

Alleged MPS failure to investigate an allegation of serious assault on 29 July 2011

Independent Investigation
Final Report

IPCC Reference: 2011/020109

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Introduction

1. On Friday 29 July 2011 police were called to the Lagoon Hair and Beauty Salon, on Kingsland Road, Hackney E8 ('the salon'). The calls made reference to a man with a firearm and men fighting. On arrival police were informed that a man in the premises had hit another man with a gun ('the serious assault').
2. Police officers who attended the premises found a man, now known to be [REDACTED], with a head injury and took him to hospital. According to police records the man refused to cooperate with police or provide a statement.
3. Investigation of the incident was allocated to Detective Constable (DC) Faulkner under the supervision of Detective Sergeant (DS) [REDACTED], both from Shoreditch police station in the Hackney Borough of the Metropolitan Police Service (MPS).
4. On Thursday 4 August 2011 Mark Duggan was fatally shot by police in Ferry Lane, Tottenham. A non-police issue firearm contained in a sock was recovered from the scene. It has subsequently been established that this handgun was also the one used in the serious assault at the salon.
5. On 21 September 2011 DS [REDACTED] closed the investigation into the serious assault. A subsequent review of the investigation by the MPS identified concerns that the incident was not adequately investigated by DC Faulkner or supervised by DS [REDACTED].
6. On 11 November 2011 the MPS referred the failure to adequately investigate or supervise the incident to the Independent Police Complaints Commission (IPCC). The IPCC decided to independently investigate the matter, and Commissioner Sarah Green had oversight of the investigation.
7. During November 2011, the MPS re-opened the investigation into the serious assault and allocated it to Trident, a branch of the MPS Specialist Crime Directorate.
8. At the end of this report a timeline summarises the key events referred to within the body of the report.

Terms of reference

D4A

9. The terms of reference for the IPCC investigation were:
 1. To investigate the steps undertaken by the police in relation to the investigation of the incident at the Lagoon Hair and Beauty Salon and the supervision of the investigation, including:
 - whether all investigative opportunities were promptly identified and acted upon, and,

- to what extent (if any) any failures in the investigation impacted on or could have impacted on the supply of the non-police issue firearm found at the shooting of Mark Duggan on 4 August 2011.
2. To identify whether any subject of the investigation may have committed a criminal offence and if appropriate make early contact with the relevant prosecuting body.
 3. To identify whether any subject of the investigation may have breached their standards of professional behaviour. If such a breach may have occurred, to determine whether that breach amounts to misconduct or gross misconduct and whether there is a case to answer.
 4. To consider and report on whether there is organisational learning for the appropriate authority, including:
 - whether any change in policy or practice would help to prevent a recurrence of the event, incident or conduct investigated, and
 - whether the incident highlights any good practice that should be disseminated.
- S3 –
S3A
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10. Initially the IPCC investigation focussed on the decision-making of and supervision by the Hackney Borough officers who initially investigated the serious assault on 29 July 2011.
 11. However, the investigation of the serious assault was eventually taken over by Trident, a branch of the MPS Specialist Crime Directorate.
- S15
12. The IPCC received evidence from Trident senior officers that ordinarily the 29 July 2011 incident would not have been investigated by Trident. Therefore, the IPCC has also examined why and when Trident took over the investigation, when Trident first identified a suspect for the serious assault and why Trident did not take over the investigation until November 2011. This included assessing whether the MPS missed any opportunities to locate and seize the non-police issue firearm (the ‘handgun’) before Mark Duggan was shot on 4 August 2011.

Subjects of the investigation

13. During its investigation the IPCC assessed whether there was an indication that any person serving with the police may have committed a criminal offence or behaved in a manner which would justify disciplinary proceedings.
14. On 22 November 2011 the IPCC assessed that there was an indication that two officers may have behaved in a manner which would justify disciplinary proceedings and as a result these two officers were served Notices under Regulation 14A of the Police (Complaints and Misconduct) Regulations 2004 (as amended).

Detective Sergeant [REDACTED]

15. DS [REDACTED] is attached to Shoreditch police station in the MPS Borough of Hackney. On 29 July 2011 he attended the scene of the serious assault and subsequently supervised the investigation into it.
- D13 16. On 7 December 2011 the IPCC served a Notice on DS [REDACTED].
17. In the Notice it was alleged *“that no investigation took place into this allegation between 31 July 2011 and 21 September 2011. You were the officer responsible for supervising the investigation and it is alleged that you failed to ensure that the investigation was conducted in accordance with force policy”*.
18. The IPCC assessed that DS [REDACTED]’s conduct, if proven, would amount to gross misconduct; that is, a breach of the Standards of Professional Behaviour so serious that dismissal would be justified.

Detective Constable Faulkner

19. DC Stephen Faulkner is also attached to Shoreditch police station. On 31 July 2011 DS [REDACTED] allocated the investigation into the serious assault to DC Faulkner.
- D14 20. On 7 December 2011 the IPCC served a Notice on DC Faulkner.
21. In the Notice it was alleged *“no investigation took place into this allegation between 31 July 2011 and 21 September 2011. You were the officer responsible for the investigation and it is alleged that you failed to investigate the allegation in accordance with force policy”*.
22. The IPCC assessed that DC Faulkner’s conduct, if proven, would amount to gross misconduct; that is, a breach of the Standards of Professional Behaviour so serious that dismissal would be justified.
- D181 23. On 26 February 2014 DC Faulkner was served with a second Notice.
24. In the Notice it was alleged that *“The (IPCC) investigation has revealed that on or around the 17 August 2011 you may have told DS [REDACTED] that you had submitted CCTV footage of the incident to the Digital Evidence Unit for circulation. In addition, on 21 September 2011 you recorded in an entry on the crime report that the “CCTV has been downloaded and circulate in order to identify the suspect with a view to searching for the weapon of offence”*.
- On the basis that the IPCC investigation has found no record of the CCTV footage being submitted to the DEU for circulation, there is an indication that you have acted dishonestly by: your alleged notification to DS [REDACTED] that you had submitted the CCTV to the DEU and your*

recording on the crime report of this information - which you knew to be false and misleading”.

25. The IPCC assessed that DC Faulkner’s conduct, if proven, would amount to gross misconduct; that is, a breach of the Standards of Professional Behaviour so serious that dismissal would be justified.

Trident officers

26. Enquiries by the IPCC have established that on 12 August 2011 officers from Trident knew about:
- DNA information which linked the victim of the serious assault on 29 July 2011 with the sock which contained the handgun seized at the scene of the shooting of Mark Duggan on 4 August 2011; and,
 - DNA information which linked the handgun with Kevin Hutchinson-Foster. On 31 January 2013 Kevin Hutchinson-Foster was convicted of assault occasioning actual bodily harm and possession of a firearm with intent to cause fear of violence during the serious assault on 29 July 2011 and of transferring a prohibited firearm to Mark Duggan on 4 August 2011.
27. During its investigation the IPCC assessed whether there was an indication that any person serving with Trident may have committed a criminal offence or behaved in a manner which would justify disciplinary proceedings. However, the IPCC investigation did not find any evidence to support such an indication.
28. As a result the IPCC obtained witness statements from Trident officers regarding their involvement in investigating the serious assault on 29 July 2011. The IPCC also sought to understand from them why and when Trident became involved in investigating the incident.
29. Witness statements were taken from the following Trident officers:
- Detective Chief Superintendent (DCS) Dean Haydon, current head of Trident;
 - Detective Chief Superintendent (DCS) Stuart Cundy, head of Trident at the time of the incident;
 - Detective Superintendent (DSU) Tony Nash, a member of the Trident Senior Management Team (SMT) and Post Incident Manager (PIM) for officers involved in the deployment that led to the fatal shooting of Mark Duggan on 4 August 2011;
 - Detective Chief Inspector (DCI) Mick Foote, the Senior Investigating Officer (SIO) for the operation that led to the fatal shooting of Mark Duggan;
 - DC Thomas Jenkins, the officer who identified the suspect for the

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assault on 29 July 2011; and,

- DS Mark Bedford, an officer who conducted intelligence research which included information about the assault on 29 July 2011.

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30. DSU Donnison worked in Trident at the time of the incident but is now retired. He provided an email response to IPCC questions about his knowledge of and involvement in the investigation into the assault on 29 July 2011. He explained that at the time of his email response he had been retired for 14 months, his answers were purely from his recollection and he did not have access to any police material.

Chronological summary of events: the Hackney Borough investigation

Primary investigation into the serious assault

D7

31. At 7.26pm on 29 July 2011 police were called to the Lagoon Hair and Beauty salon on Kingsland Road, Hackney E8. The calls to police were recorded on Computer Aided Despatch (CAD) record 8962.
32. The callers alleged that a man had attended the premises and was in possession of a firearm. According to one caller the man was *"hitting someone in the face with the gun"* and others described seeing a man with a gun. However others reported that an individual had been stabbed.
33. A number of police units were assigned to attend the incident, including DS [REDACTED] and DC Saunders who were attached to Hackney Borough Criminal Investigations Department (CID).

D2

34. Details of the incident were recorded on the Crime Reporting Information System (CRIS) at Hackney police station under reference number 4620307/11. The reporting officer was PC 545GD McPartlan, who recorded details of witnesses and a summary of the initial investigation.
35. PC McPartlan recorded that the victim, [REDACTED], had sustained a laceration to his head that was *"moderate"*. The officer recorded that witnesses had described a man *"hitting another male with a gun"* and other calls suggested *"that a male had been stabbed"*. Despite a search of the area the suspect was not apprehended.
36. In addition to the victim's details, details of nineteen further witnesses were recorded on the CRIS. Fifteen witnesses had addresses and phone numbers recorded for them on the CRIS report, three had phone numbers only and one had only an address recorded.
37. According to PC McPartlan's entries, witnesses had described a black man entering the shop, producing a black handgun and struggling with the victim. The officer recorded that *"many of the witnesses were quite*

unwilling to help police” and that “a few were slightly more cooperative but were very nervous of being seen to help police”.

38. It is clear from the CRIS that a significant number of these witnesses were not contacted following the assault and invited to make statements.
39. The CRIS shows that a number of forensic exhibits were obtained from the victim and the scene. These included swabs, blood stained clothing and blood samples from the scene.
40. According to the CRIS report, the victim was taken to hospital where he was very uncooperative with police but stated he knew who had assaulted him and that the argument between him and the suspect related to a girlfriend. PC McPartlan noted that the victim refused to go into any detail and refused to cooperate with police in any respect and that it was unclear whether his account was true.
41. The CRIS report showed that the victim’s injuries were assessed as non-life threatening and non-life changing by a doctor at the Royal London Hospital.
42. PC McPartlan described the initial enquiries conducted by police including house-to-house enquiries and identifying possible forensic opportunities.

29 July to 1 August 2011: secondary investigation into the serious assault

43. At 11.22pm on 29 July DS [REDACTED] made his first entry on the CRIS report under the heading “*DS Review*”. He recorded that the injury to the victim should be treated as grievous bodily harm (GBH). DS [REDACTED] recorded that he believed the injuries were not very serious but the review was carried out in case the injuries were more serious than thought at the time.
44. DS [REDACTED] made the following entry on the CRIS report “*The incident involved the victim being hit around the head with an object that may have been a firearm*”. He also described the suspect producing a “*black object*”. DS [REDACTED] recorded that the background to the incident was that the suspect had [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] two years previously.
45. On the CRIS report DS [REDACTED] referred to CCTV from within the premises and a decision being made to secure the scene until the following day to allow an engineer to attend the premises and download the CCTV. The officer listed a number of actions that either had been carried out or awaited action. These included “*forensics, witnesses, CCTV, house to house enquiries and suspect*”.
46. At 11.23pm DS [REDACTED] requested that classification of the allegation

be delayed until he had ascertained the degree of injury sustained by the victim.

47. The CRIS report records that at 12.23pm on 30 July 2011, DS [REDACTED] recorded that he had spoken to the victim who informed him he had a cut lip and a small cut and graze to his head. According to DS [REDACTED] the victim informed him that his injuries did not require gluing or stitching and overall, his injuries were minor. DS [REDACTED] recorded that he reclassified the allegation as actual bodily harm (ABH) on the basis of the victim's injuries.
48. On 30 July 2011 a number of further entries were made on the CRIS report. These related to the closure of the scene and lists of forensic exhibits, including mouth swabs, clothing from the victim and a towel from the salon.
49. At 7.55pm on 31 July 2011 DS [REDACTED] recorded on the CRIS report that the CCTV had been downloaded the previous day, that he had had difficulty viewing it and that the footage should be passed to the Digital Evidence Unit (DEU) for conversion to a viewable format. Once the footage could be viewed images would be circulated.
50. DS [REDACTED] also recorded in the same CRIS entry that he had spoken *"to the victim again who has not changed his mind about making a statement or assisting us further"*.
51. At 8.29pm DS [REDACTED] recorded his Investigative Strategy. This included confirmation that the victim did not want to assist police, a request that the victim's wallet be found and returned to him and a request made to the victim for a DNA sample for forensic comparison.
52. In relation to witnesses DS [REDACTED] confirmed that the key witnesses had provided statements and directed that no more statements be obtained until the CCTV from the venue had been viewed and circulated. He directed that the CCTV be passed to the DEU for stills from the footage to be circulated. 'Circulation' refers to the process of CCTV stills being published on the MPS intranet, either locally or across the MPS, for officers to view.
53. Separate entries on the CRIS report referred to the suspect as unknown and an instruction to obtain a DNA profile from what was believed to be the suspect's blood which had been recovered from the venue.
54. At 8.30pm DS [REDACTED] changed the investigating officer's details from himself to DC Faulkner. This was acknowledged by DC Faulkner on 1 August 2011 at 1.50pm.
55. On 1 August 2011 the allegation of ABH was confirmed on the CRIS by PC Waldron in the Crime Management Unit.

56. According to DC Faulkner's duty record on 1 August he completed his working day at 4.00pm. On 2 August he worked eight hours, on 3 August he worked 21 hours on a pre-planned arrest operation and on 4 August he worked from home with no access to CRIS.

4 August 2011: Mark Duggan was fatally shot by police

57. At 6.13pm on 4 August 2011, Mark Duggan was shot by police.
- S11
S12 58. In statements provided to the IPCC, two firearms officers (referred to as R31 and Z51) described finding what appeared to be a self-loading pistol in a black sock lying in a grassed area about ten feet from Mark Duggan.
- S10 59. In a statement, DC Payne, an MPS exhibits officer attached to the Directorate of Professional Standards, described attending the scene of the shooting at about 8.30pm on 4 August 2011. Among the exhibits he seized were the following:
- one black handgun (referred to as JMA/1), and,
 - one black sock (referred to as JMA/2).
60. DC Payne described how the handgun was inside the sock and was on a grassy area behind the footpath in Ferry Lane. He described the continuity of these exhibits which were deposited at a forensic science laboratory on 8 August 2011.
- S9 61. Saranjeet Khera was a forensic scientist with the Forensic Science Service and provided a statement to the IPCC on 21 September 2011 regarding her examination of DNA profiles created from material obtained from the handgun and the sock.
62. In her statement Ms Khera described how a DNA profile extracted from the handgun (JMA/1) matched DNA from Kevin Hutchinson-Foster's held on the National DNA Database. Ms Khera also described in her statement how a DNA profile extracted from the sock (JMA/2) matched DNA from the victim, [REDACTED], held on the National DNA Database.
- D2 63. On 8 August 2011 DS [REDACTED]'s line manager, Detective Inspector Suddick, made an entry on the CRIS report requesting an update on the investigation into the assault. However, there was no meaningful update recorded on the CRIS until 21 September 2011 when DC Faulkner asked for the CRIS report to be closed.

Hackney CID context in August 2011

- S3 64. Detective Superintendent Lloyd Gardner was the head of Hackney CID between April 2010 and November 2011 and provided a statement to the IPCC in which he described the impact on CID of civil disorder in Hackney in August 2011. DSU Gardner stated that Hackney saw its first outbreak

of disorder on 8 August 2011 and reported that the focus of the disorder was attacks on police rather than mass looting.

65. DSU Gardner stated that during the disturbances Hackney recorded 179 crimes and logged 850 CAD messages. He added that four police officers and a pensioner received injuries amounting to Grievous Bodily Harm and 26 other police officers were assaulted.
66. DSU Gardner described how he set up a team of 30 detectives to investigate the disorder and stated that this impacted on the day to day core business of the CID. He added that *"Following the disorder officers in Hackney (and across the MPS) worked extensive hours (generally 12 hour days) for weeks on end with no time off. I have 24 years service and have never witnessed the demand placed on officers as we experienced the 6-8 weeks following the disturbances"*.

24 August to 21 September: secondary investigation into the serious assault

D4

67. At 8.22pm on 24 August 2011 DS [REDACTED] made an entry on the CRIS report under 'supervision' which stated *"The OIC [officer in the case] has not updated this report and is now at court. If possible some of the actions will be progressed in his absence. OIC to update asap on his return"*.
68. At 2.59pm on 1 September 2011 DS [REDACTED] made a further entry on the CRIS stating *"as above"*, which appears to relate to the entry on 24 August 2011.
69. At 5.45pm on 19 September 2011 DS [REDACTED] made a further entry stating *"OIC spoken to and asked to update"*.
70. At 12.01pm on 21 September 2011 DC Faulkner recorded seeking authority for the CRIS report to be closed owing to the victim's lack of cooperation, refusal to make a statement or to provide the identity of the suspect(s) and refusal to participate in any identity parade should an arrest be made. DC Faulkner also noted that the victim's girlfriend was connected to the suspect and was also unwilling to progress the matter.
71. As part of DC Faulkner's entry requesting closure of the CRIS report he also recorded having completed the following: *"CCTV has been downloaded and circulated in order to identify the suspect with a view to searching for the weapon of offence"*.
72. At 12.22pm on 21 September DS [REDACTED] authorised closure of the investigation citing the victim's lack of cooperation. His last entry read *"Complete"*.

3 November: Trident reviewed evidence from the Hackney

Borough investigation

S30 - 34
S20

73. On 3 November DC Jenkins, a Trident officer, reviewed evidence from the closed investigation as a result of separate enquiries being conducted by Trident which are addressed in detail later in this report (see paragraphs 86 - 98).
74. DC Jenkins identified the suspect for the 29 July 2011 incident by viewing the CCTV footage from the salon. Trident officers then reviewed the investigation completed by Hackney officers and concerns were raised that a number of actions had not been completed. As a result, on 4 November Trident officer DCI Foote informed DSU Gardner about the concerns and it was agreed that DSU Gardner would review the investigation over the weekend.
75. On 7 November 2011 the CRIS report was re-opened by DI Suddick who conducted a review of the previous investigation. According to DI Suddick this was as a result of a request from DSU Gardner that he review the CRIS.
76. DI Suddick's review identified a number of apparent shortfalls in the Hackney investigation. These included failing to trace witnesses, a lack of clarity relating to CCTV parameters and an absence of intelligence checks. DI Suddick concluded his review by stating *"The main failing is simply the lack of informed updates from Monday 1 August to mid September"*.
77. On 9 November 2011 an entry on the CRIS report records that Trident had taken over the investigation. It was also recorded that an officer from Trident had viewed the CCTV from the salon and recognised the suspect for the assault. The CRIS entry stated *"this CCTV shows the suspect at one point actually producing the gun and pointing it at the victim"*.
78. On 16 November 2011 Kevin Hutchinson–Foster was charged with:
 - possessing a firearm with intent to cause fear or harm
 - actual bodily harm (in relation to the assault at the salon)
 - transferring a prohibited weapon.

IPCC investigation of the Hackney Borough investigation

S6

79. As part of the IPCC investigation Acting DI Port conducted local intelligence research into Kevin Hutchinson–Foster. He confirmed that between 2009 and 2011 he was not a prominent suspect for criminality in Hackney and there was little information about him on the MPS systems.
80. The IPCC investigation has investigated whether the CCTV was *'downloaded and circulated'* as suggested by DC Faulkner in his CRIS

report entry which led to the closure of the Hackney investigation.

S13

81. DC Stallabrass was employed in the Digital Evidence Unit at Hackney and provided a statement to the IPCC. He described the process for submitting digital footage of persons of interest to the DEU and confirmed that the imagery was sent either electronically to the DEU email inbox or physically in the case of computer discs and the like. DC Stallabrass stated that in either case *“a bespoke Microsoft InfoPath request form”* is completed.
82. DC Stallabrass stated that he checked the DEU database for submissions of digital imagery by either DS [REDACTED] or DC Faulkner between 29 July and 21 September 2011 and confirmed that during this period no submissions were made by either officer in relation to the serious assault at the salon.

S29

83. Following the Inquest into the shooting of Mark Duggan and the second misconduct interview with DC Faulkner, DC Stallabrass provided a further statement to the IPCC. In this statement DC Stallabrass confirmed that in August 2011 it was possible for officers to enter the DEU unsupervised and use the equipment.
84. He confirmed that the form 7A was used to circulate images of crime suspects. Its use was suspended in the summer of 2012. He described how it was possible for an officer competent in the use of the equipment in the DEU to circulate images on Hackney borough and force wide and how the officer could cut and paste selected images onto the form 7A and forward the form and the images to a ‘Metcu/Circulation Requests Inbox’.
85. DC Stallabrass described how one of the main issues with the system was the time it took to circulate images. He stated that this would normally take three or four weeks.

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86. A number of statements were also obtained by the IPCC from DC Jenkins detailing his attendance at Stoke Newington police station on 3 November 2011. In his statements DC Jenkins confirmed that he attended the police station during the morning and took possession of exhibit STF/1 (x2 discs of CCTV footage) from DC Faulkner, STF being the initials of DC Faulkner.
87. The discs contained CCTV covering two incidents where Kevin Hutchinson-Foster had entered the premises at different times.
88. DC Jenkins recalled that the discs were together in one evidence bag but could not recall if they were individually boxed or sleeved within the exhibits bag. DC Jenkins felt sure the exhibits bag was sealed. DC Jenkins recollection that the exhibit bag was sealed was reinforced as he booked the exhibit into the property store at West Hendon police station and he *‘would definitely not have done that if the bag had not been*

sealed'. DC Jenkins noted that the exhibits bag he had taken from DC Faulkner was sealed in bag number MPSA17634471 and was booked into the property register at West Hendon under this number.

