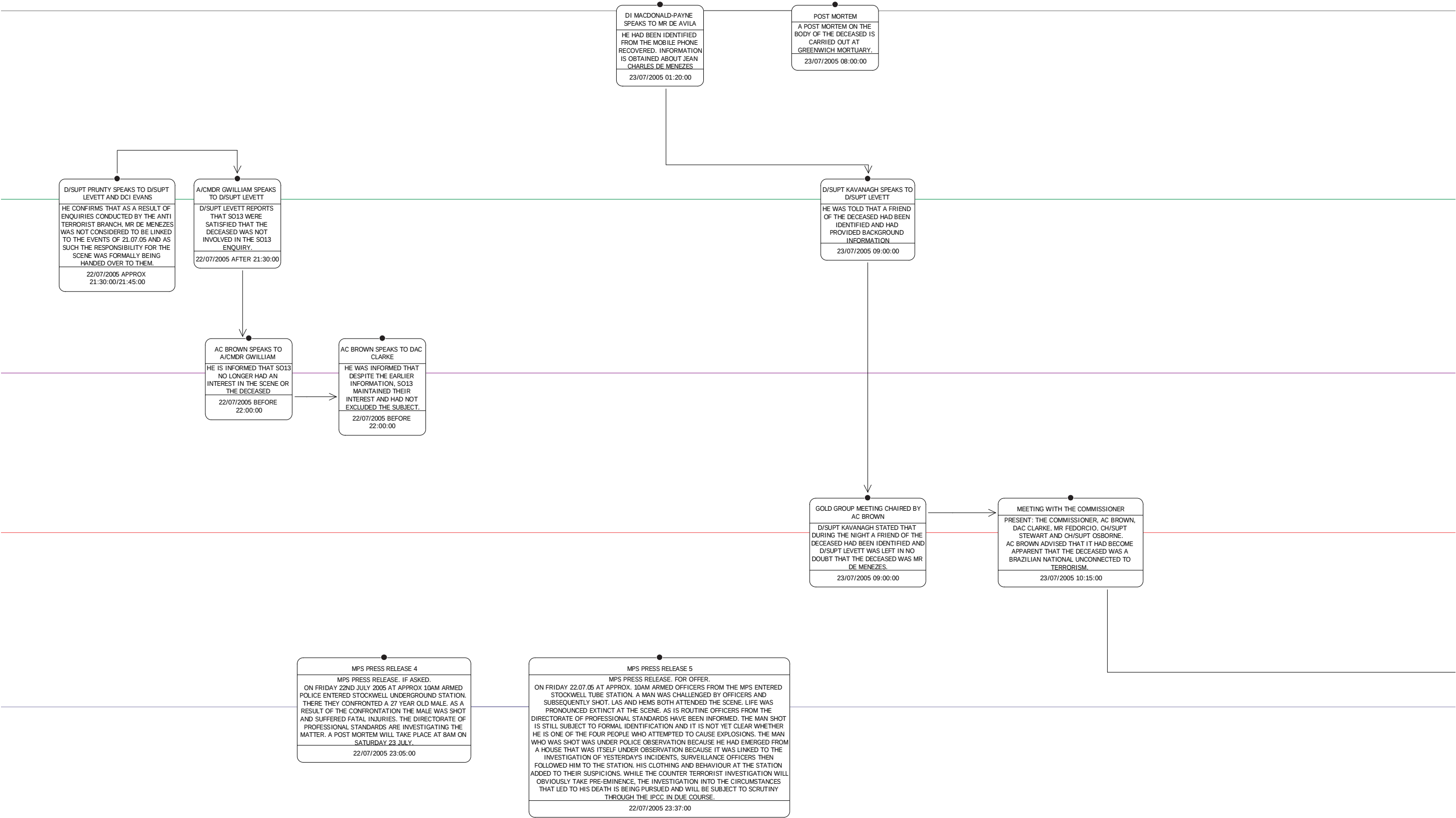
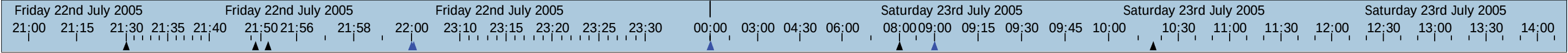
DATE/TIME	EVENT
23/07/2005 21:28:00	MPS PRESS RELEASE 9 MPS PRESS RELEASE. GOLD AND CORONER ARE HAPPY TO RELEASE THE NAME OF THE DECEASED. SIO JOHN PRUNTY (SO13) HAS BEEN MADE AWARE. FOR OFFER. THE DECEASED MAN HAS BEEN FORMALLY IDENTIFIED AS JEAN CHARLES DE MENEZES, AGED 27 YEARS OLD (DATE OF BIRTH; 07.01.78), A BRAZILIAN NATIONAL. HE WAS NOT CONNECTED TO INCIDENTS IN CENTRAL LONDON ON 21st JULY 2005 IN WHICH FOUR EXPLOSIVE DEVICES WERE PARTLY DETONATED. AN INQUEST WILL BE OPENED TO ACKNOWLEDGE FORMAL IDENTIFICATION AND ADJOURNED AWAITING THE OUTCOME OF THE INVESTIGATION INTO THE CIRCUMSTANCES SURROUNDING THE DEATH.
19/08/2005	THE COMMISSIONER IS INTERVIEWED BY THE NEWS OF THE WORLD THE COMMISSIONER SAID "THE KEY COMPONENT WAS, AT THAT TIME, AND INDEED FOR THE NEXT 24 HOURS OR SO, I AND EVERYBODY WHO ADVISED ME, BELIEVED THAT THE PERSON WHO WAS SHOT WAS A SUICIDE BOMBER (OR A POTENTIAL SUICIDE BOMBER) AND EITHER ONE OF THE FOUR FOR WHOM WE WERE LOOKING, OR EVEN WORSE THAN THAT, SOMEONE ELSE."
09/11/2005	THE COMMISSIONER IS INTERVIEWED BY THE GUARDIAN THE COMMISSIONER SAID "I HAVE NO MEMORY OF KNOWING HIM AS A BRAZILIAN AT ALL; NOW THAT DOES NOT MEAN THAT OTHER PEOPLE DID NOT KNOW OR SUSPECT IT. THIS IS A GIGANTIC ORGANISATION. I'M QUITE CLEAR THAT BY 7.30 AT NIGHT WE STILL HAD NOTHING THAT WAS IDENTIFYING HIM OTHERWISE WE WOULDN'T HAVE BEEN PUTTING OUT THE MESSAGE THAT WE WERE PUTTING OUT. SO I MEAN, THAT'S AN AREA OF DIFFICULTY, AND ONE THAT I WILL HAVE TO EXPLAIN."













