

**IPCC Independent Investigation into the Shooting of
Muhammad Abdulkahar
in 46 Lansdown Road, Forest Gate
on Friday 2 June 2006**

In the early hours of 2 June 2006 the Metropolitan Police mounted a counter-terrorist operation in 46 and 48 Lansdown Road, Forest Gate in east London. During that operation, one of the residents of 46 Lansdown Road, Muhammad Abdulkahar, was wounded by a police firearm.

The shooting was immediately referred to the Independent Police Complaints Commission, which deployed its own investigators to carry out an assessment. Later that morning the IPCC determined that the shooting would be independently investigated, led by Senior Investigator Simon Cousins. This investigation is referred to as Forest Gate 1. The terms of reference for this investigation are:

- *to investigate the circumstances of the discharge of a police firearm during a police counter-terrorist operation at 46 Lansdown Road, Forest Gate on 2 June 2006, to include:*
 - *whether or not the police officer from whose weapon the shot was discharged has committed any criminal or disciplinary offence; and*
 - *the justification for authorisation of firearms for the police operation.*
- *Except as necessary to meet (2) above, the wider circumstances of the police counter-terrorist operation do not form part of the IPCC investigation.*

Subsequently, complaints were made by the residents of both properties subject to the police raid, about the way they were treated during and after the police operation. These complaints now form two further independent investigations by the IPCC, referred to as Forest Gate 2 and Forest Gate 3.

This report sets out the findings and conclusions in respect of Forest Gate 1. Forest Gate 2 and 3 remain under investigation and further reports will be issued in respect of those.

The investigation

Forensic work required by the IPCC from inside the house at 46 Lansdown Road was carried out late in the evening of 2/3 June 2006 after the completion of a safety

search carried out as part of the MPS counter-terrorist operation. This work, together with the clothing worn by the injured man, allowed the forensic scientist to determine the position and angle of the weapon when the shot was discharged. The weapon from which the shot was discharged was also subject to forensic examination by the independent Forensic Science Service. We have also seen the specialist clothing worn by the armed officers when they entered the house.

Accounts were obtained from the police officers who entered 46 Lansdown Road, including a detailed account from the officer from whose weapon the shot was discharged. Detailed statements were also taken from the occupants of 46 Lansdown Road in co-operation with their solicitor. These contain a number of complaints that are subject to further investigation.

The investigation also examined the justification for the authorisation of firearms for the police operation. This included an examination of confidential documents in respect of the operation but does not, however, include an examination of the underlying intelligence, which is outside the terms of reference of this investigation.

Findings of the investigation

As a result of information received, the Anti Terrorist Branch (SO13) of the Metropolitan Police decided to mount an operation in respect of the residents of 46 and 48 Lansdown Road, Forest Gate. A sworn statement was laid before a magistrate at Bow Street Magistrates Court and warrants were issued to enter and search both premises.

The information was that a bomb with additional hazardous material (a 'dirty bomb') was located in 46 or 48, Lansdown Road. The police operation was designed to ensure rapid entry into the properties to secure the residents within, and then to search the premises for the device and any other related items.

Because of the nature of the information, authority was sought to carry out an armed entry into the premises of 46 and 48, Lansdown Road. A Tactical Assessment was prepared and a firearms authority was granted.

A large number of police officers (approx. 250) were on stand-by, ready to move in and assist in evacuation of premises and street closures should a device be found.

Contrary to much of the speculative press reporting, 250 officers did not enter Lansdown Road. Statements were obtained from the fifteen officers who did enter 46 Lansdown Road.

A number of specialist firearms teams from CO19 were tasked to carry out the entry into both premises. Because of the information all the officers wore full Chemical, Biological, Nuclear and Radiological (CBNR) suits and respirators. The suits are made up of 3 layers of clothing, two pairs of gloves (inner of cloth and outer of rubber), cloth boots and rubber overboots. The officers also wore bullet resistant vests, equipment vests, ear defenders, helmets and radios. In addition the officers

carried their personal issue Glock 17 pistols and a variety of other weapons including the Heckler and Koch MP5 carbine. Photos of the equipment used are attached. The officers had been briefed in respect of the serious risk that might be present in the house.