89. In addition DC Jenkins described DC Faulkner giving him a '*working copy of the discs*'. He was unable to recall if they were in individual boxes or sleeves. He believed they may have been loose in a different unsealed exhibits bag. DC Jenkins viewed the working copies of the discs whilst at Stoke Newington DEU and he confirmed they showed footage from within the salon. He stated that DC Faulkner handed him a further disc which he said contained '*stills that he had taken from the CCTV*', and that he recalled DC Faulkner telling him '*that he had made these stills in order to circulate the suspect*'. DC Jenkins was unable to recall whether DC Faulkner said whether he had already carried this out or not.

D195
D190

90. In a further statement DC Jenkins confirmed that he had taken possession of a total of five discs as follows:
- The original exhibit labelled STF/1 (i.e. two discs) and sealed in bag number MPSA17634471 (Original Exhibit Discs)
 - Two working copy CD's of STF/1. (Working Copy Discs)
 - One disc containing stills taken by DC Faulkner from STF/1. (Stills Disc)
91. DC Jenkins was unable to recall whether he and DC Faulkner viewed the stills from the discs or from images stored on DC Faulkner's AWARE account. He recalled seeing a small number of stills, '*possibly two*'.
- D196
92. On the exhibit bag label the contents are described as '*CCTV from Lagoon hair and Beauty, 546 Kingsland Road E8*'. Having examined the exhibit bag DC Jenkins was able to say that the exhibit bag was sealed when he took possession of it. The label also had CRIS 4620307/11 written on it. DC Jenkins confirmed that other writings on the bag were created as part of the Operation Trident property recording processes.
93. DC Jenkins confirmed that a strip of evidence bag sealing tape across the front of the bag containing the Original Exhibit Discs and dated 24 November 2011, was used to reseal the bag following investigations by Trident into Kevin Hutchinson – Foster. He stated that he could not remember what DC Faulkner said to him regarding the Working Copy Discs.
94. The evidence bag is signed by DC Faulkner and records the Original Exhibit Discs being taken and sealed by DC Faulkner on 30 July 2011. There is an entry on the exhibit bag label referring to Form 66/167/11 (Property register). The relevance of this is dealt with by Mark Simkins in paragraph 99.
95. DC Jenkins confirmed that an examination of the properties of the disc containing the stills showed that the files thereon were created on 3

November 2011 although he did not recall seeing DC Faulkner create the files.

96. He further confirmed that the disc containing the images had the following written thereon:
'CRIS 4620307/11, Images for circulation Lagoon Hair and Beauty, 546 Kingsland Road, E8'
97. DC Jenkins was asked to comment on DC Faulkner's assertion in his pre interview statement that DC Jenkins was aware of the modification date of the images on the disc and that DC Faulkner had been able to view the disc on the shared computer in the DEU viewing room and select images.
98. In respect of this DC Jenkins repeated that from what DC Faulkner had said to him he believed the stills had been created during the Hackney police investigation into the assault at the salon. DC Jenkins went on to say that he did not recall whether DC Faulkner had told him when he had burnt the images to the Stills Disc or whether he had given any thought during November 2011 as to when the Stills Disc had been produced. He confirmed that the first time he was aware of the creation date being the 3 November 2011 was when the properties of the Stills Disc were examined when DC Jenkins met with the IPCC.
- S31 99. A statement was obtained from Mark Simkins a Criminal Exhibits Store Manager at Stoke Newington police station. In the statement he confirmed that he conducted a search of the property booking in register during the relevant period and could find no trace of the Original Exhibits discs containing the CCTV footage. He also confirmed that there was no entry for exhibit bag seal number MPSA17634471. There were however entries relating to clothing in respect of the investigation.
100. Mr Simkins attempted to obtain a copy of the Form 66/167/11 (the Property Register). His enquiries revealed that all the records for the Property Register for 2011 could not be located. According to Mr Simkins all the Form 66's were processed electronically in 2011 and the data was lost when computer systems were upgraded.
101. The IPCC submitted the Working Copy Discs containing the CCTV footage from the Lagoon Hair and Beauty salon and the Stills Disc containing the images for forensic examination. Mr Stephen Cordon, a specialist forensic computer examiner, provided a statement as to his findings. In his statement Mr Cordon confirmed that the Stills Disc marked *'CRIS 4620307/11, Images for circulation Lagoon Hair and Beauty, 546 Kingsland Road, E8'* was created at 10:56 on 3 November 2011 and contained five image files. The image files were created on a computer at the following times:
03/11/11 09:46:09
03/11/11 09:46:38

03/11/11 09:47:22

03/11/11 09:49:41

03/11/11 09:50:24

They were then burned onto the Stills Disc at 10:56

102. Mr Cordon went onto confirm that the two discs marked Copy of Disc 1 + 2 Lagoon Hair + Beauty 546 Kingsland Road E8 (the Working Copy Discs) each contained two folders containing identical movie files. According to Mr Cordon the folders were created on a computer from which the Working Copy Discs were burned at the following times:

Working Copy Disc 1: 03/11/11 08:12:20

Working Copy Disc 2: 03/11/11 08:12:16

103. The folders were then burned onto both Working Copy Discs on 3 November 2011 at 09:19
104. Mr Cordon concluded that the properties of the second disc were identical to the first.
105. To summarise, from the evidence of Mr Cordon the Working Copy Discs were created at 9:19am on 3 November 2011 and the Stills Disc was created at 10:56am on 3 November 2011.

Misconduct interviews with Hackney Borough officers

D19

106. Prior to the misconduct interviews with DC Faulkner and DS [REDACTED], the IPCC obtained an audit report showing all activity that occurred on the CRIS report relating to the investigation into the assault in the salon. This audit report shows each time an officer viewed or updated the report.

Detective Constable Faulkner

D31
X4

107. On 22 February 2012 DC Faulkner was interviewed under misconduct caution at IPCC offices. Prior to interview he provided the IPCC with a prepared statement. DC Faulkner also gave evidence at the Inquest into Mark Duggan. The following information was provided in DC Faulkner's statement, during interview or in his evidence to the Inquest.
108. DC Faulkner joined the Metropolitan Police Service in 2004 and had spent the majority of his service on Hackney Borough investigating crimes.
109. DC Faulkner explained that he attended the incident at the salon with DS [REDACTED] and another officer. He recalled that the victim was "*anti police and obstructive*". He stated that a large number of people who had

been present at the incident or working nearby refused to provide their details or make any statement.

110. DC Faulkner recalled that there was some suggestion the assault had occurred as a result of a [REDACTED] [REDACTED] and the victim initially refused to give details of his girlfriend. DC Faulkner stated that in due course he understood that she had been spoken to overnight.
111. DC Faulkner recalled that the girlfriend refused to provide the name of any suspect and, according to DC Faulkner, was lying and gave a false description of the suspect. DC Faulkner said that as far as he was aware various intelligence checks failed to provide details of a suspect.
112. DC Faulkner acknowledged accepting responsibility for investigating the crime at the salon. This is recorded on the CRIS audit as occurring at 1.50pm on Monday 1 August 2011. He said he read the investigation strategy and agreed that he had either viewed or updated the CRIS entry on 1, 2 and 19 August (as shown by the CRIS audit report).
113. In his evidence at the Inquest DC Faulkner said that at the time when he read the CRIS on 1 August it had been confirmed as an allegation of ABH.
114. He confirmed to the court that he had said in his prepared statement that he either viewed or updated the CRIS on 1 August or 2 August and confirmed there was a record of him doing this on the CRIS audit. He admitted that he had not made an entry on the CRIS record itself of him doing so.
115. DC Faulkner told the Inquest that he spoke to the victim on 2 August following a request from DS [REDACTED]. During this conversation DC Faulkner said that he encouraged the victim to provide a statement as to what had occurred at the salon. He said that he told the victim that if he did not want to provide a statement to give him a name of the assailant and he would progress the investigation based on the CCTV and what it showed. DC Faulkner told the court that the victim refused to cooperate and was *'quite adamant he didn't want to assist at all'*.
116. In interview and in his evidence to the Inquest DC Faulkner described his work commitments during this period. He stated that he completed his tour of duty at 4pm on 1 August. According to him that gave him two hours to review the matter, retrieve the CCTV and familiarise himself with the circumstances of the original incident.
117. He stated that the following day (2 August) he was heavily involved in dealing with other crimes that had occurred during the previous weekend and he considered that, as an ABH, the allegation at the salon was a comparatively low level offence compared to some of those he dealt with.
118. DC Faulkner explained that between 29 July and 4 August he had seven

other investigations to deal with: three common assaults, one sexual assault, one ABH in a hospital, one assault he had taken over from another officer and one GBH investigation he was assisting with. According to DC Faulkner on 31 July there were also four crime scenes to be investigated.

119. DC Faulkner stated that on 2 August he updated three CRIS reports and prioritised a number of enquiries emanating from other CRIS reports. He explained that in two cases the allegations were being investigated by other officers who were on leave. DC Faulkner also described having responsibilities as a family liaison officer following a serious assault.
- D48-49 120. DC Faulkner also stated that on 3 August he completed a 21 hour tour of duty engaged on a gang initiative, finishing at 6am on 4 August. This is supported by emails submitted to the IPCC after the interview which show DC Faulkner being posted to an operation between 8am on 3 August and 5.30am on 4 August.
121. DC Faulkner worked from home on 4 August and was then on leave until 8 August. Between his return to work on 8 August and 19 August DC Faulkner stated he was dealing with a “vast” number of prisoners who had been arrested during the civil disturbances.
122. DC Faulkner also described that, in addition to dealing with investigations arising from the riots, he was required to complete 25 actions raised by the Crown Prosecution Service (CPS) on 5 August in advance of the R v D a trial into offences of blackmail, kidnap and GBH which was due to start on 22 August. The trial concluded on 31 August and DC Faulkner stated that he attended every day before going on leave. Following the interview DC Faulkner submitted 59 emails (dated 1 June to 1 September) to the IPCC to support his account of the pre-trial enquiries he conducted during this period.
123. DC Faulkner had leave booked on 20 and 21 August, between 27-29 August and between 1-11 September.
124. DC Faulkner stated that this period of “*unprecedented stress*” distracted him from staying on top of his existing workload.
125. On 13 September DC Faulkner stated he was at court on another case, was on leave during 17-18 September and returned to work on 20 September when he dealt with an individual suspected of GBH.
- D32 126. In a further written statement presented during the interview DC Faulkner stated that he was not at work for 21 days between 5 August and 21 September. Between 8-19 August he stated he was dealing with riot related cases and urgent CPS pre-trial enquiries (11 days). Taking into account his other commitments during this period he believed that these substantially accounted for 43 of the 47 days between 5 August and 21 September. DC Faulkner also stated that the other cases detailed above

took up most of his working time between 31 July and 4 August.

127. DC Faulkner stated that he updated the CRIS report on 19 and 21 September 2011 when it was closed by DS [REDACTED]. This is confirmed in the CRIS audit obtained by the IPCC.
128. The CRIS report showed that the first entry on the CRIS details section made by DC Faulkner was on 21 September 2011 when he sought authority for the CRIS to be closed.
129. DC Faulkner said that on 21 September he revisited the CRIS relating to the assault at the salon when he *“established the continued unwillingness of the alleged victim to co-operate”*. He stated that he downloaded the CCTV with a view to circulating the images.
130. According to DC Faulkner at some point between 2 August and 21 September he identified the best two images from the CCTV. He stated that he did this for DC Jenkins when he attended Hackney police station to collect the case papers. When he made the entry on the CRIS on 21 September asking for the investigation to be closed, he believed that appropriate steps had been taken to circulate the CCTV but acknowledged that this may not have been the case.
131. DC Faulkner described the procedure for circulating relevant imagery via the DEU as a *“comparatively simple task”*. He stated that if he had forwarded the CCTV on 1 August it would have not have been circulated throughout the MPS before 7 August at the earliest. This was because the offence under investigation was an ABH and therefore was lower in priority than others. DC Faulkner also commented on the delay the civil disorder may have had on circulating the CCTV footage.
132. DC Faulkner stated that the only way for the suspect to be identified was via the CCTV circulation process. He stated that he was unaware whether other MPS departments (e.g. Trident) had any interest in Kevin Hutchinson-Foster.
- D33 133. Following the conclusion of his interview DC Faulkner was asked to answer three further questions which he did in a statement dated 6 March 2012.
134. He stated that it was his belief that he had gone to the DEU between 2 August and 21 September to view the images from the CCTV. However, DC Faulkner said he now had to recognise and accept that although he thought he had done this, he had not done so as there was no evidence of a submission to the DEU having taken place.
135. DC Faulkner also stated as follows: *“I did not at any stage inform DS [REDACTED] that I had done this specifically, but would accept that he would be entitled to believe from the entry on 21 September that it had been done. I cannot now recall whether we ever had a specific*

conversation about this, but I have no distinct recollection of telling him that I had done it at any time, or of him asking me if that had been done”.

136. DC Faulkner conceded that he had not made an entry on the CRIS details screen each time he viewed or updated the CRIS but owing to *“the pressures of time under which we often work and particularly during this period even cursory entries are not recorded”*. DC Faulkner conceded that he failed to adequately update the CRIS at times and apologised, acknowledging that with hindsight there was *“a degree of failing on my part in this regard”*.
137. According to DC Faulkner, on 3 November 2011 the investigation was taken over by Trident officers and all the case papers and CCTV were transferred to them.
138. DC Faulkner concluded his statement by conceding that between 31 July and 21 September the extent of any investigation into the alleged assault was limited, but repeated that his workload had affected his ability to deal with this investigation. DC Faulkner cited the lack of cooperation from the victim and few, if any; evidential leads other than the CCTV.
139. DC Faulkner stated that police officers are taught to prioritise their work and that *“it simply was not a crime which ever made it to being anywhere near the top of my list of priorities during this period”*.
140. DC Faulkner also described the *“inherent tension”* between the Standard Operating Procedures for the Investigation of Crime and the *“reality of working life”* particularly when the crime in question is of low priority as was the alleged assault at the salon. DC Faulkner added that this was particularly so when other events (e.g. the riots and the pre-trial enquiries) intervened.
141. In interview DC Faulkner was asked whether he had raised his concerns about his workload with DS [REDACTED], and if not why not. DC Faulkner refused to answer this question.
- D181
X15 142. On 13 March 2014, following the service of the second Notice on DC Faulkner, DC Faulkner was interviewed under misconduct caution again.
- D182 143. Prior to the interview commencing DC Faulkner provided a prepared statement. In the statement DC Faulkner described how between 8 to 19 August 2011 he ‘must have had a conversation with DS [REDACTED] in which he made it clear that the CCTV footage from the salon could not be viewed on an ordinary MPS computer and he requested that *‘I have it viewed with a view to submitting any good footage/still, which may assist the investigation’*.
144. DC Faulkner further described how at that time anyone could go to the DEU and use their equipment. He went to the DEU, viewed the CCTV, retrieved what he considered to be the best still from the footage of the

suspect and completed a form 7A having cut and pasted a suitable image onto the form. DC Faulkner described how this *'would have taken no more than three or four key strokes on the computer to prepare the form and submit it and it was my belief I had done that'*.

145. He also described how he had decided to circulate the imagery on an MPS wide basis as opposed to locally. He explained that he made this decision as circulating the imagery locally would have limited the exposure of the imagery to fewer officers.
146. In his statement DC Faulkner said that he believed he was on annual leave on 17 August 2011.
147. DC Faulkner stated that he did not know on what date he had the conversation with DS [REDACTED] or the date he completed the form 7A.
148. In his statement DC Faulkner said that *'With the benefit of mature hindsight I can now see and accept that I should have made an entry on the CRIS to the effect that I had done that. There was no audit trail or receipt which was created at the DEU by me in performing this task, and in the absence of any evidence to confirm that I did submit the Form 7A coming to light since, I have to regrettably accept that it may be I did not do this properly, and if I failed in the submission through not doing this properly at the time, I can only apologise. It was however my genuine belief at all times that I had distributed a still from the footage in this way'*.
149. DC Faulkner described that the CRIS entry on 21 September 2011 seeking authority to close the investigation *'is no more than a reflection of the fact that I genuinely believed that the CCTV had been downloaded and circulated in order to identify the suspect'*.
150. He denied creating a *'deliberately misleading or false entry'* on the CRIS and described how he had been open in his discussions with other officers about what he thought he had done.
151. DC Faulkner stated that he stood by his previous written responses and denied acting in any way which lacked honesty and integrity. He accepted that that as a result of the IPCC investigation into this particular area, he had been able to come to a proper appreciation and acceptance that it appeared he had not submitted the imagery. He described *'learning a difficult and valuable lesson in this regard'* and acknowledged that it would have been preferable to have made a CRIS entry particularly as there was no receipt or audit trail created in relation to his activity in the DEU.
152. DC Faulkner repeated how busy he had been at the time. He also denied that the entry on the CRIS dated 21 September 2011 represented *'any lack of integrity or honesty'* on his part. He denied deliberately misleading

a supervisor or creating a false entry on the CRIS.

153. DC Faulkner refused to answer any questions put to him during interview.
154. Prior to the interview commencing DC Jenkins statement was disclosed to DC Faulkner. DC Faulkner provided a second written statement. In this statement DC Faulkner described how there were two separate occasions when he viewed the disc containing the footage from the beauty salon. He described the disc as being marked STF/1. He confirmed that the first occasion was when he attended the DEU offices and copied one image to the form 7A. The second occasion was when he created a further disc from STF/1 with what he believed to be two images of Kevin Hutchinson – Foster. He described how both discs were handed to DC Jenkins and taken away by him.
155. DC Faulkner continued to refuse to answer any questions put to him. He provided a third statement during the interview. In this statement he explained how STF/1 was the original disc from the beauty salon and the disc from which he took the image for the form 7A. He confirmed that he only met DC Jenkins on one occasion and that the reference to STF represented his initials.
156. On 23 April 2013, following his second interview DC Faulkner was asked by letter to answer the following questions:
- Where did you save the stills that you copied from the CCTV footage?
- Do you still have them saved, if so where?
- If you do not have them saved what did you do with them?
- D192 157. On 12 June 2014 the IPCC received a further statement from DC Faulkner via his solicitor. In the statement DC Faulkner said he could not remember if the images were saved on his AWARE computer. He said that he was told by the IPCC not to access his AWARE account following the service of his first notice. He repeated that he recalled cutting and pasting the best image from the CCTV to the form 7A and *'as to how successfully that was done, and what happened thereafter, I have previously dealt with that in my previous interviews'*.
- S37
S38 158. DC Gary Hankey is the Network Investigator for the Metropolitan Police Directorate of Professional Standards High Tech Crime Unit and provided a statement to the IPCC.
159. Following DC Faulkner's second misconduct interview the IPCC requested access to his AWARE account for the period June 2011 to November 2011. In his statement DC Hankey detailed how this was obtained and described how the restoration for July 2011 had failed as the tape containing the data for that period had become damaged and was not recoverable.

160. He stated that on 11th June 2014 together with the IPCC investigator, he described how he was shown the working copy of the DVD containing the five images. He noted that each image had the identity beginning CAM3 29072011 followed by a reference number.
161. DC Hankey described how he ran a search across all the data using the following search criteria:
- CAM3 – Result no data recovered
 - Lagoon - Result no data recovered
 - 4620307/11 (i.e. the CRIS number) - Result no data recovered
 - 4620307 - Result no data recovered
 - CRIS 4620307/11 - Result no data recovered
 - ██████████ - Result no data recovered
 - 18/02/1982 (i.e. Mr ██████████'s date of birth) - Result no data recovered
 - 18/02/82 - Result no data recovered
 - Kingsland - Result no relevant data recovered
 - ██████████ - Result no relevant data recovered
 - Gif/Tif/Jpeg (i.e. image formats) - Result no relevant data recovered
162. In two further statements DC Hankey described using further specialist software to carry out keyword searches across DC Faulkner's AWARE account and not recovering any relevant data.
163. Therefore, the IPCC investigation has not acquired any evidence that the CCTV stills were downloaded onto MPS computer systems through DC Faulkner's AWARE account.

Detective Sergeant ██████████

D30
x5

164. On 22 February 2012 DS ██████████ was interviewed under misconduct caution at IPCC offices. Prior to interview he provided the IPCC with a prepared statement. DS ██████████ also gave evidence at the Inquest into Mark Duggan. The following information was provided in DS ██████████'s statement, during interview or in his evidence to the Inquest.
165. DS ██████████ confirmed he has been a police officer for ten years. He attended the scene of the alleged ABH with other officers including DC Faulkner.
166. In his evidence to the Inquest, DS ██████████ described how he was on duty at Shoreditch Police Station on 29 July 2011. He learnt of an incident at the salon as a result of radio communications. DS ██████████

described hearing a number of calls which he believed described a shooting having taken place. Similar calls described the incident as being a stabbing and *'everything in between'*.

167. On arrival at the salon DS [REDACTED] was briefed by the duty Inspector and then took charge of the investigation. According to DS [REDACTED] he directed various actions including hospital, CCTV, forensic, and witness enquiries. DS [REDACTED] said he did not meet the victim who had already gone to hospital when he arrived. DS [REDACTED] said he had believed he was dealing with a GBH but following information as to the victims injuries from the hospital this changed to him believing he was dealing with an ABH. DS [REDACTED] said he was told that the victim had spoken about the incident at the hospital but refused to make a statement. DS [REDACTED] explained that he raised an action for staff on night duty to speak to the victim's former partner.
168. In evidence to the Inquest DS [REDACTED] explained how none of the witnesses spoken to were able to name who the assailant was. He agreed there had been a reference from the outset that a firearm had been produced and that the victim had been hit round the head with a firearm. He also agreed that many of the witnesses had said that they heard someone shout *'gun'* and went to the rear of the shop to take cover.
169. DS [REDACTED] described how the victim was not cooperative however he had disclosed to police that his assailant [REDACTED]. This was two years previously and had resulted in their break up and bad feeling between them. DS [REDACTED] went on to say that the victim refused to make a statement about what had happened or to provide police with medical consent to obtain details as to his injuries.
170. DS [REDACTED] said in evidence that the victim did provide them with the name of his former partner who was a potential source of information. According to DS [REDACTED], other than this disclosure the victim was *'effectively uncooperative'*.
171. DS [REDACTED] told the Inquest that he sent officers to speak to the woman. They reported back to him and informed DS [REDACTED] that the woman was Mr [REDACTED]'s ex girlfriend. She said that she did not know Mr [REDACTED] had been assaulted and apparently looked shocked at this. She described to police how Mr [REDACTED] had been very jealous and had assaulted her three years previously. She stated that he (Mr [REDACTED]) was called [REDACTED] [REDACTED] and that she had not seen him since they split up three years previously. Enquiries by the officers on police databases failed to link [REDACTED] [REDACTED] with the victim's ex girlfriend and the officers formed the view that she *'may well have been lying about his surname'*.
172. DS [REDACTED] told the Inquest that police did not need a victim of crime to agree to press charges or to cooperate. DS [REDACTED] said that whilst this made investigating an allegation of crime harder, police can

continue with an investigation without the victim's cooperation.