THE BODY OF THE DECEASED IS FORMALLY IDENTIFIED

IT IS CONFIRMED BY MR PEREREREIRA AS THAT OF JEAN CHARLES DE MENEZES.

23/07/2005 19:30:00

MR HARDWICK SPEAKS TO MR LEWIS (HOME OFFICE)

IT IS AGREED THAT THE IPCC AND MPS WILL NOT RELEASE ANY FURTHER INFORMATION TO THE MEDIA PRIOR TO THE MEETING SCHEDULED FOR MONDAY 25.07.05

23/07/2005 18:30:00

AC BROWN IS INFORMED OF A RISK OF COMPROMISE TO THE COVERT OPERATION AT 21 SCOTIA ROAD

THIS WAS DUE TO FRIENDS AND RELATIVES OF THE DECEASED BECOMING AWARE OF HIS IDENTITY. AC BROWN THEREFORE REQUESTED THAT THE PREPARED PRESS RELEASE BE ISSUED

23/07/2005 DURING THE AFTERNOON

MPS PRESS RELEASE 6

MPS PRESS RELEASE CLEARED BY GOLD. DPA AWARE OF STATEMENT AND RELEASE. FOR OFFER.

WE BELIEVE WE NOW KNOW THE IDENTITY OF THE MAN SHOT AT STOCKWELL UNDERGROUND STATION BY POLICE ON FRIDAY 22ND JULY 2005, ALTHOUGH HE IS STILL SUBJECT TO FORMAL IDENTIFICATION. WE ARE NOW SATISFIED THAT HE WAS NOT CONNECTED WITH THE INCIDENTS OF THURSDAY 21ST JULY 2005. FOR SOMEBODY TO LOSE THEIR LIFE IN SUCH CIRCUMSTANCES IS A TRAGEDY AND ONE THAT THE METROPOLITAN POLICE SERVICE REGRETS. THE MAN EMERGED FROM A BLOCK OF FLATS IN THE STOCKWELL AREA THAT WERE UNDER POLICE SURVEILLANCE AS PART OF THE INVESTIGATION INTO THE INCIDENTS ON THURSDAY 21ST JULY. HE WAS THEN FOLLOWED BY SURVEILLANCE OFFICERS TO THE UNDERGROUND STATION. HIS CLOTHING AND BEHAVIOUR ADDED TO THEIR SUSPICIONS. THE CIRCUMSTANCES THAT LED TO THE MAN'S DEATH ARE BEING INVESTIGATED BY OFFICERS FROM THE MPS DIRECTORATE OF PROFESSIONAL STANDARDS, AND WILL BE REFERRED TO THE IPCC IN DUE COURSE.

23/07/2005 16:52:00

MPS PRESS RELEASE 7

MPS PRESS RELEASE. FOR OFFER.