The first officer to enter 46 Lansdown Road was B6. He was followed into the house by another fourteen officers. Each of the officers deployed to various parts of the house to secure the residents and ensure that it was safe for the premises to be searched.

It would appear that as the officers had entered the house, Abdulkahar and his brother Abul Koyair heard the noise and started to move downstairs.

In his statement to the IPCC Muhammad Abdulkahar describes that some time before 4.17am (the time his alarm was set for) he heard a strange scream from his brother, whose room was in the attic above him. Abdulkahar left his room and went to the first floor landing. He saw his brother on the stairs above him, and the reflection of torch lights on the landing below. As he moved down the stairs to the half landing he describes seeing a number of men dressed all in black, at least one with something covering his face. He did not hear them speaking or realise they were police officers, and says that he believed it was a robbery. He believes that when he was less than 3 feet from the men there was a bang and an orange flash. He says he felt a pressure but did not realise he had been shot. He then dropped to the ground in a crouching position.

He makes a number of complaints about his subsequent treatment, which will be dealt with in a further report.

In his statement his brother Abul Koyair states that he heard glass breaking. He believed that robbers were entering the house, and screamed out to raise the alarm. He came down from his attic room and saw his brother ahead of him on the stairs. He heard a bang and saw a flash; he did not actually see his brother being shot.

His parents and sisters were also in the house, but did not see Abdulkahar being shot.

B6 was the first officer to climb the steep, narrow and dark stairs to the first floor. He states that as he climbed the stairs he was shouting "armed police". As he was wearing a respirator any words spoken would have been muffled. As it was dark, B6 was using the torch fitted to his MP5 Carbine. B6 says he was carrying the weapon "raised to an off aim position in front of me".

As this was a dynamic house entry and B6 was the first officer to enter the premises B6 had placed the safety catch of his MP5 in the fire position. This is a normal procedure for specialist firearms officers in such circumstances. The 'off aim' position is used when officers are in a high state of alert. The weapon is raised but is below the eye/sighting line. This position means that the weapon only has to be raised a

short distance if a threat appears but still allows the officer to have a general view of his environment.

As B6 was on the half-landing (which is approximately 4'6" by 2' 9") he states he was aware of two figures approaching from his right at speed. B6 states that he and the two figures came into contact and this caused him to lose his balance and come into contact with the wall. B6 says he was aware of person(s) pulling at his right arm. He states that he feared that the person(s) were trying to take his weapon, and that he feared for his life. During the confrontation the torch on B6's weapon had been turned off.

B6 states that he heard a 'pop', but did not register that it was a shot (he was wearing ear defenders, a helmet and a hooded suit). He was aware that the confrontation, and the pull at his arm and weapon, had lessened. He says he became aware that one of the men was sitting on the floor. He had turned his torch back on and saw a red stain on the man's shirt. It was at this stage that B6 says he realised that the 'pop' was a shot and that the man had been wounded. He says he was not certain, as he had not deliberately shot anybody.

He shouted to his colleagues that there was a "man down". B6, along with other officers, moved on up the stairs to secure rooms on the first and second floor, and other officers took control of the two men and removed them from the house, where the injured man was given first aid by police and ambulance crew.

Although there were a number of other officers behind B6, due to the narrow confines of the stairs and half-landing, as well as the poor light, they are unable to provide a clear account of the incident.

A forensic scientist commissioned by the IPCC was asked to establish the range and trajectory of the bullet that struck Abdulkahar, as well as to carry out a full examination of the weapon. The scientist confirms that the weapon was in correct working order and that the 'trigger pull' for the weapon was normal. He states that the only way for the weapon to fire was for the trigger to be pulled.

No identifiable fingerprints could be found on the weapon except those attributed to the officer who would have handled the weapon. No fingerprints were found on the trigger.