173. In interview DS [REDACTED] he believed that the victim had sustained his injuries by being hit over the head with an object that may have been a firearm. He based this on information he had received at the briefing and what witnesses had said they had seen.
174. According to DS [REDACTED] he could never have been absolutely satisfied that the victim had been beaten with a firearm. He was informed that it was a possibility that the victim had been assaulted by a firearm, something resembling a firearm or a heavy metal object. He agreed that this was why the CCTV was "*crucial*".
175. In the statement DS [REDACTED] described how he believed he had acted promptly and appropriately in relation to the initial investigative strategy and the appointment of an investigating officer. He stated he was proactive in attending the scene, liaising with scenes of crime officers, speaking with the victim and dealing with other matters in relation to the initial stages of the investigation. DS [REDACTED] says he was informed that there were some ten witnesses, two of whom were identified as key witnesses. DS [REDACTED] directed that statements be obtained from them. DS [REDACTED] stated that house to house enquiries were carried out.
176. DS [REDACTED] stated that the assault was assessed to be an offence of assault occasioning actual bodily harm (ABH) based on the Home Office counting rules which classify crimes for statistical purposes. Kevin Hutchinson-Foster was subsequently convicted of ABH in relation to the assault which supports this classification. No firearm flag was attached to the crime report.
177. DS [REDACTED] says this classification of the incident was approved by his managers and the Crime Management Unit, and he was never challenged about this nor about his ultimate determination that the CRIS should be closed on 21 September 2011.
178. DS [REDACTED] said that he was informed by either the Inspector or sergeants that there was no council CCTV, but there was CCTV within the salon itself. DS [REDACTED] said no other CCTV was brought to his attention.
179. DS [REDACTED] explained that the CCTV could not be downloaded by the engineer until the following day, and DS [REDACTED] said that the CCTV was "*critical*" to the investigation.
180. DS [REDACTED] stated that he decided to protect the salon as a crime scene overnight until the CCTV could be downloaded the next day. According to DS [REDACTED] this was not a popular decision as an ABH did not warrant it. Notwithstanding this DS [REDACTED] believed it was important to secure the CCTV as soon as possible.

181. DS [REDACTED] stated that he did not do anything about other CCTV that may have been available at the Scooter Den premises nearby as they were closed.
182. DS [REDACTED] said that at 10am on 30 July he briefed Supt Stone about the case. DS [REDACTED] said that Supt Stone decided that he did not want firearms flag attached to the crime.
183. In his evidence to the Inquest DS [REDACTED] explained that Supt Stone was the senior officer who had overall supervision of the crimes that had been recorded during the night of 30 July. At the briefing the incident at the salon was determined to be ABH because the victim had sustained relatively minor injuries.
184. The IPCC has made contact with Supt Stone who is now retired. Supt Stone said that he does not remember telling DS [REDACTED] to remove the firearms flag from the CRIS report. More information on this issue is provided in paragraph 243 below.
185. DS [REDACTED] stated that he spoke to the victim a number of times after the incident to see if he would assist and provided his contact details should he decide to cooperate. DS [REDACTED] stated that on 30 July he contacted the victim who said he did not wish to pursue the allegation. DS [REDACTED] said he did not record this on the CRIS at the time but believed he may have done so at a later date. DS [REDACTED] believed it was a matter of opinion as to whether this information should have been included in his CRIS report entry, as DS [REDACTED] said the entry related to the classification of the allegation.
186. As far as DS [REDACTED] knew DC Faulkner also spoke to the Borough Evidence Manager (BEM), but stated that with this level of assault and a victim who was unwilling to assist the investigation, they would be unwilling to pay for a forensic examination of any exhibits seized following the incident.
187. In evidence to the Inquest DS [REDACTED] said that he wanted to watch the CCTV with a scene of crimes officer. According to DS [REDACTED] this would assist in conducting '*a more directed forensic examination of the scene*'. He went onto tell the Inquest that in fact viewing the CCTV did not assist in regards to the forensic examination.
188. DS [REDACTED] explained that on 30 July the CCTV was downloaded as recorded on the CRIS with a reference that it would be passed to the DEU.
189. In interview DS [REDACTED] told the IPCC he had viewed the CCTV. In evidence to the Inquest he described how he had watched the CCTV with a scene of crime officer in the salon during it being downloaded '*on a small screen*' attached to the download equipment. He told the Inquest that from his viewing of the CCTV it was unclear that the object in the

possession of the assailant was a firearm and as a result he kept an open mind as to what the object was. He described what he saw as 'a very large fight taking place within the premises and described it as a *'bull in a china shop'*.

190. DS [REDACTED] explained to the Inquest that the CCTV he saw did not identify any particular forensic opportunity such as a surface that the suspect had touched.
191. In further evidence to the Inquest DS [REDACTED] agreed that he anticipated that the CCTV or stills there from, would be distributed by police as part of the investigation. He explained how he was unable to watch the downloaded footage on any of the viewing facilities he had available to him so it was always going to be necessary for it to be sent to the DEU.
192. At the conclusion of his evidence DS [REDACTED] told the court that as far as he was concerned even if he had been certain that the CCTV showed Kevin Hutchinson – Foster in possession of a gun this would not have overcome any of the difficulties he faced in getting the CCTV circulated.
193. In interview DS [REDACTED] said he believed that the CCTV was not passed to the DEU as the DEU did not work on a Sunday. He also said that he believed that it was DC Faulkner's responsibility to pass the CCTV to the unit.
194. DS [REDACTED] told the Inquest that he spoke to the victim on 30 July, the day following the assault at the salon. DS [REDACTED] said this was the first time he had spoken to the victim and during the conversation he enquired as to his condition and whether or not he wanted to make a statement.
195. In interview DS [REDACTED] described how the Standard Operating Procedure for the secondary investigation of crime required him to supervise the CRIS seven days after 31 July, that is, on 7 August, which was three days after the police shooting of Mark Duggan.
196. DS [REDACTED] repeated this to the Inquest and agreed that he had not conducted the first review prior to the 4 August as he had no requirement to do so.
197. During his misconduct interview however, when questioned about his supervision on the CRIS report, DS [REDACTED] said he did not believe he was under "*any duty or had a responsibility to be seen to be supervising it between the 31 July and the 7 August*".
198. Rather he said that the entries he made on 29, 30 and 31 July were designed to assist those who wished to have clarification about the state

of the investigation or the investigative strategy.

D21

199. DS [REDACTED] acknowledged that according to the CRIS audit he had viewed or made entries on the CRIS 16 times between 29 July and 3 August 2011. He next updated the CRIS on 17 August.
200. However, in his statement DS [REDACTED] said he spoke with DC Faulkner about the investigation but conceded he had not recorded these conversations on the CRIS report.
201. According to DS [REDACTED], there was a local directive that supervisors were required to update and supervise the crimes being investigated by their team every seven days. However, DS [REDACTED] explained that in accordance with MPS practice they were required to supervise the allegation again after 28 days.
202. DS [REDACTED] explained that the CRIS system required the supervisor to tick a box confirming that they had supervised the investigation. DS [REDACTED] stated that every time he ticked the box in this way, he also wrote an entry on the CRIS report.
203. DS [REDACTED] stated that on Monday 8 August DI Suddick requested an update on the case which was recorded as *"update please"* on the CRIS.
204. Referring to this entry DS [REDACTED] explained that DI Suddick did the seven day supervision of the investigation into the alleged assault.
205. DS [REDACTED] went on to explain that the Crime Management Unit produced a report every Tuesday which showed those crimes that had not been supervised. In order that investigations did not appear on the Tuesday list, a system was put in place whereby CRIS reports were examined and supervised on Mondays, if necessary by a different supervisor, if for example one was off duty.
206. DS [REDACTED] accepted that his next entry on the CRIS was not until 17 August. He said he spoke to DC Faulkner but did not know when and he assumed that the CCTV had been forwarded to the DEU and processed. DS [REDACTED] said this assumption was based on the amount of time that had elapsed since the incident, but he could not recall an exact conversation to this effect.
207. According to DS [REDACTED] his supervision at this point amounted to speaking to DC Faulkner and making an entry on the CRIS report. DS [REDACTED] stated that as far as he could recall he did speak to DC Faulkner about the CCTV and was told that DC Faulkner had submitted the CCTV (as recorded on the CRIS by DC Faulkner in 21 September), although he could not be sure. DS [REDACTED] could not be specific about when he had this discussion with DC Faulkner, but thought it was around 17 August.

208. According to DS [REDACTED], in response to his entry on 19 August directing DC Faulkner to update the CRIS, he expected DC Faulkner to confirm on the CRIS that he had dealt with the CCTV issue.
209. DS [REDACTED] repeated that as far as he was concerned DC Faulkner confirmed to him that he had submitted the CCTV to the DEU. DS [REDACTED] regretted not recording this on the CRIS, but said he did not do so as it was DC Faulkner's responsibility to update the CRIS report and he had asked him to do so. DS [REDACTED] conceded that he should have sat DC Faulkner down at a CRIS terminal and made him provide a detailed update, and said that the details of investigation screen had become a list of requests for DC Faulkner to update the CRIS. Indeed DS [REDACTED] said he was "*constantly*" asking DC Faulkner to update the CRIS, and he agreed that in fact he had recorded two reminders in three weeks.
210. However, DS [REDACTED] said he believed that DC Faulkner's need to update the CRIS report was purely administrative, to record in writing what he had done.
211. The CRIS report shows that on 24 August DS [REDACTED] made the following entry: "*The OIC has not updated this report and is now at court. If possible some of the actions will be progressed in his absence. OIC to update on his return*". DS [REDACTED] explained that at this time DC Faulkner was not investigating the crime because he was at court on another matter.
212. DS [REDACTED] stated that DC Faulkner was very busy at the time, as they all were. He stated that the entries he recorded on the CRIS report did not "*have the desired effect*" in that they did not result in DC Faulkner updating the CRIS.
213. DS [REDACTED] was asked about the enquiries set out in the investigative strategy immediately following the incident. He stated that the enquiries relating to the wallet were irrelevant to the allegation, the victim refused to provide DNA and DS [REDACTED] directed that no further witness enquiries should take place until the results of the CCTV enquiries had been obtained.
214. DS [REDACTED] was told that in interview DC Faulkner said he had been completely detached from day to day enquiries because he was working on the riots and CPS pre-trial enquiries. DS [REDACTED] stated that members of his team had been drafted on to riot enquiries for two days, and not two weeks as stated by DC Faulkner, but he confirmed that the pre-trial enquiries were very intensive. In DS [REDACTED]'s view a large amount of work was required which on its own would have taken days and days to complete.

215. In interview DS [REDACTED] said that although DC Faulkner was going to be at court, it was not necessary to transfer their crimes to other people. DS [REDACTED] stated that DC Faulkner was a good officer, in that he got good results at court and was always busy. He added that DC Faulkner had access to CRIS at court and could have updated entries from court.
216. DS [REDACTED] stated that by 1 September he should have sat DC Faulkner down and physically gone through his investigations to ensure they were updated. He conceded that supervision by CRIS had not worked.
217. DS [REDACTED] stated that the seven week absence of any entries on the CRIS by DC Faulkner told him that DC Faulkner was busy with a normal workload with deadlines and trial dates.
218. DS [REDACTED] said that he authorised DC Faulkner a period of leave immediately following the trial at the end of August. It was put to DS [REDACTED] that he must have known that DC Faulkner was busy with the pre-trial enquiries, then had the trial and he also knew that DC Faulkner was going on leave. DS [REDACTED] stated that as far as he was concerned the enquiries had been carried out and all that was required was for the actions to be recorded.
219. DS [REDACTED] accepted that the CRIS did not read very well and referred to this being *"unfortunate"*. He stated that he had not learnt that the CCTV had not been submitted until some weeks later and when he found out it was something that *"he did not want to hear"*.
220. DS [REDACTED] stated that he genuinely believed that on or around 17 August the CCTV had been submitted and this belief was based on what DC Faulkner had told him. DS [REDACTED] did not believe that DC Faulkner had intentionally lied to him. DS [REDACTED] said he did not know whether or not anyone witnessed the conversation, but accepted that none of the details of this conversation were recorded on the CRIS.
221. DS [REDACTED] agreed that the SOP directed that supervisors should *"review, update and supervise"* the CRIS. He stated that he had not recorded matters on the CRIS, but had relied on verbal confirmation. He believed he had reviewed it properly, but had not updated it properly and could have supervised it better. However, DS [REDACTED] stated that in his view there were better ways of supervising CRIS reports than *"just writing things down"*.
222. DS [REDACTED] stated that according to the SOP he had a *"seven day window"* and stated that he ticked the supervision box at the beginning and seven days later stating *"That's how crime supervision works"*. It was put to him that if what he was saying was true then there was no point in having any supervision, if all he had to do was to tick a box after seven and 28 days.

223. It was put to him that he had a duty to actively supervise and not just tick a box during the first seven days and throughout the investigation. DS [REDACTED] stated that he totally disagreed. He stated that he had no duty to actively supervise his investigator's decisions during the periods in between. According to DS [REDACTED] the investigators are given the investigations and *"off they go and investigate them"*.
224. DS [REDACTED] was asked how he thought he could have supervised the investigation better. He stated that his efforts to get DC Faulkner to update the CRIS had not worked. In future he would sit with his staff in front of a terminal and together ensure the CRIS reports are updated. DS [REDACTED] repeated that this was the main thing he would do differently.
225. DS [REDACTED] stated that DC Faulkner had not come to him highlighting the apparent difficulties he was having managing his workload.
- D44-
D47 226. On 2 April 2012 DS [REDACTED] provided a number of documents to the IPCC. These documents consisted of two emails dated 8 July and 1 August and two daily performance records 29 July-1 August and 1-2 August.
- D45 227. The email of 8 July was from DS [REDACTED] to a number of officers including DC Faulkner. It included reminders that CRIS reports should be updated weekly showing the following:
- *'What has been achieved*
 - *What is in progress*
 - *What still needs to be achieved'*

Policies and procedures

Management of the CCTV

- S5 228. Detective Inspector Rhys Willis provided a statement to the IPCC in which he described supervising the DEU at Hackney police station.
229. In his statement DI Willis described the processes for circulating CCTV images seized from crime scenes. He stated that images were normally submitted to the unit via email or on a disc, and imagery submitted to his unit is generally circulated locally within two to three days of submission to the DEU. After circulation local officers are able to view the imagery from any workstation.
230. DI Willis described the procedures for circulating imagery more widely across the Metropolitan Police Service and stated that only in very serious cases would images be published within a week. In non-serious and standard investigations dissemination across the force area would take much longer.

- S6
231. DI Willis added *“The system however is reliant on 1) the keenness of any local officer to view the site and 2) the investigator escalating an image to be included on daily briefings with the permission of the intelligence manager”*.
232. Acting DI Andrew Port was the Intelligence Manager for Hackney Borough and provided a statement to the IPCC in which he described how CCTV images were copied onto an electronic briefing document called ‘ID sought’.
233. A/DI Port described how this document contained images of outstanding crime suspects and after being updated, is circulated via the force Intranet. According to A/DI Port the process of posting and re-posting can be done *“in a matter of minutes”*. The briefing document can then be viewed by all staff across the force area. A/DI Port also stated that there is an expectation that all officers on Hackney Borough view the ID sought briefing on a weekly basis.
234. A/DI Port said that comprehensive copies of ID sought briefings were not kept, so he could not categorically confirm whether the CCTV images relating to the assault had been included in a briefing. However, from the evidence of DC Stallabrass (see paragraphs 81 – 82) there is no evidence that the CCTV was submitted to the DEU in the first place, so its inclusion in briefings could not have taken place.

Standard Operating Procedures for the Investigation of Crime

- D6
235. The Territorial Policing Standard Operating Procedures (SOP) for the Investigation of Crime (Secondary) established corporate minimum standards for the investigation of crime. In the introduction it states:
- “This SOP supports the MPS policy relating to the investigation of crime...(it) should also be taken as the minimum standard expected of any investigative action by MPS personnel”*.
236. Part one of the SOP details the expectations on supervisors when supervising criminal investigations as follows:
- “It is imperative that each investigation is appropriately supervised at regular intervals throughout its duration. Once a crime has been screened in for secondary investigation it will be reviewed by a supervisor and an Investigation Plan prepared. It will then be allocated to an Investigating Officer. From this point onward the progress of the investigation must be supervised and reviewed at the following intervals after the crime has been allocated to an investigating officer.*
- *seven days after allocation*
 - *twenty eight days after allocation*

- *three months after allocation (This review must be conducted by an officer of at least the rank of Detective Inspector)*”.
237. The SOP directs that once a crime is screened in for secondary investigation *“it will be reviewed by a supervisor and an Investigation Plan prepared”* addressing the following six areas:
- Immediate action
 - Scene
 - Forensics
 - Victims/witnesses
 - Suspects
 - Other evidence
238. The crime should then be allocated to an investigator.
239. The policy describes how details of the supervision must be recorded on the CRIS and *“should focus on the progress of the investigation so far as outlined in the Investigation Plan and should consider what further actions are needed”*.
240. It also states that each of the six headings contained in the Investigation Plan contain a number of expected actions that the investigating officer must consider and *“where an action is considered but not undertaken the investigating officer must be able to justify why this is the case”*.

Policy regarding CRIS report flags

D50

241. The policy regarding the use of CRIS flags and specifically firearm flags was described in Police Notices 28/2008. The policy stated that *“within CRIS gun crime offences are identified by the presence of suitable feature codes indicating the presence of a particular firearm type and how that firearm was used”*.
242. The policy describes a number of ‘how used’ feature codes as follows:
- SB (Firearm used as a blunt instrument to cause injury)
 - ST (Firearm used as a threat)
 - SP (Firearm intimidated – victim convinced a weapon present)
 - SU (Firearm intimidated – victim not convinced weapon present)
 - SN (Firearm featured – not used).
243. As mentioned in paragraph 182 above, DS [REDACTED] stated that when he briefed Supt Stone at 10am on 30 July 2011 Supt Stone decided that he did not want a firearm flag attached to the crime report.

D164

244. Supt Stone told the IPCC that he could not recall this specific incident,

what he did or why and does not remember telling DS [REDACTED] to remove the firearms flag from the CRIS report. However, he acknowledged that this matter could have been raised with him as the on-call SMT member or as part of the daily management meeting.

245. Indeed it appears that Supt Stone did know about the incident because he wrote an email to other Hackney officers at 11:50am on 30 July 2011 an extract of which states “...4 crimes of GBH a ‘pistol whipping’ that will probably end up as an ABH a sorry tale of two males fighting because [REDACTED] no firearms flag, one PC on crime scene until CCTV can be collected/downloaded”.

D164

246. After seeing the email, Mr Stone believes he would have been the on call SMT over the weekend, which has been confirmed by the MPS. Supt Stone said the practice was for the on call SMT member to attend the police station for a 10am meeting with the duty officer, detective sergeants and crime analysts to review crimes and incidents from the previous 24 hours and said that after the meeting a summary would be circulated for information to the other members of the SMT.

D164

247. Mr Stone informed the IPCC that he would have asked about the firearm and in the absence of supporting evidence; he may well have queried the need for a flag at the time.
248. Mr Stone indicated to the IPCC that when he sent the email dated 30 July he believed no gun had been seen. Indeed he believed that no gun was seen until the CCTV was viewed later on, and added that “once viewed I am led to believe a firearm was seen and a firearms flag added”.

CRIS local policies

S3

249. In his statement DSU Gardner described how prior to the 29 July 2011 he had restructured the CID and changed the main CID office into a Violent Crime Unit, focussing on all violent crime. The Violent Crime Unit consisted of one detective inspector, five detective sergeants and 25 detective constables. On joining the borough he stated he had a general meeting with all detective sergeants where he made clear his expectations of them as supervisors.
250. DSU Gardner told the IPCC: :
- “I explained their key role was to intrusively supervise their team’s CRIS reports. I met them all regularly and repeatedly highlighted this mantra. I also discussed the MPS SOP for secondary investigation. I explained CRIS supervision was not simply ticking the supervision page on CRIS but reviewing the investigation. I emphasised the risk of failing to supervise CRIS reports...I reiterated these points at meetings with the borough detective inspectors and detective chief inspectors and requested they also reinforced these key messages at their supervisor*

and team meetings”.

251. DSU Gardner described the functions of CRIS as to record crime allegations and to supervise the investigation of crime every seven days. He explained that a range of search programmes have been formulated that assist supervisors in supervising their team’s crimes.
252. One of these search criteria allowed as follows:
“Standard Enquiry - 148 Crime Reports Requiring Ongoing Supervision. This identifies all crimes which need supervising (either by OIC or Supervisor) the date can be changed as required but it defaults to 7 days”.
253. In his statement DSU Gardner explained processes he had put in place that introduced additional CRIS supervision systems. According to him these included the following:
- a fortnightly email to staff indicating which CRIS reports had not been supervised for 14 days, and
 - a CID monthly performance pack that included an overview of CRIS supervision performance and workloads.
254. According to DSU Gardner these processes could not deliver quality assurances of volume crime investigations and supervisory reviews by detective sergeants. The processes showed whether various pages on the CRIS were being updated, but not the content.
255. DSU Gardner stated that he *“discussed this with the sergeants and pointed out that if a sergeant chose to do this and not constructively supervise their team’s reports they were leaving themselves vulnerable and it was not acceptable”.*
- D24
D25 256. DSU Gardner referred to an email he had sent to all detective sergeants at Hackney dated 6 July 2011. The email contained clear, direct instructions and, on occasion severe criticisms of detective sergeants for failing properly to supervise their investigators’ CRIS investigations. It contained a number of directives.
- S3A 257. In his second statement DSU Gardner described the use of flags on CRIS reports and their relevance to the alignment of resources to allegations. According to him *“hundreds”* of flags are inserted on CRIS reports *“for statistical and analytical purposes”* but resources would not be aligned to or prioritised to an investigation according to a flag.
258. Instead, DSU Gardner described how resources are aligned to an investigation by way of supervision, and that investigators and supervisors should refer to their line manager should an investigation require additional resourcing. He concluded his statement by describing

how “At Hackney resources would not have been aligned, assigned or prioritised dependent on whether a crime had a gun flag”.