THE MAN EMERGED FROM A HOUSE IN TULSE HILL THAT WAS ITSELF UNDER OBSERVATION BECAUSE IT WAS LINKED TO THE INVESTIGATION ON THURSDAY 21ST JULY.

23/07/2005 18:01:00

MPS PRESS RELEASE 8

MPS PRESS RELEASE. FOR OFFER.

WE BELIEVE WE NOW KNOW THE IDENTITY OF THE MAN SHOT AT STOCKWELL UNDERGROUND STATION BY POLICE ON FRIDAY 22ND JULY 2005, ALTHOUGH HE IS STILL SUBJECT TO FORMAL IDENTIFICATION. WE ARE NOW SATISFIED THAT HE WAS NOT CONNECTED WITH THE INCIDENTS OF THURSDAY 21ST JULY 2005. FOR SOMEBODY TO LOSE THEIR LIFE IN SUCH CIRCUMSTANCES IS A TRAGEDY AND ONE THAT THE METROPOLITAN POLICE SERVICE REGRETS. THE MAN EMERGED FROM A HOUSE IN TULSE HILL THAT WAS ITSELF UNDER OBSERVATION BECAUSE IT WAS LINKED TO THE INVESTIGATION ON THURSDAY 21ST JULY. HE WAS THEN FOLLOWED BY SURVEILLANCE OFFICERS TO THE UNDERGROUND STATION. HIS CLOTHING AND BEHAVIOUR ADDED TO THEIR SUSPICIONS. THE CIRCUMSTANCES THAT LED TO THE MAN'S DEATH ARE BEING INVESTIGATED BY OFFICERS FROM THE MPS DIRECTORATE OF PROFESSIONAL STANDARDS, AND WILL BE REFERRED TO THE IPCC IN DUE COURSE.

23/07/2005 18:13:00

MPS PRESS RELEASE 9

MPS PRESS RELEASE. GOLD AND CORONER ARE HAPPY TO RELEASE THE NAME OF THE DECEASED. SIO JOHN PRUNTY (SO13) HAS BEEN MADE AWARE. FOR OFFER.

THE DECEASED MAN HAS BEEN FORMALLY IDENTIFIED AS JEAN CHARLES DE MENEZES, AGED 27 YEARS OLD (DATE OF BIRTH: 07.01.78), A BRAZILIAN NATIONAL. HE WAS NOT CONNECTED TO INCIDENTS IN CENTRAL LONDON ON 21ST JULY 2005 IN WHICH FOUR EXPLOSIVE DEVICES WERE PARTLY DETONATED. AN INQUEST WILL BE OPENED TO ACKNOWLEDGE FORMAL IDENTIFICATION AND ADJOURNED AWAITING THE OUTCOME OF THE INVESTIGATION INTO THE CIRCUMSTANCES SURROUNDING THE DEATH.

23/07/2005 21:28:00

THE COMMISSIONER IS INTERVIEWED BY THE NEWS OF THE WORLD

THE COMMISSIONER SAID "THE KEY COMPONENT WAS, AT THAT TIME, AND INDEED FOR THE NEXT 24 HOURS OR SO, I AND EVERYBODY WHO ADVISED ME, BELIEVED THAT THE PERSON WHO WAS SHOT WAS A SUICIDE BOMBER (OR A POTENTIAL SUICIDE BOMBER) AND EITHER ONE OF THE FOUR FOR WHOM WE WERE LOOKING, OR EVEN WORSE THAN THAT, SOMEONE ELSE."

19/08/2005

THE COMMISSIONER IS INTERVIEWED BY THE GUARDIAN

THE COMMISSIONER SAID "I HAVE NO MEMORY OF KNOWING HIM AS A BRAZILIAN AT ALL; NOW THAT DOES NOT MEAN THAT OTHER PEOPLE DID NOT KNOW OR SUSPECT IT. THIS IS A GIGANTIC ORGANISATION. I'M QUITE CLEAR THAT BY 7.30 AT NIGHT WE STILL HAD NOTHING THAT WAS IDENTIFYING HIM... OTHERWISE WE WOULDN'T HAVE BEEN PUTTING OUT THE MESSAGE THAT WE WERE PUTTING OUT. SO I MEAN, THAT'S AN AREA OF DIFFICULTY, AND ONE THAT I WILL HAVE TO EXPLAIN."