The scientist visited the scene and examined the bullet impact damage. He then examined the position and type of the holes in the clothing worn and the xray of the wound. He used a dummy to demonstrate the relationship of the wounds and the holes in the clothing to the damage to the wall and ceiling where the bullet made contact.

The scientist concludes that the weapon was within 2 inches of Abdulkahar when fired. As the weapon was fastened to the officer by a sling this would mean that the two men were very close together. He also describes the steep angle at which the weapon was being pointed. Taking into account the fact that the gun was within two

inches of the clothing, and the trajectory of the shot, it can be seen that the gun was not in a normal firing position. Taking into account the bullet impact damage to the wall and ceiling, he concludes that both Abdulkahar and the police officer would have been on the half-landing when Abdulkahar was shot.

Conclusion

It is not the purpose of this report to comment on the MPS counter-terrorist operation. To the extent that this is part of the investigation into the complaints by the occupants of Lansdown Road, this will be the subject of a further report.

It was however within the terms of reference of this investigation to look at the justification for the use of armed officers. The criteria for the issue of a firearms authority is set out in the ACPO Manual of Guidance on Police Use of Firearms. This allows the issue of firearms where the authorising officer has reason to suppose that officers may have to protect themselves or others from a person who has access to a firearm, or is otherwise so dangerous that the officer's use of a firearm may be necessary. The nature of the information which they were acting upon justified the deployment of firearms officers.

There are two accounts of this incident, one by a police officer and the other by Abdulkahar. In some respects they agree. However, in the detail of the confrontation and the firing of the shot there are differences.

It is for this reason that the role of the independent scientist is vital. This work shows that the gun was fired from much less than the 3 feet (or less) described by Abdulkahar, and that the gun was positioned in a close to upright position. This is consistent with the officer's account that both parties were very close together.

We also note that the half landing was a confined and dark space, and that the incident took place within seconds of Abdulkahar waking up. From the equipment and respirators worn by the officers it is not surprising that he did not recognise them in the dark to be police officers. This must have been a very frightening situation, which would also have been very shocking. The incident also happened very quickly, and these factors are likely to have a bearing on his recollection of events.

There is no evidence to support the speculative reporting that the weapon was fired by one of the brothers, or that it was a deliberate act by the police officer.

It is our conclusion that during contact between the officer and Abdulkahar in a very narrow space on the half landing a shot was accidentally discharged from B6's weapon. We note that the safety catch was off, in accordance with police training for what was regarded as a high-risk entry, and the officer was wearing two pairs of gloves as part of his protective clothing.

In the circumstances I conclude that the officer has committed no criminal or disciplinary offence.

I have considered whether we are required to refer the investigation to the Crown Prosecution Service for their consideration of whether a criminal offence may have been committed. I have received legal advice on this.

The threshold for referral to the CPS is very low. I am advised that the injury to Abdulkahar is serious enough to fall under the definition of grievous bodily harm. However, based on the report of the forensic scientist, there is no evidence of intent or recklessness.

I have also been advised as to the possibility of an offence under health and safety legislation. In issue is whether the discharge of the firearm was an accident about to happen. There is little doubt that the bulky clothing and gloves had an effect on the officer's mobility and dexterity, and that the respirator muffled sound. The equipment was however the most up to date currently available for use by the MPS in such circumstances. Officers were trained in its use. The equipment carried health and safety risks, but reasonable steps were taken to minimise them. We do not think a criminal offence is made out on these grounds. We have therefore not referred this investigation to the CPS.

Recommendations will be made following the conclusion of the further investigations into the events in Forest Gate.

A handwritten signature in black ink, appearing to read 'Deborah Glass', written in a cursive style.

Deborah Glass
Commissioner

3 August 2006



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Chemical, Biological, Nuclear and Radiological (CBNR) suit and respirator as worn by officers during the operation at 46 Lansdown Road.



300545168 KEM/5 19/07/06 COLOUR RECORD

Heckler and Koch MP5 carbine – the firearm discharged during the operation at 46 Lansdown Road.