Conclusions regarding the Hackney Borough investigation

259. The IPCC investigation has concluded that there is evidence to suggest that all investigative opportunities were not promptly identified and acted upon by the Hackney Borough investigation.
260. The method by which the ABH was inflicted involved the victim being allegedly assaulted by a suspect in possession of a handgun and using the handgun to beat the victim. The suspect escaped from the scene and the firearm was not recovered.
261. The IPCC has concluded that this use of a firearm in an ABH and the suspect's subsequent escape with the firearm significantly elevated the seriousness of the allegation and therefore, should have elevated prioritisation of the investigation. As far as DS [REDACTED] and DC Faulkner were concerned, a possible firearm remained in circulation and possibly was still in possession (or control) of an individual prepared to use violence. It should have been obvious to the officers that any failure to investigate this matter swiftly exposed the public to greater risk of harm.
262. Enquiries by the IPCC suggest that there was no secondary investigation into the alleged ABH at the salon recorded on the CRIS report between 31 July and 21 September.
263. This lack of investigation caused the following opportunities to be missed:
- CCTV circulation of the suspect or the incident: The footage from within the salon was examined as part of the IPCC investigation and clearly shows the suspect carrying out the assault with what appears to be a handgun. This footage should have been forwarded to the DEU for circulation by DC Faulkner at the earliest opportunity.
- Contacting witnesses: According to the CRIS report there were nineteen witnesses. At least two witnesses had statements taken from them at the time, but the majority appear not to have been contacted following the alleged assault. When witnesses were contacted following the results of the DNA examination of the gun, at least two provided evidence that the suspect at the beauty salon was in possession of a gun.
- Forensics: The majority of the forensic material taken from the scene consisted of blood swabs which were not submitted for forensic analysis until the results of the DNA examination of the firearm were known.
264. The IPCC investigation has attempted to address whether or not the firearm found at the scene of the police shooting of Mark Duggan could

have been seized by police prior to 4 August 2011, had all possible investigative leads been followed and opportunities acted upon after the incident at the salon.

D62
D49

265. In pursuance of this the IPCC investigation examined DC Faulkner's duties between 1.50pm on 1 August 2011, when he took over responsibility for this investigation, and 4 August 2011 when Mark Duggan was shot by police.
266. The duty sheets showed that DC Faulkner had at least 12 hours and 10 minutes (i.e. from 1.50pm on 1 August to 4.00pm on 2 August) to undertake investigations into the assault at the beauty salon.
267. This confirms that DC Faulkner could have submitted the CCTV footage for local circulation either on 1 or 2 August, but there is no evidence that he did so. Additionally the IPCC investigation has found no reason why he could not have sought assistance from others to submit the footage on 3 or 4 August.
268. According to DI Willis's evidence, such footage is usually circulated locally within 2-3 days of submission to the DEU, therefore had the footage been submitted on 1 or 2 August it would have been available for viewing by local officers from 3-4 August or 4-5 August respectively. DI Willis also confirmed that circulation of imagery across the Metropolitan Police Service would only occur in relation to very serious cases, within a week.
269. Whether the locally circulated footage could/would have identified the suspect (Kevin Hutchinson-Foster) is unlikely. The evidence suggests that, had the stills been circulated properly, in all probability the footage showing the suspect could have been available to local officers for a relatively short period prior to Mark Duggan being shot by police on 4 August 2011. However, A/DI Port (the Intelligence Manager for Hackney Borough) has confirmed (following conducting local intelligence research) that between 2009 and 2011 Kevin Hutchinson-Foster was not a prominent suspect for criminality in Hackney and there was little information available about him. Therefore, it is unlikely that Kevin Hutchinson-Foster would have been identified by local officers on or before 4 August 2011.
270. In relation to wider circulation of the footage (including to Trident officers, who may have been able to identify the suspect as Kevin Hutchinson-Foster), bearing in mind DI Willis' evidence, it is concluded that it would have been highly unlikely that the footage would have been circulated throughout the MPS prior to Mark Duggan being shot by the police. Therefore, it cannot be concluded that had the footage been submitted to the DEU in a timely manner, there was a good prospect of the suspect being identified prior to Mark Duggan being shot.
271. In relation to witnesses and forensics the IPCC investigation has found

that a proactive approach to identifying and speaking to witnesses may have revealed information of relevance. A forensic submission may have identified a suspect's DNA; however this would not have been completed in the period between 29 July and 4 August 2011.

Misconduct Case to Answer

272. When arriving at conclusions as to where there is a case to answer for misconduct or gross misconduct by an individual officer, the IPCC investigation must decide whether there is sufficient evidence upon which a reasonable misconduct hearing/meeting, properly directed, could find, on the balance of probabilities, misconduct or gross misconduct.
273. 'Misconduct' means "*a breach of the Standards of Professional Behaviour*" (Regulation 3 of the Police (Conduct) Regulations 2008). One standard of behaviour is for officers to behave diligently in the exercise of their duties and responsibilities. 'Gross misconduct' means "*a breach of the Standards of Professional Behaviour so serious that dismissal would be justified*" (Regulation 3 of the Police (Conduct) Regulations 2008).

Misconduct Case to Answer – DC Faulkner

Duties and responsibilities

274. In respect of the notice served on DC Faulkner alleging that he may have failed to properly investigate the allegation of assault, the IPCC investigation has found evidence to suggest that DC Faulkner may not have properly investigated the assault allegation.
275. As the investigating officer, DC Faulkner was responsible for ensuring that the investigation plan formulated by DS [REDACTED] was carried out and that all investigative leads were developed and dealt with.
276. However, there is evidence that DC Faulkner was carrying a heavy workload at the time (August/September 2011), not least with the enquiries arising from the Crown Prosecution Service in respect of the trial of R v D. These CPS requests involved a number of pre-trial enquiries to a tight deadline and required his attendance at the trial. Furthermore, there is evidence that DC Faulkner had some involvement in public disorder related matters in Hackney (which followed the police shooting of Mr Duggan and have been described by DSU Gardner as having a severe impact on day to day policing). However, the IPCC investigation has reviewed the other CRIS reports concerning other investigations involving DC Faulkner during this period and these reports do not of themselves suggest an excessive caseload.
277. Most significantly, the IPCC investigation has found no evidence that the CCTV footage showing the assault was submitted to the DEU for circulation between 1 and 4 August 2011 or indeed at any subsequent

time by DC Faulkner.

278. In relation to the assault investigation post 4 August, the IPCC has found no evidence that the allegation was investigated up to and including 21 September 2011 (when the CRIS report was closed).
279. DC Faulkner recorded on the CRIS that he had submitted the CCTV (downloaded and circulated). The IPCC investigation has found no evidence of this. DC Faulkner explained in statements provided to the IPCC during its investigation that this was a mistake on his part and he believed he had submitted it.
280. This incorrect entry was recorded on 21 September 2011 when DC Faulkner sought to have the CRIS closed and clearly and unambiguously created an assumption that this investigative strand had been completed when it had not.
281. Furthermore, in interview DS [REDACTED] stated that DC Faulkner informed him around the 17 August that he had submitted the CCTV footage to the DEU.
282. Taking all the evidence into account, the IPCC investigation has collated sufficient evidence to suggest that there may have been failures by DC Faulkner to properly investigate the assault. If these failures were proved in disciplinary proceedings they could be sufficiently serious that dismissal would be justified and therefore there is a case to answer for gross misconduct in relation to Duties and Responsibilities.
283. This conclusion is reached taking into account the following issues:
 - The evidence suggesting a failure to promptly submit the CCTV to the DEU to enable viewing and circulation, which prevented Hackney Borough from being able to establish in the early stages of the investigation (especially without the benefit of the victim's cooperation) that a firearm was likely to have been used in the assault (an object resembling a handgun being visible in the footage of the incident).
 - The apparent inconsistencies surrounding DC Faulkner's explanations concerning him informing DS [REDACTED] that he had submitted the CCTV to the DEU when he had not and then recording confirmation of this on the CRIS.
 - The alleged failure concerning the handling of the CCTV contributed to the offence classification in the CRIS report being only ABH, when the identification of a possible firearm in the footage may/should have led to the addition of further more serious offences (in public safety terms), such as the offence for which the suspect was eventually charged (possession of a firearm with intent to cause fear or harm), thus elevating the investigative importance. This had the effect that the investigative strategy was

not reviewed, leading to further lost investigative opportunities (e.g. DS [REDACTED]'s investigative strategy was not to obtain witness statements from a number of the witnesses who had given their details to the police for witness statements, until the CCTV had been downloaded).

- The alleged failure, during September in particular (after returning from the R v D trial and annual leave), to properly review the CRIS report and investigation in general, to confirm that the CCTV had been properly submitted to the DEU and to review the CCTV himself.
- The potential existence of an unrecovered firearm still in public circulation, with all attendant risks to the public, should have necessitated DC Faulkner exercising the highest levels of diligence in the investigation of this incident.

Honesty and Integrity

284. The IPCC investigation served a notice on DC Faulkner alleging that he breached the Standards of Professional Behaviour in respect of Honesty and Integrity alleging he falsely informed DS [REDACTED] that he had downloaded and circulated the CCTV when he had not, and recording this on the CRIS. Further to the Standards of Professional Behaviour, DC Faulkner was under a duty to ensure that he acted with honesty and integrity at all times.
285. DC Faulkner stated that at some point between 2 August and 21 September he identified the best two images from the CCTV. He stated that he did this for DC Jenkins when he attended Hackney police station to collect the case papers. In a statement provided to the investigation into the shooting of Mark Duggan DC Jenkins described how he attended Stoke Newington police station on 3 November 2011 and met with DC Faulkner.
286. According to DC Jenkins he took possession of the CCTV and statements from DC Faulkner on 3 November 2011 and watched the footage in the CCTV unit at the police station.
287. DC Jenkins confirmed that the evidence bag was sealed when he took possession of it. The IPCC has examined the written notations on the evidence bag containing the original footage and note that according to the information thereon the bag was sealed by DC Faulkner on 30 July 2011 and remained sealed until DC Jenkins took receipt of it on 3 November 2011.
288. The IPCC investigation has confirmed that the Stills Disc provided to DC

Jenkins contained five images and was created on 3 November 2011 at 10:56. DC Jenkins confirmed that he attended Hackney police station during the morning of 3 November 2011. DC Jenkins further confirmed that he believed that the images he had been given on the disc were those created by DC Faulkner during the investigation.

289. The evidence suggests that the exhibit bag containing the Original Disc (SFT/1) could not have been sealed as recorded by DC Faulkner on 30 July 2011 on the exhibit bag. Had this been the case evidence would have been apparent of the bag being opened when DC Falkner allegedly attempted to copy the still images in the DEU prior to him attempting to circulate the images. The evidence suggests that the bag containing the Original Exhibit must have remained open until 3 November 2011 when DC Faulkner made the Working Copy discs and the Stills Disc and was sealed prior to all the discs being given to DC Jenkins.
290. The IPCC has nevertheless considered DC Faulkner's explanations in respect of this and has endeavoured to establish where DC Faulkner could have stored the images he stated in the CRIS entry on 21 September 2011 had been '*downloaded and circulated*'. In the absence of any imagery being found on his AWARE account between the relevant dates, no evidence that a form 7A submission had been made to the DEU, no evidence that any stills had been created before 3 November 2011, the IPCC investigation has found no evidence that DC Faulkner downloaded and circulated the CCTV as suggested by his CRIS entry.
291. The IPCC investigation has also considered the written descriptor on the Stills Disc handed to DC Jenkins, which read as follows:

'CRIS 4620307/11, Images for circulation Lagoon Hair and Beauty, 546 Kingsland Road, E8'
292. The descriptor (and in particular the words 'images for circulation') suggest that the content of the disc had been created during the Hackney investigation into the assault. The IPCC investigation has also assessed the conversation recalled by DC Jenkins with DC Faulkner and in particular DC Faulkner's comment when handing DC Jenkins the Stills Disc which he said contained '*stills that he had taken from the CCTV*', and that DC Jenkins recalled DC Faulkner telling him '*that he had made these stills in order to circulate the suspect*'.
293. The IPCC investigation has also considered Mr Simkins evidence of there being no trace of the Original Exhibit (STF/1) bag in the property audit system.
294. The IPCC investigation has considered possible motivations as to why DC Faulkner may have deliberately made a false record on the CRIS report. One possibility considered by the IPCC is that DC Faulkner falsely informed DS [REDACTED] that he had circulated the imagery around 17 August 2011 and recorded this on the CRIS on 21 September 2011 in

order that DS [REDACTED] would authorise the closure of the investigation.

295. DC Faulkner then would have become aware of Operation Trident's interest in the investigation and the 3 November 2011 appointment with DC Jenkins. If DC Faulkner was aware that the entry on the CRIS report concerning downloading and circulation of the CCTV was incorrect, DC Faulkner may have created the Working Copy Discs and Stills Disc on 3 November 2011, and, in the process, may have created a false impression that the discs were those created by him during the original Hackney investigation.
296. Taking all the evidence into account, the IPCC investigator has concluded that DC Faulkner may have been behaving in a dishonest manner, by:
- recording that the Original Exhibit (STF/1) had been sealed in an evidence bag on 30 July 2011, when there is evidence that it was not sealed on this date (no record of the exhibit in the Exhibits Store and the Working Copy Discs and Stills Discs were created on 3 November 2011 – mostly likely using the Original Exhibit STF/1);
 - allegedly informing DS [REDACTED] that the CCTV had been downloaded and circulated, when there is no evidence that it was;
 - recording on the CRIS report on 21 September 2011 that the CCTV had been '*downloaded and circulated in order to identify the suspect with a view to searching for the weapon*', when there is no evidence that it had – with the possible motivation to ensure that DS [REDACTED] authorised the closure of the investigation;
 - may have deliberately given DC Jenkins the impression that the Working Copy Discs and the Stills Disc had been created during the Hackney investigation and not on 3 November 2011.
297. Therefore, the IPCC investigator is of the opinion that there is sufficient evidence to suggest that DC Faulkner may have been behaving in a dishonest manner in relation to the handling of the CCTV footage, such that a reasonable misconduct meeting/hearing, could find, on the balance of probabilities, gross misconduct. The IPCC investigator has found a case to answer for gross misconduct (as opposed to misconduct) because, dishonest conduct, if proven, would be a breach of the Standards of Behaviour (Honesty and Integrity) justifying dismissal.

Misconduct Case to Answer - Detective Sergeant [REDACTED]

Failure to Supervise the Investigation

298. DS [REDACTED] attended the scene with DC Faulkner and was responsible for formulating the initial investigation plan, allocating the crime for investigation and supervising DC Faulkner.

299. Three weeks prior to the incident at the salon, DS [REDACTED] and other supervisors, had been reminded of their responsibility to properly supervise CRIS reports. Two days later DS [REDACTED] forwarded an email to his team, including DC Faulkner, in which he described his expectations in respect of investigations.
300. Included in these was an expectation that CRIS reports be updated weekly with a summary of progress to date. DS [REDACTED] acknowledged in the email that he had been too “*lax*” in getting his team to update them.
301. The IPCC investigation has found evidence of a lack of supervision by DS [REDACTED] of the CRIS report relating to the incident on 29 July 2011.. DS [REDACTED] appears to have failed to ensure that any particulars of the investigation were recorded on the CRIS and, more importantly, appears to have failed to actively and intrusively review and update the report.
302. DS [REDACTED] pointed out that his decision to classify this incident as ABH was validated by his managers. Although this may have been the case, any such validation was made without the benefit of viewing the CCTV footage. DS [REDACTED] was aware that a firearm may have been involved in the incident and therefore the CCTV was crucial in properly assessing this classification.
303. DS [REDACTED] authorised the closing of the investigation on 21 September without ensuring all investigative leads had been followed and recorded on the CRIS – albeit the IPCC investigation recognises that he was somewhat reliant on DC Faulkner to accurately record on the CRIS report what investigative steps had been taken and what had not.
304. In interview DS [REDACTED] accepted that he had “*failed to review*” the CRIS in accordance with the SOP and “*could have supervised it better*”. DS [REDACTED] said he relied totally on verbal updates from DC Faulkner and did not ensure that these were recorded on the CRIS report.
305. DS [REDACTED] attended the scene and was aware of the circumstances of the incident. The IPCC investigation has found evidence suggesting that DS [REDACTED] did not ensure that the investigation plan was followed by DC Faulkner and the investigative actions recorded on the CRIS.
306. The IPCC investigation has assessed that there is sufficient evidence suggesting a failure by DS [REDACTED] to properly record his decision making throughout the investigation (both pre and post the police shooting of Mark Duggan) and to properly supervise DC Faulkner’s investigation of the incident and that this may have fallen short of what was expected of an experienced officer. To this end, the IPCC investigator is of the opinion that a reasonable misconduct hearing/meeting, could find, on the balance of probabilities, misconduct and therefore, finds a case to answer for misconduct in respect of

Standard of Behaviour of duties and responsibilities.

307. As with DC Faulkner the consequences of these alleged failures contributed to a firearm remaining in the public domain until the shooting by police of Mark Duggan on 4 August 2011, albeit the evidence is such that it is not possible to conclude that had the assault had been properly investigated between 29 July and 4 August, the firearm would or could have been seized and removed from public circulation.
308. However, the IPCC investigation has considered the explanations given by DS [REDACTED] in interview and the evidence he gave at the Inquest and has assessed that whilst he appears to have failed to properly supervise DC Faulkner, he was under the impression provided by DC Faulkner that the CCTV had been downloaded and circulated. This conclusion was undoubtedly reinforced in the CRIS entry by DC Faulkner on 21 September 2011 which recorded that the CCTV had been downloaded and circulated.
309. Therefore, the IPCC investigation has concluded that whilst the alleged failures by DS [REDACTED] to supervise the investigation were serious (in the context of an investigation that involved the use of a firearm), he was entitled to rely to an extent on DC Faulkner's updates and that in this context any alleged failures to supervise were not so serious that dismissal would be justified. Therefore, the case to answer is limited to a case to answer for misconduct only.
310. This assessment is reached taking into account the following issues:
- DS [REDACTED] was on recent notice from his senior officer of his responsibility to properly supervise CRIS reports.
 - He appears to have failed to sufficiently supervise DC Faulkner's investigation of the incident, in particular closing the investigation without ensuring that all necessary investigative leads had been concluded. The potential existence of an unrecovered firearm still in public circulation, with all attendant risks to the public, should have necessitated DS [REDACTED] exercising the highest levels of diligence in the supervision of the investigation of this incident.

Chronological summary of events: the Trident investigation

Trident remit

S15
D68

311. The current head of Trident, DCS Dean Haydon was not in charge of Trident on 29 July 2011. However, he has provided a statement outlining the investigative remit of Trident at the time. The terms of reference for

Trident at the time of the 29 July 2011 incident, were as follows:

“Murder - Trident investigates all murders by shooting involving a lethal barrelled weapon or a weapon that has been converted to be such a lethal barrelled weapon, where both the victim(s) and suspect(s) are from black communities. These murders are investigated by Murder Investigation Teams based in North and South London.

Shootings - Trident investigates all non-fatal shootings or discharges involving a lethal barrelled weapon or a weapon that has been converted to be such a lethal barrelled weapon and any threat to police officers and other police staff, for example PCSOs, where a firearm is produced but not discharged. These shootings are investigated by Shootings Investigations Teams based in North West, North East and South London.

Proactive Operations - Trident targets those who possess, supply, convert, reactivate and manufacture illegal firearms, and those who seek to use illegal firearms, to prevent shootings occurring.”

- S15 312. DCS Haydon stated that the 29 July 2011 incident (which he described as a ‘pistol whipping’) would not have fallen within the Trident terms of reference in existence at the time, but would have fallen to be investigated by Borough officers (in this case Hackney Borough officers). In particular, DCS Haydon stated that this incident would not fall to be investigated by the Trident ‘reactive shootings teams’. Further to this confirmation, the IPCC investigation sought more information from Trident as to whether the incident would have fallen to be investigated by any other Trident team – in particular in relation to the third limb of the terms of reference (Proactive Operations). At first sight, the language of the third limb suggests that possession of a firearm could be an offence falling to be investigated by Trident officers.
- D158 313. Supt Richard Smith, currently at Trident, provided further details about why the 29 July 2011 incident did not fall within Trident’s terms of reference. He explained that the incident was neither a murder nor a crime involving the discharge of a firearm so would not have fallen within the first two limbs of the terms of reference.
314. Supt Smith explained that in 2011 Trident investigation teams comprised the Murder investigation Teams which dealt with incidents falling within the first limb of the terms of reference, the Shootings Investigation Teams which dealt with the second limb of the terms of reference, and the Proactive Teams which dealt with proactive operations referred to in the third limb of the terms of reference.
315. Supt Smith explained that in 2011 Trident had five proactive syndicates employed full time on covert, intelligence led operations to target those who possess, supply, convert, reactivate and manufacture illegal firearms, and those who seek to use illegal firearms. These operations were focused on organised crime groups and gangs involved in firearms crime

and were extremely resource intensive. Consequently the limited capacity available was prioritised via corporate and local tasking and coordination meetings to undertake operations against organised crime groups and gangs identified as being the most harmful.

316. Supt Smith explained that there are approximately 3000 gun-enabled offences reported each year in London and therefore it would be impossible for five proactive teams to commence a resource intensive proactive operation in response to each of these offences. Further he explained that was neither the intention of the terms of reference nor the manner in which they were applied, and consequently the 29 July incident would not have fallen with the terms of reference in 2011 unless the firearm had been discharged.
317. On the basis of the terms of reference and the explanations provided by both DCS Haydon and Supt Smith, an assault with a handgun that was not discharged (relevant to the first and second limbs of the terms of reference), and where the suspect was not known to be a member of a gang being targeted by Trident (relevant to the third limb of the terms of reference), would not have fallen within Trident's remit.
318. Therefore, the IPCC investigation has sought to establish why Trident eventually did take over the investigation from Hackney Borough. In order to answer this, the IPCC sought to establish when Trident first became aware of the assault on 29 July 2011, when a link between Kevin Hutchinson-Foster and the incident was established and when Trident decided to become involved in the investigation.