09/11/2005

IPCC STOCKWELL 2 INVESTIGATION
NETWORK CHART OF
KEY INDIVIDUALS
RESTRICTED

NB: RANK AND ROLES SHOWN RELATE
TO POSITIONS HELD ON 22.07.05

METROPOLITAN POLICE AUTHORITY (MPA)



LEN DUVALL
CHAIR
METROPOLITAN POLICE
AUTHORITY



CATHERINE CRAWFORD
CHIEF EXEC. AND CLERK
METROPOLITAN POLICE
AUTHORITY

IPCC



NICK HARDWICK
CHAIR
IPCC



ROY CLARK
DIRECTOR OF
INVESTIGATIONS
IPCC

MUSLIM SAFETY FORUM (MSF)



AZAD ALI
MSF



TAHIR BUTT
MSF

HERTFORDSHIRE POLICE



ROBERT BECKLEY
ASSISTANT CHIEF
CONSTABLE
HERTFORDSHIRE
POLICE

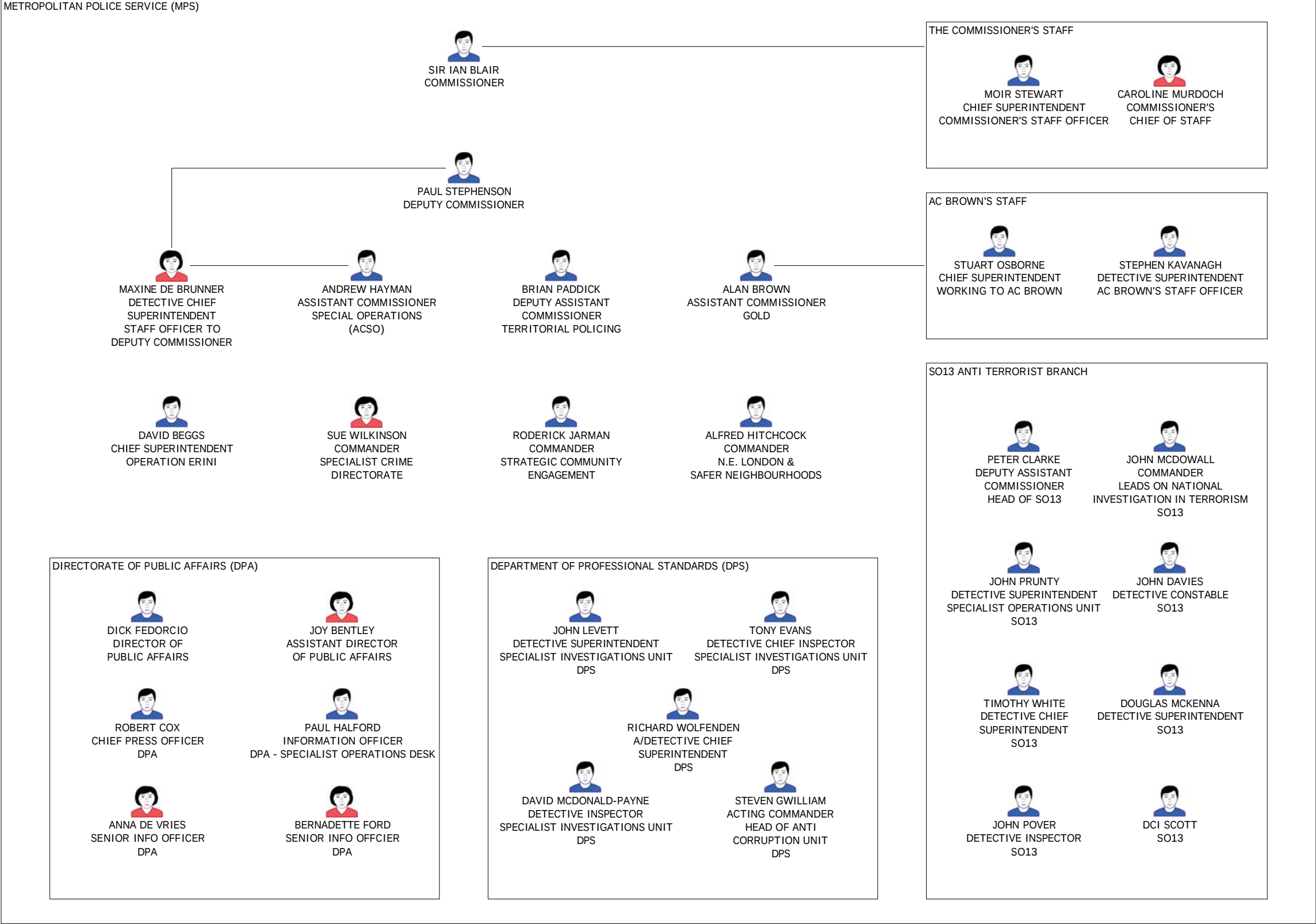


DAVID TUCKER
CHIEF SUPERINTENDENT
NATIONAL COMMUNITY
TENSION TEAM

FOREIGN & COMMONWEALTH OFFICE (F&CO)



JACINTA BANKS
DESK OFFICER
CRISIS MANAGEMENT TEAM
COUNTER TERRORISM POLICY DEPT
FOREIGN & COMMONWEALTH OFFICE



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July 2007

Reference INV/01

Published by the Independent Police Complaints Commission (IPCC)

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ISBN: 978-0-9552083-2-4

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