Evidence of Trident first becoming aware of the assault on 29 July 2011

D146
D148
D143
D141

319. At 1pm on 1 August 2011 a Hackney Borough Operational Command Unit (OCU) 'Guns & Gangs' meeting took place in the conference room at Stoke Newington police station. These were weekly meetings that reviewed activity relating to gangs and firearms crime within the borough. DCI Jill Evans from Hackney Borough OCU has confirmed that at the time these meetings were attended by representatives from Trident, the Gangs Unit, and another on-going MPS operation. DCI Shabnam Chaudhri from Hackney Borough OCU confirmed that briefing documents were prepared in advance of these meetings, which detailed the previous week's activity and actions for the week ahead. The briefing for the 1 August 2011 meeting included details of a shooting incident and several gang-related incidents. It also made reference to the assault on 29 July 2011 and included details about the location of the incident and identified the victim as [REDACTED]. The incident was believed to relate to the victim's ex-partner who was also named. The suspect had not been identified but there was a suggestion that the suspect [REDACTED].

- D148
D143 320. DCI Evans confirmed that the meetings were not formally documented and DCI Chaudhri confirmed that names of attendees were not recorded. DCI Evans recalled that someone from Trident always attended the meeting and that normally this was DS John Stafford, who has since retired.
- D147
D149 321. The briefing for the 1 August 2011 meeting was emailed to a number of Trident recipients at 11.59am that day, including the 'SCD8 - North East IDU' mailbox. Any actions arising from the meeting were emailed to relevant units. There were no actions from the meeting arising for Trident that related to the 29 July 2011 assault.

IPCC passed DNA evidence to Trident

322. During IPCC investigations it is often the case that the IPCC lead investigator must liaise with a parallel police investigation. In the main, this is in order that the IPCC can obtain police documents and evidence which are relevant to its investigation.
323. However, it is also sometimes necessary and in the public interest for the IPCC to pass evidence obtained during its investigation on to a parallel police investigation, for example, where the IPCC evidence is relevant to the police investigation of a criminal offence.
324. The CPS disclosure manual states that *"Under the CPIA 1996 and the Guidelines, government agencies, departments or Crown Servants are normally third parties in relation to an investigation carried out by a different investigative agency... However, unlike other third parties, such agencies or departments have a public law duty to cooperate with a criminal investigation. Moreover the Human Rights Act 1998 makes it unlawful for public authorities to act in a way that is incompatible with a convention right, which includes the right to a fair trial guaranteed by Article 6."*
325. It is within this context that the IPCC passed DNA evidence to Trident as described below.
- S18
S18A
S19
D162 326. Deputy Senior Investigator (DSI) Colin Sparrow was the lead investigator for the IPCC's independent investigation into the fatal shooting of Mark Duggan on 4 August 2011, which was referred to as the 'Ferry Lane investigation'. IPCC Investigator Gary Lidder was part of the investigation team that worked closely with DSI Sparrow. During the IPCC investigation, both DSI Sparrow and Investigator Lidder needed to have contact (to obtain information and evidence) with Trident due to Trident's involvement in the operation that led to Mark Duggan being fatally shot.
327. The first contact DSI Sparrow had with Trident was with DCS Stuart Cundy at Lemon Street at approximately 10.10pm on 4 August 2011. DSI Sparrow's notes timed at 11.50pm state, *"There will be no compromise*

between the criminal investigation and the IPCC investigation...". DSI Sparrow provided a statement in which he confirmed that he was aware that the MPS would continue their investigation into how Mark Duggan obtained the firearm. This meeting is referenced in further detail below.

S17
S17B
S24
D161

328. DCI Foote from Trident was the Senior Investigating Officer for Operation Dibri. Operation Dibri is (and was) an intelligence led police operation undertaken by the Trident North West Proactive Team, which began in January 2009 in response to a Trident assessment of rising tensions between north London organised crime networks. The proactive operation which led to the armed deployment on 4 August 2011, during which Mark Duggan was fatally shot, was part of Operation Dibri. The armed deployment was based upon intelligence received by Trident on 3 August 2011 that Kevin Hutchinson-Foster may supply Mark Duggan with a handgun.

S17

329. DCI Foote provided background information about the events that followed the fatal shooting and the challenges they created for Trident and the MPS. He explained that in the days following the fatal shooting there were incidents of public disorder across London and the UK. This led to an investigation into the offences being committed and a public order and security operation to maintain public safety. DCI Foote explained that he was engaged in coordinating and planning the deployment of proactive and reactive Trident detectives across London to assist in disorder-related investigations on affected boroughs.

330. DCI Foote explained he also continued with usual operations, which included further armed and non-armed operations on Operation Dibri suspects. During this period there were very serious concerns that any minor incident had the potential to spark further serious disorder and this possibility was a real consideration for all the tactical and strategic planning he witnessed during the period.

331. DCI Foote explained the MPS remained in this state of high alert for another three to four weeks after the riots. It was a very sensitive time for the MPS and the extraordinary circumstances of this incident had to be taken into consideration when planning new armed operations or making arrests, particularly in relation to persons connected to Mark Duggan and Operation Dibri. He explained he was particularly mindful of these considerations later in the year, in relation to potential steps to be taken to progress the investigation into Kevin Hutchinson-Foster.

332. DCI Foote explained, following the deployment on 4 August 2011 he considered his next step as part of the ongoing investigation was to arrest Kevin Hutchinson-Foster for supplying the handgun to Mark Duggan. However, he felt that he could only do this once he had sound evidence to provide the grounds for arrest and full agreement from his senior management and the IPCC to do so.

- S22 333. DCS Cundy was the Trident OCU Commander of Trident on 4 August 2011. He explained that immediately following the fatal shooting he attended the scene at Ferry Lane and subsequently attended the venue of the Post Incident Procedure at Lemman Street police station. He explained that at 11.35pm at Lemman Street he met and exchanged details with DSI Sparrow. In that initial meeting he agreed with DSI Sparrow that Trident would assist the IPCC wherever possible and he agreed to provide a single point of contact (SPOC) within Trident. He explained they also had an early verbal agreement that the IPCC did not wish to impede Trident's criminal investigation into any criminal offences linked to the fatal police shooting.
- S18A 334. DSI Sparrow also explained he met DCS Cundy at Lemman Street on 4 August 2011. He explained they had conversations from 10.10pm and he made contemporaneous notes of his interaction with DCS Cundy. There was an entry in DSI Sparrow's notes timed at 11.50pm which explained there would be no compromise between the criminal investigation and the IPCC investigation, and that he would send an email to confirm and agree this. DSI Sparrow explained that it would have been preferable if he had followed that up with an email including a memorandum of understanding. This would have been a formal written agreement between the IPCC and Trident. DSI Sparrow explained that did not happen due to the pressure of the IPCC investigation and he also explained that DCS Cundy did not pursue the matter.
335. There were different accounts obtained from Trident officers and the IPCC about who the main Trident point of contact was for the IPCC.
- S22 336. DCS Cundy explained he appointed DSU Gary Donnison as the main point of contact for DSI Sparrow, and DSU Tony Nash performed the role of Post Incident Manager (PIM) for the Trident officers involved in the operation that led to the fatal shooting. DCS Cundy explained that he knew arrangements for information sharing were established between the IPCC and the MPS, including Trident, at an early stage. He explained there was some crossover between DSU Donnison and DSU Nash since they both performed liaison roles with the IPCC. However, he was confident that this did not cause any difficulties and he met with them most days as part of the Trident Senior Management Team.
- S17A 337. DCI Foote explained DSU Nash was the SPOC between Trident and the IPCC and all requests for information were made through him.
- S23 338. DSU Nash explained that his training was that all requests to and from the IPCC should go via the lead PIM, in this case Chief Inspector Neil Evans, to the Directorate of Professional Standards (DPS) SPOC, who in this case was DCI Mark Broom.
- D155 339. DSU Donnison explained that he was initially the SPOC for Trident, but received few or no requests for information. He remembered being aware

of requests going directly to officers involved and via DSU Nash who was carrying out the Trident liaison with DPS at that time.

18A

340. DSI Sparrow has explained that he initially had contact with DCS Cundy. He then had contact with DSU Donnison after they met on 12 August 2011, then with DCI Foote after he met with him on 26 August 2011. DSI Sparrow did not consider that any of these people were SPOCs, but instead they were individuals who could provide him with information that he required.

S22

341. DCS Cundy explained that on 4 August 2011 he was aware of Operation Dibri, which as OCU Commander he oversaw as part of a regular operational tasking and co-ordination process within Trident. However, as OCU Commander, he was not directly involved in the operational command of Operation Dibri. In particular he did not have a command role in the operation on 4 August 2011 and therefore did not know the details of the intelligence for the operational deployments on 3 or 4 August 2011.

342. DCS Cundy also explained the demand placed upon Trident due to the public disorder following the fatal shooting of Mark Duggan. The MPS, and in particular Trident, were under considerable scrutiny during this period and he was mindful of the impact of Trident's ongoing armed operations and shooting investigations at that time. He explained that there was significant media coverage and comment about the IPCC independent investigation into the fatal shooting. He considered that Trident's operational effectiveness was dependent on the support of London's communities, especially London's black communities. His view was that the IPCC investigation should be effective, independent and seen to be independent, if the public were to have confidence in its findings. He believed that such an investigation was not just legally required, but critical to the wider context of building trust among London's communities and the MPS response to gun crime.

343. DCS Cundy explained that he therefore ensured all staff within Trident were informed of the need to support the IPCC in whatever manner they could. As OCU Commander he decided that a briefing to DSI Sparrow on the context and background of Operation Dibri would enable him to make better informed judgements in his investigation. This briefing took place on 26 August 2011 and is outlined in further detail in paragraph 348 below.

S18
D108

344. DSI Sparrow has explained that the non-police issue firearm (JMA/1) and the sock which contained the firearm (JMA/2) were recovered from the scene at Ferry Lane and submitted for analysis. He explained, and recorded at the time in his investigator workbook, that on 12 August 2011 at 10.50am he called Saranjeet Khera from the Forensic Science Service. She informed him that there was blood on the sock (JMA/2) and the DNA

profile of it related to a man called [REDACTED] [REDACTED] and provided his date of birth. She also informed him that the handgun (JMA/1) had blood on it and the DNA profile related to Kevin Hutchinson (subsequently identified by the fuller name of Kevin Hutchinson-Foster), and provided his date of birth.

- D109 345. DSI Sparrow wrote a policy file entry for the Ferry Lane investigation dated 12 August 2011 and timed at 10.50am that explained he would provide Trident with the forensic results he had obtained. The rationale he recorded was that the information may be relevant to an ongoing Trident investigation and could be vital to them.
- S18
D108 346. DSI Sparrow explained, and recorded at the time in his investigator workbook, that at 11am that day he called DCS Cundy and arranged to meet him at New Scotland Yard. He explained that he called DCS Cundy as he had met him previously on 4 August 2011 at Leman Street police station.
- S22
D132 347. DCS Cundy explained, and recorded in his day book, that at 11.05am on 12 August he received a call from DSI Sparrow. Among other things DSI Sparrow requested they meet that day as some points had arisen that he wished to discuss in person and not over the phone. As OCU Commander DSC Cundy was not surprised that DSI Sparrow contacted him, rather than other Trident officers or police staff, on sensitive or confidential issues.

12 August 2011 meeting between IPCC and Trident

- S22 348. DCS Cundy explained, and recorded in his day book, that following the phone call DSI Sparrow and Investigator Lidder attended New Scotland Yard and met with him and DSU Donnison. In the meeting DSI Sparrow informed them that blood had been recovered from the sock (JMA/2) and that a DNA profile obtained from this blood had been matched to [REDACTED] [REDACTED]. DSI Sparrow also informed them that blood had been recovered from the gun (JMA/1) and a DNA profile from that blood had been matched to 'Kevin Hutchinson' (later identified as Kevin Hutchinson-Foster).
349. DCS Cundy explained that he was not directly involved in the day to day command of Operation Dibri and on 4 August 2011 he was not aware of the intelligence case that led to the deployment of the covert firearms operation. Furthermore, the names of [REDACTED] [REDACTED] and Kevin Hutchinson-Foster were not known to him.
- D155 350. DSU Donnison also explained that he first became aware of Kevin Hutchinson-Foster when he was informed about his DNA by the IPCC.
- S22 351. DCS Cundy explained that DSI Sparrow explicitly requested that the DNA results passed to him and DSU Donnison were treated in confidence, and

said that DSI Sparrow requested that no police officer or police staff involved in Operation Dibri should be informed about them. DCS Cundy explained the primary reason for this was that a number of Trident staff and CO19 firearms officers were yet to provide their final statements to the IPCC in respect of the fatal shooting of Mark Duggan. As a result DSI Sparrow did not wish any information to be disclosed that might potentially contaminate their evidence. DCS Cundy explained this was a decision he supported because, for the reasons explained above, he wanted the IPCC investigation to be as effective as possible. He added that as a qualified SIO he understood the significant impact such blood and DNA results could have both on the IPCC investigation and on a police criminal investigation into the supply of the handgun to Mark Duggan.

- D155 352. DSU Donnison explained that his recollection was that the IPCC requested that they did not arrest Kevin Hutchinson-Foster immediately as they had not spoken to all the witnesses at that point.
- S18B 353. DSI Sparrow explained that at no time did he ever express any opinion that Trident should not arrest Kevin Hutchinson-Foster. He considered it would be absurd that he would be providing evidence relating to Mr Hutchinson-Foster as soon as he got it, then instruct Trident not to arrest him. He explained that he had absolutely no power over the way in which the Metropolitan Police make decisions about operational matters and to suggest so was ridiculous.
- S22 354. DCS Cundy explained that during the meeting they also discussed the potential impact if the information about the DNA were to enter the public domain at that time. The IPCC investigation was under considerable scrutiny and there was negative comment in the media and among Tottenham's communities. DCS Cundy therefore agreed with DSI Sparrow that the inclusion group for this new DNA information should be as small as possible to prevent any unwitting or deliberate sharing of the information with others.
- D155 355. DSU Donnison did not recall whether any discussion took place with the IPCC about what to do with the DNA evidence or how it was to be disseminated, and did not recall any decision being made about this.
- S22 356. However DCS Cundy explained that since the DNA evidence was technically owned by the IPCC, at the meeting he secured agreement on the next steps and with whom the information could be shared. He secured agreement that officers from a distinct Trident unit, the North-East Shootings Team could be informed and used to conduct the research into the two DNA matches. This was to establish possible lines of enquiry for Operation Dibri investigations and the IPCC investigation. He also secured agreement that DSU Nash and his senior officers, including Deputy Assistant Commissioner (DAC) Martin Hewitt could be informed. DCS Cundy explained that he knew DSI Sparrow did not inform

Hackney Borough OCU of the DNA match.

S18
S19
D108

357. DSI Sparrow and Investigator Lidder have both explained they attended New Scotland Yard at 12.30pm and met with DSU Donnison and DCS Cundy. Both explained the information regarding the DNA result was passed on, and both recorded this in their investigator workbooks.

S19

358. Investigator Lidder recalled that either DCS Cundy or DSU Donnison asked DSI Sparrow to email them later on indicating where on the gun the DNA traces were found. He did not recall if Trident stated they would do anything with the information requested from DSI Sparrow and did not recall any discussion of undertakings regarding further dissemination of this or any other material.

S18A
D159

359. DSI Sparrow has explained that he provided the information about the DNA to DCS Cundy and DSU Donnison in confidence but he did not place any restrictions on what the MPS could do with the information.

360. DSI Sparrow clarified by 'in confidence' he meant that the information was not for general consumption and that care should be taken with its dissemination. He explained that he would have wanted to have known what action the MPS was going to take, but it would not be the role of the IPCC to tell the MPS how to police its communities. DSI Sparrow also explained that disclosure of the DNA results to Trident officers would not have had any significant impact on the Ferry Lane investigation as all the main accounts from CO19, Trident, and SCD11 officers had been provided on 7 August 2011.

S17A

361. DCI Foote explained that he was told some time later by DCS Cundy that the meeting on 12 August 2011 had taken place and he was aware that DSI Sparrow had provided the DNA results to DCS Cundy and DSU Donnison. He explained that he did not know what they did with that information and he did not become aware of the DNA evidence until 26 August 2011.

Initial enquiries by Trident following the meeting with the IPCC on 12 August 2011

S22

362. DCS Cundy explained that following the meeting he arranged for officers from the Trident North East Shootings Team to conduct confidential enquiries into the DNA matches. DCS Cundy said he gave instructions for them to carry out enquiries and review what was already known, but that this must be done confidentially and they must not disclose to anyone else the DNA links to [REDACTED] [REDACTED] and Kevin Hutchinson-Foster. The results included details of the assault on [REDACTED] [REDACTED] on 29 July 2011 and information regarding Kevin Hutchinson-Foster.

363. DCS Cundy also explained that following the meeting DSU Donnison

arranged for initial research to be conducted into [REDACTED] [REDACTED] and Kevin Hutchinson-Foster. He explained he was aware that DI Mark Bedford conducted this initial research. This intelligence work led to the information contained within the email DSU Donnison sent to DSI Sparrow later that evening (see paragraph 366 below) concerning the content of this email. DCS Cundy explained that he had agreed that they would provide the IPCC with some early information on the DNA matches.

S21
D136
D137

364. DI Bedford has confirmed that on 12 August 2011 he was working in Trident's Central Intelligence Unit and that DSU Donnison asked him to research two individuals: [REDACTED] [REDACTED] and Kevin Hutchinson-Foster. He conducted research across various MPS sources and found information about the 29 July 2011 assault which he provided to DSU Donnison. At the request of DSU Donnison on 13 and 14 August 2011 he prepared brief profiles on both [REDACTED] [REDACTED] and Kevin Hutchinson-Foster.

D132

365. DCS Cundy made an entry in his day book immediately after the entry regarding the meeting with DSI Sparrow and Investigator Lidder. This entry made reference to the assault on 29 July 2011 and some background information about Kevin Hutchinson-Foster.

D72

366. At 8.43pm on 12 August 2011 DSU Donnison sent an email to DSI Sparrow which was copied to DCS Cundy. In that email DSU Donnison explained that on Friday 29 July 2011 at approximately 7.15pm [REDACTED] [REDACTED] was the victim of crime when he was pistol whipped by an unknown black male following an altercation between the two men at Lasang [Lagoon] Hair & Beauty, 546 Kingsland Road, E9. DSU Donnison explained that although this matter was being investigated by DC Faulkner of Hackney Borough, it would be reassigned to a Trident Shootings Investigation Team. He provided the crime reference number for the incident.

367. DSU Donnison also explained in the email that Kevin Hutchinson (sic), was known to police [REDACTED]

D155

368. DSU Donnison explained that in his email his reference to reassigning the investigation to a Trident Shootings Investigation Team related to DCS Cundy directing that he assign two officers from that team to confidentially reinvestigate the incident.

S22

369. DCS Cundy also explained that when DSU Donnison had stated *"although this matter is currently being investigated by a DC Faulkner of*

Hackney Borough, it will be reassigned to a Trident shootings team” DSU Donnison had been referring to the tasking of DCI McDonald and his officers to conduct their confidential enquiries. It did not mean that Trident would formally take ownership of the investigation into the assault on [REDACTED] at that point.

370. DCS Cundy explained that as Trident OCU Commander his principle has always been that if a firearm can be recovered from armed criminals then Trident must take all reasonable steps to recover it and protect the public from further shootings. In these particular circumstances the overriding consideration in his decision-making was that of public safety. He explained that he knew that the handgun involved in the 29 July 2011 assault on [REDACTED] had been recovered and thus the risk to the public was significantly reduced. He accepted that it did not mean that the person responsible for the assault could not access other illegal firearms. He explained that he balanced that possibility with the need to maintain confidentiality.
371. DCS Cundy explained that the assault involving a handgun did not fall within Trident’s remit for investigations. If Trident had taken responsibility for the Hackney Borough investigation it would have created an obvious link to ongoing Trident operational activity. In turn Trident would have been required to directly engage Hackney Borough to reassign the investigation and disclose to Hackney Borough officers the DNA link to the handgun recovered from Ferry Lane. DCS Cundy was mindful of the public perception that it may have appeared the MPS were seeking to prejudge the IPCC investigation into the fatal shooting at an extremely sensitive time. Furthermore such an approach and disclosure to Hackney Borough had not been agreed with DSI Sparrow. DCS Cundy was satisfied at that time that Trident could conduct the parallel confidential enquiries they needed into the 29 July 2011 assault on [REDACTED]. He explained that if it was subsequently necessary for Trident to investigate the assault, then a decision could then be made about formally transferring the investigation to Trident.
372. DCS Cundy explained that based on the DNA profile from the handgun, in his opinion Kevin Hutchinson-Foster was a potential suspect for the 29 July 2011 assault. However, the fact that the blood was recovered from the handgun did not automatically mean he was responsible for the assault. If there had not been sensitivities surrounding the DNA link and the connection to Mark Duggan, the DNA link and details of Kevin Hutchinson-Foster would have been entered onto the CRIS report for the 29 July 2011 assault by the MPS Forensic Directorate.
- S18
D110 373. DSI Sparrow explained that at 10.40am on 17 August 2011 he received a call from Rob Steele, a forensic analyst, following analysis of the handgun recovered from Ferry Lane and comparison with ballistics information held on the National Ballistic Intelligence Service database (NaBIS). DSI Sparrow explained that he was informed that the handgun had been used

in a non-fatal shooting, which was investigated by the MPS under Operation Kinfauns. DSI Sparrow had made a note of this in his investigator workbook. This was the same shooting referred to by DCS Cundy in paragraph 376 below.

- D109 374. DSI Sparrow wrote a policy file entry for the Ferry Lane investigation dated 17 August 2011 and timed at 9.00am that explained he would provide Trident with the link between the handgun and Operation Kinfauns. The rationale he recorded was that the information could be vital to an ongoing MPS investigation and should rightly be disclosed to them. DSI Sparrow has explained that this entry should have been timed later given that he was not aware of this information until later that day
375. DSI Sparrow recalled that he passed this information on to DSU Donnison in a telephone conversation although he did not make a note of it.
- S22 376. DCS Cundy explained that on 18 August 2011 by chance he learnt via an email from the head of the National Ballistic Intelligence Service that the handgun recovered from the fatal shooting of Mark Duggan had been linked by NaBIS to a non-fatal shooting on 11 July 2011 in Southwark, London. That link was formally confirmed to him in an email on 19 August 2011. He explained that this non-fatal shooting was already being investigated by Trident South Shootings Team. In accordance with the agreement he had reached with DSI Sparrow he linked that shooting to the confidential enquiries being conducted by the Trident North East Shootings Team whose officers were instructed not to inform the Trident South Shootings Team investigators of the link at that time. He explained he was satisfied this approach would not subsequently prevent a full investigation into the non-fatal shooting and by way of oversight, DSU Nash was told as he was also responsible for the Trident South Shootings Team.
- D121 377. DCS Cundy explained that the Trident North East Shootings Team subsequently produced a confidential review document into the circumstances of the assault on [REDACTED] and the non-fatal shooting on 11 July 2011. He explained that he did not have an electronic copy and recalled DSU Donnison provided him with a paper copy but he did not know when the review document was created. He explained that because the document contained information about the link between the handgun and the non-fatal shooting, it must have been produced between 19 August (when Trident first became aware of the link to the non-fatal shooting) and 26 August 2011 (when the document was shown to DCI Foote).
378. DCS Cundy explained that following the meeting with DSI Sparrow on 12 August 2011 he regularly discussed the circumstances of the DNA links with DSU Nash and DSU Donnison. He explained that they (he, Donnison and Nash) did not know the significance of Kevin Hutchinson-Foster to the operation and his role as the person who supplied a handgun to Mark

Duggan.

26 August 2011: Presentation by DCI Foote to the IPCC

S22

379. DCS Cundy explained that by 26 August 2011 he, DSU Donnison and DSU Nash were all of the view that the DNA information and the confidential review document should be shared with DCI Foote and his team from Trident North West. This was because DCI Foote was the SIO for Operation Dibri which included the investigation of the supply of the handgun to Mark Duggan, so he was the person best placed to make any informed decisions in relation to the individuals linked by DNA to the handgun. DCS Cundy explained that if he had known how relevant Kevin Hutchinson-Foster was to the investigation of the supply of the handgun he would have provided the information to DCI Foote at the outset.

380. DCS Cundy explained that once the confidential review document was complete he decided it should be shared with DCI Foote. After consultation with DSI Sparrow this course of action was agreed. DCS Cundy did not recall who actually spoke to DSI Sparrow about this but said it would have been him, DSU Donnison or DSU Nash. He said this agreement was reached prior to the presentation DCI Foote was planning to give about Operation Dibri to the IPCC on 26 August 2011. DCS Cundy was unable to say whether the confidential review document was shared with DSI Sparrow, but as the content did not directly inform the IPCC investigation into the fatal shooting of Mark Duggan it may not have been shown to him.

S18A

381. DSI Sparrow explained he had no recollection of any discussion about the disclosure of DNA evidence to DCI Foote before the meeting on 26 August 2011.

S18
S19
D111
D119

382. DSI Sparrow and Investigator Lidder have explained that on 26 August 2011 they went to the MPS building, Jubilee House, where they met with DCI Foote, DCS Cundy, and DSU Donnison. The purpose of the visit was for them to receive a presentation on the background to Operation Dibri. Both recorded their attendance in their investigator workbooks.

S17
S17A

383. DCI Foote has explained that during the meeting that followed his presentation he was informed verbally by DCS Cundy and DSU Donnison that there was a forensic link between the handgun recovered at Ferry Lane and a non-fatal shooting in South London, and that there was DNA on the handgun matching [REDACTED] and Kevin Hutchinson-Foster. He was also given a confidential review document by either DSU Donnison or DCS Cundy, which he was given to read and then return. He explained that he was shown the confidential review document while DSI Sparrow and Investigator Lidder were present, but he did not know if either of them saw the content of the document. He explained he was not shown the document to take direct action; it was to add context to matters

he was already investigating.

384. DCI Foote explained that he thought both DCS Cundy and DSU Donnison were present throughout the presentation and the meeting with the IPCC, although there may have been occasions when someone left the conference room.
- S22 385. DCS Cundy confirmed that DCI Foote gave a presentation on Operation Dibri to DSI Sparrow and Investigator Lidder on 26 August 2011. He recalled that both he and DSU Donnison were present and DCI Foote was informed about the handgun DNA link to [REDACTED] and Kevin Hutchinson-Foster. He said DCI Foote was also shown the confidential review document, but could not recall if this was in front of DSI Sparrow and Investigator Lidder.
- S19 386. Investigator Lidder explained that DCS Cundy was present on 26 August 2011, but left prior to the start of DCI Foote's presentation.
- D121 387. The confidential review document contained details of the non-fatal shooting in South London, the assault on 29 July 2011 and intelligence regarding Kevin Hutchinson-Foster.
- D151 388. In relation to the assault on 29 July 2011, the confidential review document identified the CRIS number, time, date and location of the incident, and that the victim was [REDACTED]. A description of the suspect was provided but was still unidentified at that point. Outstanding lines of enquiry were identified for the incident which included actions regarding forensic submissions, CCTV, circulating the suspect's image, revisiting the victim to obtain an account, witness enquiries, analysis of the victim's phone, and intelligence research on other offences known to be linked. The report also noted the assault was being treated as an ABH assault rather than the more serious offence of possession of a firearm. The review stated, *"Clearly a male in possession of a firearm has wider implications for the community than a mere ABH"*. Acting DS Ager (the author of the review document) has explained that this comment related to the community impact of a firearms incident as opposed to an ABH.
389. The intelligence about Kevin Hutchinson-Foster included previous times he had been stopped by the police and a previous offence for which he had been convicted.
- S17
S17A 390. DCI Foote explained he was told about the DNA evidence in confidence by the IPCC, DCS Cundy and DSU Donnison. The information was classified as 'confidential' and therefore his understanding was he should not share the information from the document outside of that room; he was unable to inform Hackney Borough OCU of the link without the risk of the compromise to the IPCC investigation.
391. DCI Foote considered that the decision to inform Hackney Borough OCU

would be made at a higher level than him and at no point at that time did he feel he had the authority to breach that confidence, either with Hackney Borough OCU or the Trident South Shootings Team. He assumed the decision to disseminate the information would be made by DCS Cundy or the IPCC. He said the IPCC were in control of the forensic submission and in receipt of the results, and therefore had ownership of the DNA evidence. He thought it was an IPCC decision whether to inform Hackney Borough OCU or Trident.

- D150 392. DCI Foote made an entry in his Operation Dibri policy file dated 30 August 2011 regarding the presentation to the IPCC. In this he wrote that the DNA information was restricted to a need-to-know basis.
- S22 393. DCS Cundy explained he was aware the confidential review document identified a number of possible lines of enquiry for the assault on 29 July 2011. He explained that as DCI Foote was SIO for the investigation into the supply of the handgun to Mark Duggan, it was for him to decide how to progress it; if the assault on 29 July 2011 assisted, then DCI Foote was responsible for deciding what engagement should occur with the Hackney Borough investigating officer. DCS Cundy explained that such a decision would be made after consultation with DSI Sparrow who was responsible for the DNA evidence, and within the context of the confidentiality and public safety considerations.
- S17
S17A 394. DCI Foote has explained that the assault on 29 July 2011 did not fall within the standard terms of reference for Trident and was not considered for reassignment to Trident because it was not apparent at the time that Kevin Hutchinson-Foster was the assailant. He explained that although Kevin Hutchinson Foster's DNA was on the handgun, he did not make the assumption that he was the assailant at the salon, as handguns frequently change hands within the criminal fraternity.
395. DCI Foote did not recall any discussion on 26 August 2011 about the assault on 29 July 2011 and was not aware of any work undertaken by Trident to identify the assailant.
396. DCI Foote explained that he believed there was some confusion between the IPCC and MPS about who had primacy over the investigation into the transfer of the handgun to Mark Duggan. He was not aware of a memorandum of understanding between the IPCC and Trident about this, and he was not sure he had seen the terms of reference for the IPCC investigation by the 26 August 2011.
397. DCI Foote explained he knew Mark Duggan had been supplied with a handgun and this was an ongoing investigation for Operation Dibri, however as the IPCC had taken control of the Ferry Lane scene and evidence, they were limited in the progress they could make and there were other significant operational demands on them at the time.

398. DCI Foote explained that during the meeting on 26 August 2011 it was agreed that Trident North West Proactive team would now take forward the investigation into the supply of the handgun to Mark Duggan by Kevin Hutchinson-Foster. He explained that DSI Sparrow was still present when this happened and he made an immediate request to DSI Sparrow for his team to be provided with an evidential package so he could progress the investigation into the handgun supply.
399. DCI Foote said it was a verbal request to DSI Sparrow and he did not make a note of it. He could not remember the specific details of the request other than it was for an evidential package, but explained he would have asked for the DNA evidence and phone data as he was aware that the IPCC had possession of Mark Duggan's phones. He could not remember if there was discussion about the content of the evidential package being treated in confidence.
- S22 400. DCS Cundy said he did not know if DCI Foote made any requests of DSI Sparrow on 26 August 2011, but recalled that DCI Foote or officers from his team were in regular contact with DSI Sparrow and IPCC investigators to progress the Trident investigation into the supply of the handgun. His expectation was that DCI Foote, DSU Donnison and DSU Nash would ensure information sharing with the IPCC was effective; as OCU Commander DCS Cundy would only become involved if there were issues or sensitivities that required his intervention.
- D155 401. DSU Donnison explained that he recalled a request being made for an evidential package from the IPCC, but did not know who requested it or when a request was made.
- S18
S19 402. Investigator Lidder did not recall or make any note of any specific request for material made by Trident to either him or DSI Sparrow during that meeting. DSI Sparrow also did not recall being asked for an evidential package during that meeting and said if he had been asked he would have provided whatever material he had available to him. DSI Sparrow explained that he did not have any phone evidence to provide at that stage because the phone evidence was not available until 27 September 2011.
- S17
S17A 403. DCI Foote explained he considered Kevin Hutchinson-Foster could have other firearms and the information from the IPCC provided an opportunity to arrest him. He explained that the handgun had been recovered and therefore he was satisfied that the risks to the public were low, but nonetheless he was keen to have sufficient evidence to be in a position where Kevin Hutchinson-Foster could be charged for the offence and remanded in custody.
404. DCI Foote explained that he was very concerned that any action he took in relation to the investigation should not compromise the integrity of the IPCC investigation and furthermore any action taken should be carefully

considered and conducted in such a way as to ensure that there was no possibility of sparking further public disorder. DCI Foote explained with that in his mind he made the decision to take no executive action until he was in possession of the evidential material requested from the IPCC. This was so he could satisfy himself as to the exact nature of the evidence and that the IPCC were content for him to progress the enquiry.

- D150 405. DCI Foote explained that he did not make a specific written policy decision to delay the arrest of Kevin Hutchinson-Foster until he had received the evidential package from the IPCC, but he had made a policy entry (dated 7 September 2011, but recorded as having been written up on 12 September 2011) noting he was awaiting an evidential package and he stated it was implicit in this later policy entry that he was waiting for this prior to any arrest of Kevin Hutchinson-Foster.
- S22 406. DCS Cundy explained he was aware that DCI Foote had decided not to arrest Kevin Hutchinson-Foster on suspicion of supplying a handgun to Mark Duggan until there was sufficient evidence, critically the DNA evidence linking him to the handgun. He explained that DCI Foote was reliant upon the IPCC to provide the evidential statements, including forensic and continuity statements. As OCU Commander he knew any arrest of Kevin Hutchinson-Foster would be extremely significant and, if evidence was sufficient he would expect him to be charged rather than bailed from police custody for further enquiries. At the same time DCI Foote would also need to consider the risks of not arresting at an early stage, in particular any risks to public safety.

Trident request to IPCC for an evidential package and material provided by IPCC

- S17
S17A 407. DCI Foote explained that on 7 September 2011 he made a request to DSU Nash via a phone conversation to chase the IPCC for the evidential package he had requested on 26 August 2011.
- D150 408. DCI Foote wrote an entry in his policy file for Operation Dibri regarding this request to DSU Nash. The decision was made on 7 September 2011, but entered into the policy file on 12 September 2011. DCI Foote wrote that he had a meeting with DS Young and DS Dempsey regarding the progression of evidence gathering for Kevin Hutchinson-Foster. He recorded that on 7 September 2011 he called DSU Nash to ask him to contact IPCC investigators to obtain: statements of evidence of forensic analysis and results of recovered handgun; phone downloads to evidence the link to Kevin Hutchinson-Foster; and cell site evidence of Kevin Hutchinson-Foster being in the location at the time of the offence. He also recorded that he expressed concerns to DSU Nash about: intelligence regarding Kevin Hutchinson-Foster's involvement and possession of firearms; a delay in making an arrest could put others at risk; that there was organisational risk in not acting promptly. He also wrote that he suggested having an MOU between Trident and the IPCC regarding the

passing of relevant documents.

- S23 409. DSU Nash explained that he did not recall nor did he have any emails requesting material from the IPCC regarding forensic evidence. He explained that had any request been made of him he would have routed it via Chief Inspector Evans to DCI Broom.
- S18 410. DSI Sparrow has explained he has no record of any request for an evidential package being made to him by DSU Tony Nash, and he did not remember any such request being made.
- D113 411. On 13 September 2011 DSI Sparrow sent an email to DCI Foote asking him to provide: the briefing document from 3 August 2011; the operational order for the pre-planned operation; and asked whether any of his team obtained witness details on 4 August 2011.
- D153 412. On 14 September 2011 DCI Foote emailed DSU Nash and DSU Donnison. In that email he attached the email from DSI Sparrow from 13 September 2011 and explained that his understanding was that such requests were meant to go through them as the Trident SPOC and PIM. DSU Nash replied to that email explaining that his belief was that the request should go via the lead SPOC, DCI Neil Evans. However, at this time no material was passed to DSI Sparrow in response to his request.
- D152
D154 413. On 21 September 2011 DSI Sparrow was emailed a report from Ms Khera at the Forensic Science Service. The report provided confirmation of the information she had provided verbally to DSI Sparrow on 12 August 2011 about the DNA of Kevin Hutchinson-Foster and [REDACTED] [REDACTED].
- D112 414. On 27 September 2011 IPCC Investigator Keith Tagg, also working on the Ferry Lane investigation, wrote a report that related to the Sony Ericsson mobile phone that was in the possession of Mark Duggan when he was shot. In the report it showed that at 5.56pm on 4 August 2011, a call was made from the phone to 'Kev'.
- D114
S18 415. DSI Sparrow explained that at 1.45pm on 28 September he left a voicemail message asking DCI Foote to contact him; this call was also recorded in his investigator workbook.
- D114 416. DSI Sparrow explained and recorded in his investigator workbook, that at 9.20am on 29 September 2011 he was informed by MPS 'fingerprints' that the fingerprints of Mark Duggan had been found on a shoebox recovered from the scene at Ferry Lane. He then recorded at 11.08am that he spoke to DCI Foote on the telephone and asked him again for the briefing document from the 3 August 2011, discussed the operational order and received confirmation that Trident officers did not obtain any details of witnesses at the Ferry Lane scene.
417. DSI Sparrow explained that at 11.15am that day he requested a search of MPS databases in order to attribute some numbers called by Mark

Duggan on 4 August 2011 to individuals including 'Kev'. At 12.35pm he heard back from MPS 'fingerprints' who informed him that Kevin Hutchinson-Foster's fingerprints were also on the shoebox. DSI Sparrow recorded both of these conversations in his investigator workbook.

- D113 418. At 12.38 on 29 September 2011 DCI Foote sent an email to DSI Sparrow, referring to the conversation they had earlier that day and in response to DSI Sparrow's email to him dated 13 September 2011. DCI Foote apologised for not contacting DSI Sparrow sooner and said that he had forwarded DSI Sparrow's request to the Trident SPOC with the assumption they would contact DSI Sparrow directly. DCI Foote also enquired, referring to his presentation on 26 August 2011, whether DSI Sparrow had an evidential package for him to deal with Kevin Hutchinson-Foster. He specified in particular, Mark Duggan's phone data/billing and DNA statement in relation to 'the main exhibit'. DCI Foote explained he was concerned that there was a potential corporate risk to both their organisations if they did not act, in the event someone was shot by Kevin Hutchinson-Foster and they had not taken the opportunity to arrest him with such evidence available. DCI Foote wrote he would be grateful for a speedy response to his request.
- S18 419. DSI Sparrow has stated that he was surprised by DCI Foote's reference to organisational risk to both the MPS and IPCC. He explained that DCI Foote had not mentioned this in the telephone conversation they had earlier that day. DSI Sparrow explained he had previously expressed concern about the lack of action by the MPS and had raised it with the Moir Stewart, the IPCC Director of Investigations towards the end of September 2011.
- S26 420. Moir Stewart recalled that DSI Sparrow saw him at the end of September 2011 to discuss concerns he had about the delay in arresting Kevin Hutchinson-Foster. Mr Stewart explained DSI Sparrow just wanted to make him aware should he need further assistance in the form of intervention at a senior level in the MPS. However, as DSI Sparrow did not request further assistance, no further action was taken.
- D126 421. DSI Sparrow replied to DCI Foote's email at 13.25pm on 29 September 2011. DSI Sparrow agreed that he should meet with DCI Foote to provide something tangible for any action in relation to Kevin Hutchinson-Foster. DSI Sparrow also stated that he felt there was a need to discuss further the man that handed the box over to Mark Duggan on 4 August 2011, as evidenced by the taxi driver of the car in which Mark Duggan was travelling immediately prior to being shot. DSI Sparrow informed DCI Foote that some IPCC requests for information had been routed via DCI Phil Jones, a colleague of DCI Foote. DSI Sparrow asked that they meet the following week.
- D125 422. DSI Sparrow sent an email to DCI Foote, copied to DSU Nash and DSU Donnison, at 12.54pm on 30 September 2011. In that email DSI Sparrow

explained that he had some further information which required that they meet as soon as possible and requested that they arrange the meeting for the following week.

D109
S18A

423. DSI Sparrow wrote a policy file entry for the Ferry Lane investigation timed at 3.00pm on 30 September 2011 that explained he would liaise with Trident and provide them with information relating to the handgun and shoebox from Ferry Lane, plus supporting evidence. The rationale he recorded was that there was evidence that 'Hutchinson' may have supplied the handgun and it was therefore his responsibility to pass that evidence/information to the MPS as there was evidence of criminality which was of an extremely serious nature. DSI Sparrow explained that this decision related to the DNA evidence and the information that he received on 29 and 30 September 2011.

S18
D114

424. DSI Sparrow explained that at 3pm on 30 September 2011 he called DCI Foote and arranged to meet him on 4 October 2011. In his investigator workbook he also noted that the meeting was with reference to '*Hutchinson*'.

S17

425. DCI Foote explained that the Trident SMT was aware that he was waiting for an evidential package prior to arresting Kevin Hutchinson-Foster and the delays he was experiencing. DSU Nash, DSU Donnison and DCS Cundy were all in the SMT and he was doing his best to keep them updated.

S18
D114

426. DSI Sparrow explained that at 9.30am on 4 October 2011 he and Investigator Lidder met with DSU Donnison and DCI Foote and he provided the information relating to the DNA and fingerprints and also the call made to 'Kev' on 4 August 2011. He explained that it was agreed that the IPCC would provide documentary material relating to the evidence obtained. DSI Sparrow recorded in his investigator workbook that he passed on information which included that the handgun had DNA from Kevin Hutchinson on it, the shoebox had fingerprints from Kevin Hutchinson and Mark Duggan on it, and that 'Kev' was called from Mark Duggan's mobile phone at 5.52pm which was approximately 20 minutes before Mark Duggan was shot.

S17
D150

427. DCI Foote explained that at this meeting he made a formal request for: a DNA evidential package; a fingerprint evidential package; details and billing for the phones recovered at Ferry Lane; and continuity of all the above exhibits. He explained DSI Sparrow told him that the IPCC would try to meet his request. DCI Foote recorded details of this in his Operation Dibri policy file.

S18
D116

428. DSI Sparrow explained that at 11.05am on 4 October 2011 he received an email with the results of his request for the attribution of numbers called by Mark Duggan on 4 August 2011. The information received provided intelligence that 'Kev' referred to on the mobile phone, was

Kevin Hutchinson-Foster.

- D109 429. DSI Sparrow wrote a policy file entry dated 4 October 2011 and timed at 11.10am that explained he was in possession of telephone evidence relevant to the potential criminal investigation and that he would pass the information on to Trident. The rationale he recorded was that the intelligence suggested 'Kev', who was called by Mark Duggan on 4 August 2011, was Kevin Hutchinson-Foster. That evidence would provide further support and corroboration of Trident's evidence available to date.
- S17 430. DCI Foote stated he was aware that at some time after his meeting with DSI Sparrow on 4 October 2011 that DS Dempsey received an evidential package from Investigator Lidder. DS Dempsey then reviewed the material and made further requests for information from the IPCC.
- S18
D114 431. DSI Sparrow explained that on 6 October 2011 DS Dempsey collected the supporting material promised at the meeting of 4 October 2011. In his investigator workbook he recorded that he had received a call from DCI Foote stating DS Dempsey would attend IPCC offices to collect material.
- D117 432. There is an IPCC receipt, signed for by DS Dempsey on 6 October, which contains details of the evidence he collected.
- S17 433. DCI Foote explained that on 7 October 2011 the confidential review document he had read on 26 August 2011 was provided to the North West Trident team.
- S22 434. DCS Cundy explained that he was aware DS Dempsey requested further evidence from Investigator Lidder on 10 October 2011. It was at that stage that he took an active part to resolve a potential difficulty between the IPCC and Trident investigations. He was aware that DSI Sparrow had concerns about disclosing statements which contained evidence pertaining to the IPCC investigation but not to Trident's criminal investigation. In particular he says DSI Sparrow did not wish to part disclose evidence in relation to the fatal shooting of Mark Duggan until the conclusion of the IPCC investigation and submission to HM Coroner. DCS Cundy explained he was also fully aware of the concerns raised by Mark Duggan's family about information not being disclosed to them by the IPCC. This situation might have been exacerbated if Kevin Hutchinson-Foster was to be charged, since the statements would then be provided to him (through his defence team) by Trident and could then have been shared by him with others, without any control or coordination by the IPCC.
- D123 435. Investigator Lidder responded to DS Dempsey via email on 12 October 2011. He provided answers to the questions asked by DS Dempsey in his email of 10 October 2011, and informed DS Dempsey that he had prepared another evidential bundle for collection.

- S17
D150 436. DCI Foote explained that on 13 October 2011 he tasked DS Dempsey to research the incidents linked by the DNA on the handgun, with the purpose of comparing the information already known to the Trident North West Proactive team. He explained this was essentially duplicating the work that resulted in the confidential review document, but he asked for this to be done to make sure that nothing had been missed and to look for any intelligence that linked back to Mark Duggan. He explained that DS Dempsey made no further links to the transfer of the handgun to Mark Duggan. DCI Foote recorded the decision to task DS Dempsey with this work in his Operation Dibri policy file. He also recorded that DC Boyce was allocated work concerning phones and DC Jenkins would assist when he arrived on the Trident North West Proactive team.
- D124
S22 437. DCS Cundy explained that in an email to DSI Sparrow dated 13 October 2011 he set out the issues and matters that he wished to urgently resolve in a meeting they scheduled for 17 October 2011. The key matters he requested agreement on were: what evidential statements obtained by the IPCC the MPS could rely upon; if statements could not be used in the criminal investigation, what process should be adopted for securing new statements; the management plan for any arrest of Kevin Hutchinson-Foster; and, what material gathered by the IPCC would be considered as relevant for purposes of disclosure under the Criminal Procedure and Investigations Act 1996.
- S22 438. DCS Cundy explained that he regularly provided key updates to MPS gold group members who were overseeing the MPS response following the fatal shooting of Mark Duggan. On 13 October 2011 he informed them via email that the anticipated arrest of Kevin Hutchinson-Foster had to be put on hold whilst further requests were made to the IPCC.
- S19
D118 439. Investigator Lidder explained he hosted a meeting with officers from Trident, including DS Dempsey and DCS Cundy, on 17 October 2011, and at the conclusion of that meeting he handed a bundle of material to DS Dempsey. There is an IPCC receipt, signed for by DS Dempsey on 17 October 2011, which contained details of the evidence he collected.
- D124
S22 440. DCS Cundy explained that at the meeting on 17 October 2011 the issues he had included in his email dated 13 October 2011 were discussed. Only Investigator Lidder from the IPCC was present during the meeting and he had to then discuss matters with DSI Sparrow before final decisions were made. Investigator Lidder sent an email to DCS Cundy on 18 October 2011 in which he confirmed one matter raised in the meeting the day before and that he would address the other matters upon DSI Sparrow's return from leave.
- S22 441. DCS Cundy explained that DS Dempsey emailed him on 20 October 2011 to explain that there was a possible arrest opportunity approaching but that there had not yet been any feedback or decision from the IPCC. He said Investigator Lidder also emailed him that day explaining that DSI

Sparrow was not available until 24 October 2011. However, he noted the issue must have been resolved because on 21 October 2011 he was informed that DCI Foote had made a decision to arrest Kevin Hutchinson-Foster and then did so on 24 October 2011.

- S17 442. DCI Foote explained that on 21 October 2011 he decided that there were sufficient and reasonable grounds to arrest Kevin Hutchinson-Foster for possession of a firearm due to his DNA on the handgun and fingerprints on the box believed to have contained the handgun. He also explained that there was a realistic chance of arresting him at a certain location on Monday 24 October 2011. He informed his SMT of his intention to arrest Kevin Hutchinson-Foster, and recorded the rationale for his decision in his Operation Dibri policy file.

Arrest of Kevin Hutchinson-Foster and Trident becoming involved in the investigation of the assault on 29 July 2011

- S17 443. DCI Foote explained that on 24 October 2011 Kevin Hutchinson-Foster was arrested by DC Jenkins, who took over the investigation from DC Boyce. DC Jenkins was selected as he had just arrived on the North West Proactive team and had not been involved in the Ferry Lane operation.
- S20 444. DC Jenkins explained that on 24 October 2011 he started working on the Trident North-West Proactive team. He was briefed that morning by DS Dempsey and tasked with arresting Kevin Hutchinson-Foster. He was provided with a skeleton case file relating to a handgun recovered from the Ferry Lane scene on 4 August 2011. He was aware of the incident through the press coverage of it, but that was his first involvement in the investigation.
445. DC Jenkins explained that the file contained DNA identifications for Kevin Hutchinson-Foster and [REDACTED] [REDACTED] from the handgun and sock found at Ferry Lane. DS Dempsey also told him that [REDACTED] [REDACTED] had reported he was assaulted with a handgun on 29 July 2011.
446. DC Jenkins said on 25 October 2011 he was allocated the investigation into the recovered handgun. He explained that he had not yet charged Kevin Hutchinson-Foster with any offence and he was investigating how the handgun came to be in Ferry Lane.
447. DC Jenkins explained at that stage he did not know whether [REDACTED] [REDACTED], whose DNA was on the handgun, could have had some criminal role, he did not know whether Kevin Hutchinson-Foster or Mark Duggan had any involvement in the assault on [REDACTED] [REDACTED], and he did not know whether some completely separate person (who might be identified through investigating the assault on 29 July) might have been involved in how the handgun got to Ferry Lane on 4 August 2011.
- S22 448. DCS Cundy explained that following the arrest there was no requirement

for the DNA links to Kevin Hutchinson-Foster to remain confidential. This meant that Trident could progress all relevant lines of enquiry regarding the handgun supply to Mark Duggan in an overt manner.

- S20 449. DC Jenkins explained he reviewed the investigation into the assault on 29 July 2011 and made contact with the OIC to arrange to read the statements, view the CCTV and review the exhibits. He explained that he did not tell the OIC what his interest in the investigation was. He explained that no one else was involved in his decision to do this, but it seemed to him to be a priority. Prior to viewing the CCTV he was not aware of any link between Kevin Hutchinson-Foster and the assault on [REDACTED], other than both their DNA being on the recovered handgun.
- D122
S17 450. DCI Foote explained that DC Jenkins attended Stoke Newington police station on 3 November 2011 to look at the exhibits from the assault investigation and in particular to examine the CCTV. According to DCI Foote, after viewing the CCTV, DC Jenkins identified Kevin Hutchinson-Foster as the assailant. DCI Foote stated that he was made aware of the identification and viewed the CCTV himself at the Trident office in West Hendon.
- S17
D122 451. On 4 November 2011 DCI Foote stated that he was made aware by DC Jenkins that there were concerns with the initial Hackney Borough investigation. These concerns were that a number of witnesses to the assault had not been interviewed, exhibits had not been submitted and it was not clear whether CCTV images of the suspect had been circulated. DCI Foote tasked DC Jenkins to review the CRIS report for the assault on 29 July 2011 and document his findings. He also reviewed the CRIS report himself and a combined report was compiled which was used to inform DCS Cundy of the issues. DCI Foote also informed DSU Lloyd Gardner, a Detective Superintendent at Hackney Borough, by telephone.
452. DCI Foote provided DCS Cundy and DSU Donnison with the circumstances of how these issues were identified and pointed out the potential risks to the organisation and possible impact on the forthcoming inquest into the death of Mark Duggan. DCI Foote offered to take over the investigation of the assault on 29 July 2011 due to the relevance and continuity of the handgun and Kevin Hutchinson-Foster.
- D150 453. DCI Foote made an entry in his Operation Dibri policy file dated 4 November 2011 in which he detailed the concerns with the original investigation into the 29 July 2011 assault, recorded that DSU Gardner would review the investigation and documented that there would be a meeting with staff on 7 November 2011 where decisions would be made about the next steps.
- S3A 454. DSU Gardner explained, following a meeting with his CID SMT on 7 November 2011, he established an action plan that involved a full review

of the 29 July 2011 investigation to identify outstanding actions and a joint investigation between Hackney Borough and Trident. He explained that he spoke to DCI Foote that day about the action plan and also emailed it to Trident.

- S17 455. DCI Foote explained on 7 November 2011 he and DSU Gardner agreed to have a joint investigation into the assault on 29 July 2011, with Hackney Borough continuing the outstanding enquiries of tracing, interviewing and taking statements from the various witnesses.
- S22 456. DCS Cundy has explained that the demarcation of investigative responsibilities set out by DSU Gardner was not unusual. The investigating officers needed to consider how they anticipated the criminal investigations might conclude. At that stage there were two distinct criminal investigations. The first, conducted by Trident, concerned the supply of a handgun to Mark Duggan, for which Kevin Hutchinson-Foster had been charged. The second, conducted by Hackney Borough was into the assault on 29 July 2011, to which Kevin Hutchinson-Foster was linked via blood on the handgun used in the assault and subsequently found at the scene of the shooting on 4 August.
457. DCS Cundy explained that although Kevin Hutchinson-Foster was linked to both cases, it did not automatically follow that he was responsible for both offences. Even if he were to be arrested and charged, the two cases would not automatically be joined together in any subsequent trials. That would be a decision for the Crown Prosecution Service and instructed lawyers, in consultation with the MPS. The 29 July 2011 case would only be joined with the handgun supply trial if it were considered relevant and linked, which subsequently turned out to be the case.
- S17 458. DCI Foote explained on 15 November 2011 he and DC Jenkins conducted a review and update meeting and decided at that point that Trident should take over the investigation into the assault on 29 July 2011 with the support of Hackney Borough. DCS Cundy explained he supported this decision.
- D165
D166 459. DCI Foote has indicated to the IPCC investigation that it was clear to him that, *"...there was a distinct and relevant link between the assault on Mr [REDACTED] (sic) and the firearms supply through Kevin Hutchinson-Foster and the tracking of his mobile phone, the blood DNA and the recognition on the CCTV. It was agreed initially that both investigations would remain separate with the sharing of evidence to support each case however, on reflection it made more sense that due to the significant links described, that Trident took ownership of the Hackney investigation"*.
460. DCI Foote also wrote details in his Operation Dibri policy file about the meeting with DC Jenkins and the decision to take over the investigation from Hackney Police.

Conclusions regarding the Trident investigation

Why did Trident take over the investigation in November 2011 and not before?

S15
S22
D68

461. The IPCC investigation has reviewed the Trident terms of reference in existence on 29 July 2011 and obtained evidence from the chief superintendent currently in charge of Trident (DCS Haydon) and the chief superintendent who was in charge of Trident at the time (DCS Cundy), both of whom have indicated that the 29 July 2011 incident would not have fallen to Trident to investigate. On the face of the first two limbs of the terms of reference (Murder and Shootings), the 29 July 2011 incident clearly does not fall within them.

D158

462. However, the IPCC investigation has queried whether the incident could have fallen to be investigated by Trident under the third limb of the terms of reference (Proactive Operations). Supt Smith, a current Trident superintendent, has explained that the incident would not have fallen to the Trident proactive teams to investigate because, in short, these teams focused on investigating organised crime groups and gangs involved in firearms crime that were assessed as being the most harmful within the MPS and these investigations are extremely resource intensive. In essence, the Trident proactive teams were tasked with undertaking operations against these most harmful organised crime groups and gangs. Supt Smith stated that approximately 3000 firearms related offences are reported annually in London and it would not be feasible for the Trident Proactive Teams to begin resource intensive proactive operations to investigate all of these offences. He explained that this was not the intention of the terms of reference, nor the manner in which they were applied, and consequently the 29 July 2011 incident did not fall to be investigated by Trident, unless a firearm had been discharged.

463. The IPCC investigation has concluded that based on the evidence acquired, the 29 July 2011 incident would not have ordinarily fallen to Trident to investigate. However, the IPCC notes that it may seem to the general public (or indeed a victim of firearms-related crime) a little artificial that the remit of Trident involvement in the investigation of alleged firearms-related offences is dependent on whether or not the firearm was discharged, or whether or not a suspect for an offence was believed to be part of an organised crime group or gang. It can be assumed that the general public and a victim of crime would want a robust and thorough investigation conducted by well-trained and if possible specialist investigators, be they from Borough or Trident. Either way, this requires good communication and information sharing between Borough and specialist units (such as Trident) and to this end the IPCC notes that the revised (and current) Trident terms of reference (see below for an extract), while still focussing on investigating shootings and conducting proactive

operations involving firearms and /or gangs, now includes explicit reference to providing greater support to Borough policing and the wider community, concerning gang-related crime investigation.

D160

464. To this end the Trident terms of reference now include:

- *“Deploy to and support boroughs to tackle gang criminality...*
- *Provide 24/7 intelligence support to the MPS regarding gang criminality, including the oversight of the gangs matrix and judicial restrictions*
- *Work with partners, groups and communities to tackle gang criminality and to prevent offending...*
- *Investigate any serious gang-related violent crimes, which are beyond the capability of a BOCU [i.e. Borough] to investigate. Referrals will be assessed by the Trident Superintendent against the GEAR protocols based on the complexity of the required investigation and the opportunity to impact on an existing or emerging gang threat.*
- *It should be noted that the above terms are not restricted by crime type (e.g. GBH, threats to kill, kidnap, robbery, firearms recoveries or violent disorder) however until MET Grip is fully established, the reviewing Trident Detective Superintendent will have autonomy in deciding the appropriate investigating unit.”*

465. These revised terms of reference would not automatically mean that the 29 July 2011 incident would be referred to Trident for assessment, but provide for better liaison between Trident and Borough investigations and decision-making by Trident in relation to taking over the investigation of an incident that is not restricted by the type of crime.

When did Trident first identify a suspect for the assault and when did Trident decide to take over the investigation?

D72
S22

466. Trident was first made aware on 12 August 2011 of the DNA recovered on the handgun and sock found at the scene of the shooting of Mark Duggan on 4 August 2011. It is clear from DSU Donnison’s email that the preliminary searches conducted by Trident, concerning the two people whose DNA had been found on the handgun and sock, had identified the sock DNA as having come from the victim of the 29 July 2011 incident. Those searches had also obtained the background criminal history of the person whose DNA had been found on the handgun (Kevin Hutchinson).

467. It is also clear from DCS Cundy’s statement that, based on the DNA profile from the handgun, he considered Kevin Hutchinson-Foster, “...was a potential suspect for the 29 July 2011 assault. However, the fact his blood was recovered from the gun did not automatically mean he was the person responsible for the assault. The criminal use and supply of firearms across London is complex; a single firearm is often used by many

different criminals and firearms are often transferred across London between criminal gangs. Thus, the person who used the [handgun] in Hackney was not necessarily the same person who supplied it to Mark Duggan”.

468. Despite these caveats, DCS Cundy accepts that on 12 August 2011 he thought that Kevin Hutchinson-Foster was a potential suspect for the 29 July 2011 incident.
- S20 469. However, confirmation that Kevin Hutchinson-Foster was the principal suspect for the assault was not obtained until DC Jenkins reviewed the CCTV of the incident on 3 November 2011 and from the footage identified Kevin Hutchinson-Foster as the assailant.
- S17 470. After identifying Kevin Hutchinson-Foster as the assailant for the 29 July 2011 incident via the CCTV, DCI Foote was made aware of this identification and he viewed the CCTV at his Trident office in West Hendon. On 4 November 2011, he states that he was made aware of concerns relating to the initial Hackney Borough investigation (concerning a number of witnesses not being interviewed, exhibits submitted or CCTV images of the suspect circulated) and DCI Foote tasked DC Jenkins to review the CRIS report for the assault on 29 July 2011 and document his findings. DCI Foote also reviewed the CRIS report himself and a combined report was compiled which he used to inform DCS Cundy. He also informed DSU Lloyd Gardner at Hackney Borough by telephone.
- D150 471. DCI Foote made an entry in his Operation Dibri policy file dated 4 November 2011 in which he detailed the concerns with the 29 July 2011 assault investigation, stated that DSU Lloyd Gardner would review the investigation and documented that there would be a meeting with staff on 7 November 2011 where decisions would be made about the next steps.
- S3A 472. DSU Gardner has explained following a meeting with the Hackney Borough CID SMT on 7 November 2011 he established an action plan that involved a full review of the 29 July 2011 investigation to identify outstanding actions and a joint investigation between Hackney Borough and Trident. He explained that he spoke to DCI Foote that day about the action plan and also emailed it to Trident.
- S17 473. DCI Foote explained on 7 November 2011 he and DSU Gardner agreed to have a joint investigation into the assault on 29 July 2011 with Hackney Borough continuing the outstanding enquiries of tracing, interviewing and taking statements from the various witnesses.
474. DCI Foote explained in his statement that on 15 November 2011 he conducted a review and update meeting with DC Jenkins and decided at that point that Trident should take over the investigation.
- D165 475. DCI Foote has indicated to the IPCC investigation that it was clear to him that, “...there was a distinct and relevant link between the assault on Mr

[REDACTED] (sic) and the firearms supply through Kevin Hutchinson Foster and the tracking of his mobile phone, the blood DNA and the recognition on the CCTV. It was agreed initially that both investigations would remain separate with the sharing of evidence to support each case however, on reflection it made more sense that due to the significant links described, that Trident took ownership of the Hackney investigation.”

Was there a lost opportunity to identify Kevin Hutchinson-Foster as the suspect for the assault before 4 August 2011?

476. The IPCC investigation has not obtained any evidence to suggest that between 29 July 2011 and 4 August 2011 Trident had become aware of any link between the 29 July 2011 incident and the transfer of the firearm from Kevin Hutchinson-Foster to Mark Duggan.
477. The IPCC, after thorough research of all MPS systems that were available to Trident at the time, has not identified any intelligence, information or evidence that linked Kevin Hutchinson-Foster to the assault on 29 July 2011, before the DNA evidence was obtained by the IPCC on 12 August 2011. There was therefore no reason for Trident to have an interest in the serious assault investigation until 12 August 2011.
478. In relation to circulation of the CCTV footage, the footage was not circulated to Trident officers (who may have been able to identify the suspect as Kevin Hutchinson-Foster). As stated in paragraph 230 above, bearing in mind DI Willis’ evidence, even if the CCTV had been properly and expeditiously submitted to the DEU at the earliest opportunity, it would have been highly unlikely that the footage would have been circulated throughout the MPS prior to Mark Duggan being shot by the police on 4 August 2011. Therefore, the IPCC cannot conclude that had the footage been submitted to the DEU in a timely manner, there was a good prospect of the suspect being identified by Trident officers prior to Mark Duggan being shot.
- D143
D141
D146
D147
D148 479. There is evidence that Trident became aware of the assault on 29 July 2011 from as early as 1 August 2011 via the ‘Guns & Gangs’ meeting that took place at Stoke Newington police station that day. A representative from Trident was likely to have been at the meeting, but as no records were kept of attendees at that time it has not been possible to establish whether a member of Trident did attend.
480. It is considered that these are important meetings and a record should be kept of the attendees for record keeping and auditing purposes. However, the briefing document for that meeting was emailed to a Trident North East mailbox that day, so there is a record that the 29 July assault was brought to their attention in any event.
481. No person had been identified as being a possible suspect at that stage and the assault would not have fallen within Trident’s standard terms of

reference (as outlined above). Actions for attendees at the 'Guns & Gangs' meetings were circulated following the meeting and there were no actions identified for Trident. Therefore, there would have been no reason for Trident to have intervened in the investigation being carried out by Hackney officers or make any further enquiries themselves at that stage.

Delay in provision of DNA information to DCI Foote or Hackney Borough between 12 and 26 August 2011

- S22 482. DCS Cundy's reason for not providing the DNA results to Borough (i.e. by allowing the DNA information to be added onto the CRIS report by the MPS Forensic Directorate) was due to the sensitivities surrounding the DNA link and the connection to Mark Duggan. These sensitivities were initially that a number of Trident officers (and CO19 firearms officers) were yet to complete their final statements to the IPCC relating to the fatal shooting of Mark Duggan and as a result DSI Sparrow did not wish any information to be disclosed that might potentially contaminate their evidence.
- D159
S17
S17A 483. As outlined above, DSI Sparrow has explained that he provided the information about the DNA to DCS Cundy and DSU Donnison in confidence but he did not place any restrictions on what the MPS could do with that information. DSI Sparrow clarified that by 'in confidence' he meant that the information was not for general consumption and that care should be taken with its dissemination. He explained that he would have wanted to have known what action the MPS were going to take, but it was not the role of the IPCC to tell the MPS how to police its communities. DSI Sparrow also explained that the disclosure of the DNA to Trident officers would not have had any significant impact on the Ferry Lane investigation at that stage as all the main accounts from CO19, Trident, and SCD11 officers had been provided on 7 August 2011.
- S22 484. DCS Cundy also stated that *"...If Trident took responsibility for the Hackney police investigation it would have created an obvious link to ongoing Trident operational activity. In turn Trident would have been required to directly engage Hackney Police to reassign the investigation and disclosure of the DNA link to the handgun recovered from the fatal police shooting of Mark Duggan. I was mindful of the public perception that it may have appeared the MPS was seeking [to] prejudge the IPCC investigation into the fatal shooting of Mark Duggan at an extremely sensitive time. For the reasons I have set out, such an approach and associated disclosure was not agreed with DSI Colin Sparrow. I was satisfied that at this time, Trident could conduct what parallel confidential enquiries they needed into the 29 July 2011 assault on [REDACTED]. If at a subsequent time it was necessary for Trident to investigate the assault, then a decision could then be made on formally transferring the investigation to Trident."*
485. DCS Cundy confirmed in his statement that neither he, Supt Donnison or

Supt Nash were aware that Kevin Hutchinson-Foster was suspected by Operation Dibri officers of being the likely suspect for the transfer of the firearm to Mark Duggan. Had he known, DCS Cundy stated that he would have provided the DNA information to DCI Foote at the outset.

486. However, by 26 August 2011, DCS Cundy stated that, *"...we were all of the view that the DNA information and the confidential review document should be shared with DCI Foote and his team from Trident North West"*.
487. DCS Cundy's reasons for providing the information to DCI Foote at this stage included that DCI Foote, as SIO for Operation Dibri was *"...the person best placed to make any informed decisions in relation to those linked by DNA to the [handgun]"*. DCS Cundy's statement makes no reference to seeking DSI Sparrow's agreement before the DNA link was disclosed to DCI Foote. Rather in it he states *"Once the confidential review document was complete I decided that it should now be shared with Operation Dibri SIO DCI Foote, and after consultation with DSI Sparrow this course of action was agreed"*.
488. However, DCS Cundy did not know who spoke with DSI Sparrow about this (either himself, DSU Donnison or DSU Nash), nor was he able to say whether the confidential review document was shared with DSI Sparrow, although he rightly points out that its content did not directly inform DSI Sparrow's investigation into the fatal shooting of Mark Duggan and therefore, DSI Sparrow may not have been shown it.
489. DCS Cundy confirmed in his statement that he and DSU Donnison were present on 26 August 2011 when DCI Foote gave a presentation on Operation Dibri to DSI Sparrow and IPCC Investigator Lidder. DCS Cundy confirmed that it was at this meeting that DCI Foote was informed about the DNA links to [REDACTED] [REDACTED] and Kevin Hutchinson-Foster and also was shown the confidential review document, although he could not recall whether the DNA information was passed on before or after the presentation or whether the review document was shown to DCI Foote in the presence of DSI Sparrow and Investigator Lidder.
490. In relation to what DCS Cundy believed was the purpose of showing the review document and what action he thought DCI Foote may take, DCS Cundy stated, *"I am aware the confidential review document identified a number of possible lines of enquiry for the 29 July 2011 attack on [REDACTED] [REDACTED]. As SIO, it was a decision for DCI Foote to decide how to progress the investigation into the supply of the firearm to Mark Duggan. If the attack on [REDACTED] [REDACTED] assisted in those enquiries, then as SIO, DCI Foote was responsible for deciding what engagement should occur with the Hackney investigating officer. Such a decision would be made after consultation with DSI Colin Sparrow who was responsible for the DNA evidence, and within the context of confidentiality and public safety considerations..."*.

491. 492. DCS Cundy has said he did not to provide the DNA information to Hackney Borough officers because of 'sensitivities' surrounding the DNA link and the connection to Mark Duggan. It is reasonable to conclude that had he provided the information to Hackney, it would have proved valuable in progressing the 29 July 2011 assault investigation. He also said his reason for not passing the DNA information to DCI Foote until 26 August was due to his understanding that DSI Sparrow did not want the information disclosed as it may contaminate the evidence of Trident and CO19 officers. DSI Sparrow has said he did not have this concern as the main accounts had already been provided by these officers but said he provided the information 'in confidence'. The term 'in confidence' is open to interpretation and should have been more clearly defined. However, as the overall head of the team investigating the transfer of the firearm to Mark Duggan, the onus was on DCS Cundy to ensure his understanding of the term was accurate in order that the investigation into the transfer of the firearm could be conducted as swiftly and effectively as possible particularly given the gravity of the offence.

Delay in pursuing Kevin Hutchinson-Foster for the firearm transfer offence

S17
S17A

493. In the context of the immediate aftermath of the riots in August 2011, DCI Foote has stated that, *"....this was a very sensitive time for the organisation and the extra-ordinary circumstances of this incident had to be taken into consideration when planning new armed operations or making arrests, particularly in relation to persons connected to Mark Duggan and Operation Dibri. I was particularly mindful of these considerations later in the year, in relation to potential steps to be taken to progress the investigation into Kevin Hutchinson-Foster. I considered that my next steps were to arrest Hutchinson-Foster for supplying the gun to Mark Duggan as part of the on-going investigation however; I felt that I could only do this once I had sound evidence to provide the grounds for arrest and full agreement from my senior management and IPCC to do so."*
494. DCI Foote stated that he made a request to DSI Sparrow for an evidential package during the course of the meeting on 26 August 2011, *"...to progress the investigation into the gun supplier"*. DCI Foote made reference in his statement to asking for an evidential package, *"...of the DNA and phone evidence"*. No other attendee at the meeting on 26 August 2011 had a recollection of this request being made. DSI Sparrow and Investigator Lidder did not recollect the request being made, nor did DCS Cundy (*"I do not know if DCI Foote made any requests of DSI Colin Sparrow on the 26 August 2011"*). DSU Donnison recalled that a request for an evidential package was made but could not remember when or by whom.

D150

495. DCI Foote did not make a contemporaneous record of this request for an

evidential package. However, DCI Foote did make a reference in his policy log (decision 23) recorded on 12 September concerning a decision made on 7 September 2011 in which he stated:

“Decision:

To contact IPCC re request of evidential package.

Reason:

Meeting with DS Young and DS Dempsey re progressing evidence gathering re O/S suspect K.H.F. Decided to contact SCD8 SPOC DSU Nash to contact IPCC investigators to obtain:

- *Statements of evidence of forensic analysis affect result of recovered f/arm.*
- *Phone downloads to evidence link between KHF + MD.*
[REDACTED] *cell site evidence of KHF being in the location @ time of offence.*

Contacted DSU Nash by phone 7 9 re above expressing concerns of following:

- 1) Intel suggesting KHF involvement + possession of f/arms*
- 2) Delay in making arrest could put others at harm*
- 3) Organisation risk if not acting promptly*

Suggested having an MOU between SCD8 + IPCC re passing of relevant documents”.

S23

496. As alluded to in the chronology above, DSU Nash did not recall any requests for material from the IPCC regarding forensic evidence and has stated that had any request been made of him he would have routed it via Chief Inspector Evans to DCI Broom.

497. The IPCC investigation has not found any evidence that this request for an evidential package made on 7 September 2011 was made to DSI Sparrow.

D113
D114

498. A request was made by DSI Sparrow to Trident (13 September 2011 email to DCI Foote and a voicemail asking DCI Foote contact him) asking Trident to provide him with material to assist him with his investigation. The 13 September 2011 email was forwarded by DCI Foote the following day to DSU Nash and DSU Donnison and as stated above, DSU Nash replied that he thought the request should go via the lead SPOC, DCI Neil Evans.

499. However, there does not appear to be any evidence that the request was processed by the MPS until DSI Sparrow contacted DCI Foote by telephone at 11.08am on 29 September 2011 chasing this material. Following the call, DCI Foote sent an email to DSI Sparrow apologising that he had not been in contact sooner and explaining that he had

forwarded the request to the Trident SPOC with the assumption that they would contact DSI Sparrow directly.

500. Therefore, there is evidence that a request was made by the IPCC for material to assist its investigation and a request was made by Trident for material to assist its investigation, and each did not get through to the right recipient or was not processed. This delay had a knock-on effect for progressing the investigation of the firearm transfer offence and a consequential knock-on effect when Trident officers investigating the firearm transfer offence started accessing material concerning the 29 July 2011 incident.
- D113 501. In DCI Foote's email of the 29 September 2011 (after he and DSI Sparrow had spoken about the material requested by the IPCC) DCI Foote wrote, *"In furtherance of Trident criminal investigation and further to the presentation I provided on the 26th August, do you have an evidential package for me to deal with Kevin Hutchinson-Foster? In particular, Duggan's phone data/billing and DNA statement in relation to the main exhibit. I am concerned that there is potential corporate risk to both our organisations if we do not act, in the event someone is shot by him and we did not take the opportunity to arrest him with such evidence available. I would be grateful for a speedy response to this request..."*
- D126 502. DSI Sparrow's email response stated, *"In relation to Hutchinson, I agree that we should meet with you to provide something tangible for any action. I also feel that there is a need to discuss further the male that handed the box over to Mr Duggan on 4 August 2011, as evidenced by the taxi driver. I have placed requests for information via your colleague, DCI Phil Jones. Please can we meet next week? I am relatively clear."*
- D117
D118
S20 503. Following this, DSI Sparrow met with DCI Foote on 4 October and they discussed the specifics of the evidential package. The IPCC provided an evidential package on 6 October and a further package on 17 October 2011 following a further request by DS Dempsey on 10 October. As detailed in the chronology above, DC Jenkins started working in Trident North West Proactive Team on 24 October 2011 and that day received a briefing in relation to arresting Kevin Hutchinson-Foster and a skeleton case file concerning the handgun recovered from the Ferry Lane scene. DC Jenkins arrested Kevin Hutchinson-Foster that day and subsequently progressed the criminal investigation into the alleged transfer of the firearm. This led him to attend Hackney Borough to review the material acquired by the Borough investigation of the 29 July 2011 incident and led him to identify Kevin Hutchinson-Foster as the assailant when he viewed the CCTV on 3 November 2011.
504. It is concluded that there was a delay in Trident obtaining an evidential package from the IPCC and that some of those delays could have been avoided. It is concluded that it is more likely than not that the first MPS request for an evidential package from the IPCC was made on the 29

September 2011, despite DCI Foote requesting DSU Nash to obtain this on 7 September 2011. It is considered likely that this request did not get through to the IPCC due to a lack of clarity within Trident over who was responsible for making contact with the IPCC. When the IPCC did receive requests for evidential packages, these were provided swiftly.

Identifying Kevin Hutchinson-Foster's involvement in the 29 July 2011 incident

S22

505. As stated above, DC Jenkins first identified Kevin Hutchinson-Foster as the assailant in the 29 July 2011 incident when he viewed the CCTV on 3 November 2011. Prior to this, Trident's interest in the 29 July 2011 incident had been at arms length and their focus was on the firearm transfer investigation, the latter falling within their investigatory remit and the former (the 29 July incident) not doing so. This is evidenced by DCS Cundy who stated (in the context of what occurred after the 26 August meeting) that, *"As Senior Investigating Officer, it was a decision for DCI Foote to decide how to progress the investigation into the supply of the firearm to Mark Duggan. If the attack on [REDACTED] [REDACTED] [sic] assisted in those enquiries, then as SIO, DCI Foote was responsible for deciding what engagement should occur with the Hackney investigating officer. Such a decision would be made after consultation with DSI Colin Sparrow who was responsible for the DNA evidence, and within the context of confidentiality and public safety considerations I have already described"*.
506. This extract demonstrates Trident's focus on the firearm transfer offence, which it was investigating.

S17
S17A

507. Similarly, DCI Foote includes in his statement (in the context of the action taken following the 26 August 2011 meeting), *"It was agreed at this meeting that the NW team would now take ownership of an investigation into the supply of the Bruni handgun to Mark Duggan by Hutchinson-Foster. My understanding was that the rationale for the decision to allocate the investigation to the NW Trident team was that this offence of firearms supply was within the standard terms of reference for the team. The assault committed on 29 July 2011 was not within the standard terms of reference for Trident and was not considered as it was not apparent at the time that Hutchinson-Foster was the assailant at the salon on 29 July 2011."* DCI Foote stated that, *'As I have previously stated in my earlier statement that although Kevin Hutchinson-Foster's blood DNA was on the handgun I did not make the assumption that Kevin Hutchinson-Foster was the assailant at the Lagoon salon, as handguns frequently change hands within the criminal fraternity.'*
508. These extracts again demonstrate that the focus of DCI Foote (and therefore Trident) was the firearm transfer offence and not the 29 July 2011 incident.
509. In terms of dissemination of information to Hackney Borough, DCI Foote made reference in his statement to the DNA information having been

provided to him *'in strict confidence'* and that he was given the confidential review document to read and return. In relation to the confidential review document he stated, *"When I was shown the confidential review document, Stuart Cundy and Gary Donnison told me it was on a need to know basis. Stuart Cundy showed me the document in case there was any relevance to my on-going investigation into the transfer of the gun to Mark Duggan. My understanding was that I was not to share the information from the document outside of that room. The information being provided was classified as 'Confidential' and therefore was treated as 'Confidential'. The decision about further dissemination of that information would have been made at a higher level than myself and at no point, at that time, did I feel I had the authority to breach that confidence, either with Hackney or Trident South investigation team, certainly while IPCC were in the early stages of their investigation. I assumed the decision to do so would be from Stuart Cundy, as a senior officer, or the IPCC who owned that information."*

510. In relation to the forensic link DCI Foote stated, *"I was informed of this forensic link in confidence by IPCC and Trident SMT and so was unable to inform Hackney of the link without risking the compromise of the IPCC investigation. I considered that the decision to inform Hackney police was an operational decision for the IPCC, as they had ownership of the forensic evidence. I assessed that the IPCC would have made a decision whether to inform Hackney of the forensic link in the same way that they had made a decision to inform Trident regarding the link to the previous shooting. I also assessed that their decisions regarding such disclosure were based upon confidential considerations regarding the Mark Duggan enquiry, which were necessarily outside my knowledge."* This quote again demonstrates that DCI Foote's focus was on the investigation of the firearm transfer offence (a matter falling to be investigated by Trident) and DCI Foote's belief that dissemination of information contained within the confidential review document to Hackney for example, would have been made at a more senior level: *"I assumed the decision to [do] so would be from Stuart Cundy, as senior officer, or the IPCC who owned that information."*

S20

511. The decision to approach Hackney Borough to review the material generated by their investigation, was made by DC Jenkins. He has stated, *"I had not yet charged Kevin Hutchinson-Foster with any offence and I was investigating how the firearm came to be in Ferry Lane on 4th August. At this stage I did not know whether [REDACTED], whose DNA was on the gun, could have had some criminal role, I did not know whether Kevin Hutchinson-Foster or Mark Duggan had any involvement in the assault on [REDACTED], and I did not know whether some completely separate person who might be identified through investigating the assault on the 29th July might have been involved in how the firearm got to Ferry Lane on 4th August. I reviewed the investigation into the assault on [REDACTED], and made contact with the OIC to arrange for me to read the statements he had, view the CCTV and review*

the exhibits. I did not tell him what my interest in the investigation. No one else was involved in my decision to do this, but for the reasons outlined above it seemed to me to be a priority. Prior to viewing the CCTV I was not aware of any link between Kevin Hutchinson-Foster and the assault on [REDACTED], other than both of their DNA being identified on the recovered firearm."

512. DC Jenkins reviewed the CCTV and identified Kevin Hutchinson-Foster as the 29 July 2011 assailant on 3 November 2011 and the consequential decision by DCI Foote to take over the investigation of the 29 July 2011 incident has been documented above.
513. Therefore, the delay in approaching Hackney Borough to review material generated by the Borough investigation (which led to the identification of Kevin-Hutchinson-Foster as the 29 July 2011 assailant), appears to be based on:
- Initial confidentiality and perceptions of confidentiality later on (DCS Cundy and then DCI Foote);
 - Concerns not to prejudice the IPCC investigation (DCS Cundy and DCI Foote) or spark further public disorder (DCI Foote)
 - A belief that other officers were responsible for deciding what could be shared with Hackney Borough (i.e. post 26 August, DCS Cundy considered that this was for DCI Foote and DCI Foote considered that this was for more senior officers, including DCS Cundy);
 - An understandable desire to wait to obtain evidence underpinning a decision to arrest Kevin Hutchinson-Foster for the firearm transfer offence (and communication misunderstandings which led to this request not getting through to the IPCC until late September 2011) and the consequential delay this had on reviewing the Hackney Borough material (DCI Foote); and,
 - A general focus by Trident on the firearm transfer offence (that fell within Trident's remit) and not on the investigation into the 29 July 2011 incident (a matter for Hackney Borough) (both DCS Cundy and DCI Foote).
514. It is understandable that Trident wished to handle carefully the information it received from the IPCC concerning the DNA found on the handgun recovered from the Ferry Lane scene. A desire not to prejudice the IPCC investigation or take any action that might spark further public disorder, were valid considerations.
515. Furthermore, it is valid to wish to obtain a full evidential picture before embarking on an arrest.
516. However, an assault potentially involving a firearm (such as the 29 July 2011 incident), involves serious offences and the public would have

expected a prompt and effective investigation into that incident. The IPCC investigation has concluded that Trident should have found a way of overcoming these difficulties, to either: (i) share the information with the Hackney Borough investigation; or (ii) find a way of reviewing the material generated by the Hackney Borough investigation to assess whether the DNA information had particular relevance for the Hackney Borough investigation. DCS Cundy has accepted that following receipt of the DNA information Kevin Hutchinson-Foster was a potential suspect for the 29 July 2011 incident. It is not considered that it would have been the responsibility of the IPCC to inform Hackney Borough given the information had been provided directly to Trident.

517. In relation to confidentiality, it is worth noting that DC Jenkins, when he reviewed the material generated by the Hackney Borough investigation (including reviewing the CCTV) did so without informing the Hackney Borough investigating officer what his interest was in the investigation. Therefore, at the point of Trident identifying Kevin Hutchinson-Foster as the assailant for the 29 July incident, Hackney Borough was still not aware of any link with the Ferry Lane incident.
518. The Trident approach was arguably overly focussed on investigating the firearm transfer offence and therefore considered the 29 July 2011 Hackney Borough investigation in the context of what this investigation could do to assist Trident's investigation of the firearm transfer offence, as opposed to what information Trident had to assist the Borough investigation. Trident's approach appears to have been driven by the remit of their terms of reference (i.e. the firearm transfer offence was within Trident's remit to investigate, whereas the 29 July incident was not). Therefore, it is welcomed that Trident's revised terms of reference make explicit reference to, *"...deploy[ing] to and support[ing] boroughs to tackle gang criminality...work[ing] with partners, groups and communities to tackle gang criminality and to prevent offending ...Investigating any serious gang-related violent crimes, which are beyond the capability of a BOCU to investigate."* This suggests a greater emphasis on Trident working with Borough units and other external agencies, in order to tackle gang-related crime.

Learning Recommendations

519. Bearing in mind the confusion within Trident as to who was responsible for ensuring requests for information were passed between the IPCC investigation and the Trident investigation, for future investigations Trident should ensure that there is greater clarity as to who within Trident will fulfil this role.
520. Where there are simultaneous investigations by the police forces and the IPCC it is important to ensure that there is a clear understanding of the basis on which information is exchanged and the extent to which it may be

shared. Where the recipient is unclear about the basis on which disclosure is made, they should seek clarification from the IPCC where necessary to ensure that no confusion occurs that may delay the progress of police investigations. This should be considered on a case by case basis and where appropriate an agreement of shared working practices formulated.

Andrew Ryden

Lead Investigator (Hackney Borough section), IPCC

Date 15 December 2014

Adam Stacey

Lead Investigator (Trident section), IPCC

Date 15 December 2014

Appendix: Timeline

JULY 2011

- **29 July**

Kevin Hutchinson-Foster struck XXXXX XXXXXXXXX with a handgun at the Lagoon Hair and Beauty Salon.

- **30 July**

DS [REDACTED] recorded on the CRIS that the CCTV had been downloaded the previous day from the Salon, that he had difficulty viewing it and that the footage should be passed to the Digital Evidence Unit (DEU) for alteration into a viewable format. He recorded that once the footage could be viewed the images would be circulated.

AUGUST 2011

- **1 August**

A 'Guns & Gangs' meeting was held at Stoke Newington police station and there is evidence that this was the first access Trident had to information about the assault on 29 July 2011.

- **1 August**

The 29 July 2011 incident was recorded as an allegation of ABH on the CRIS.

- **3 August**

Trident received intelligence that Kevin Hutchinson-Foster may supply Mark Duggan with a handgun.

- **4 August**

Mark Duggan was fatally shot on Ferry Lane.

- **12 August**

IPCC received information that blood DNA from the gun and sock recovered from Ferry Lane had been attributed to Kevin 'Hutchinson' and [REDACTED].

- **12 August**

Trident made enquiries into the DNA, obtained information about Kevin Hutchinson-Foster, and identified [REDACTED] [REDACTED] as the victim of the assault on 29 July 2011. Trident started making confidential enquiries into the DNA information.

- **17 August**

IPCC received an email following analysis of the handgun recovered from Ferry Lane that it had been used in a non-fatal shooting, which was being investigated by the MPS under Operation Kinfauns.

- **18 August**

Trident were informed about link between handgun recovered from Ferry Lane and the non-fatal shooting.

- **19 August**

Trident included the link to the non-fatal shooting to the confidential enquiries already being made into the DNA evidence.

- **26 August**

DCI Foote provided a presentation to IPCC about Operation Dibri.

- **26 August**

DCI Foote was informed about the DNA evidence and shown the confidential review document created following the confidential enquiries by Trident.

SEPTEMBER 2011

- **7 September**

DCI Foote asked DSU Nash to obtain an evidential package from the IPCC.

- **21 September**

DC Faulkner recorded the following on the CRIS for the assault on 29 July 2011 *"CCTV has been downloaded and circulated in order to identify the suspect with a view to searching for the weapon of offence"*.

- **21 September**

DS [REDACTED] authorised closure of the investigation in the assault on 29 July 2011 and cited the victim's lack of cooperation. His last entry read *"Complete"*.

- **27 September**

IPCC identified that a call was made by Mark Duggan on 4 August 2011 to a contact in his phone 'Kev'.

- **29 September**

IPCC received information from MPS 'fingerprints' that the fingerprints of Mark Duggan and Kevin Hutchinson-Foster had been found on a shoebox recovered from the scene at Ferry Lane.

- **29 September**

IPCC requested a search of MPS databases in order to attribute some numbers called by Mark Duggan on 4 August 2011 to individuals, and this included 'Kev'.

- **29 September**

Trident requested an evidential package from the IPCC to deal with Kevin Hutchinson-Foster.

OCTOBER 2011

- **4 October**

IPCC provided Trident with an evidential package

- **17 October**

IPCC provided Trident with a further evidential package

- **24 October**

Kevin Hutchinson-Foster was arrested on suspicion of being in possession of a firearm.

NOVEMBER 2011

- **3 November**

DC Jenkins attended Hackney police station and identified Kevin Hutchinson-Foster after viewing the CCTV footage from the Lagoon Hair and Beauty Salon. It was clear from this CCTV that Kevin Hutchinson-Foster struck [REDACTED] [REDACTED] with a handgun.

- **4 November**

Following a review of the investigation into the assault on 29 July 2011, Trident raised concerns with Hackney CID.

- **7 November**

The CRIS for the assault on 29 July 2011 was reopened by DI Suddick who conducted a review of the previous investigation.

- **9 November**

It was recorded on the CRIS that there was a clear and understood demarcation of work and actions that would be carried out between Trident and Hackney Borough OCU officers.

- **15 November**

Trident took over the investigation from Hackney CID.