

## **IPCC Independent Investigations into Complaints Made Following the Forest Gate Counter-Terrorist Operation on 2 June 2006**

### **Background**

At about 4 a.m. on Friday 2 June 2006, the Metropolitan Police Service (MPS) carried out a counter-terrorist operation in two adjoining houses at 46 and 48 Lansdown Road, Forest Gate, in east London. During the operation a resident of 46 Lansdown Road, Mohammed Abdulkahar, was wounded by a shot from a police firearm. He was treated in hospital and later, together with his brother, Abul Koyair, detained in Paddington Green Police Station. They were eventually released without charge.

The brothers' mother was taken to hospital for a short while for shock, and one of the residents of the house next door was treated in hospital for an injury to his head. Other members of the two families who occupied the houses were taken to Plaistow Police Station. They were not arrested but were unable to return to their homes while the search was in progress.

The raid, involving armed officers in protective clothing and hundreds of unarmed officers on standby, was a major news story. Although the police did not release the names of those arrested, they were quickly identified by reporters talking to neighbours and described by the media as suspected terrorists. While the two brothers were in Paddington Green Police Station, their lawyers gave press conferences denying these allegations.

The search of the two houses took seven days, during which time the two brothers remained in custody in Paddington Green. No explosive device was found in either property.

The IPCC had been notified early in the morning of 2 June. We decided to carry out an independent investigation into the circumstances of the shooting. This investigation concluded on 3 August 2006 (see [http://www.ipcc.gov.uk/index/resources/evidence\\_reports/investigation\\_reports.htm](http://www.ipcc.gov.uk/index/resources/evidence_reports/investigation_reports.htm)).

After the incident the occupants of both houses made complaints about the raid on their homes and use of force during the raid, as well as their treatment by police following the raid. This report sets out the findings and conclusions of the complaint investigations.

## **The complaints**

On the day of the police raid there was a family of six adults in 46 Lansdown Road and a family of five adults and a baby, in 48 Lansdown Road. The families are not related. All of the adults complained – making a total of over 150 allegations. In summary these related to:

- The justification for the police operation;
- The use of force and their treatment by police during the operation;
- Medical treatment of the man who was shot;
- Treatment of those taken to Plaistow Police Station;
- Treatment of those taken to Paddington Green Police Station.

In drawing up terms of reference for the investigations, we noted that some of the complaints were suitable for local resolution, while others may relate to ‘direction and control’, i.e. operational policy and procedure, which is outside our jurisdiction for the conduct of individual officers. In determining whether the complaints related to “direction and control”, however, we investigated not only the actions of those who used force, but also the surrounding circumstances, including the planning and control of the police operation.

The investigation focussed on the more serious allegations, although as the complainants declined the option of local resolution for the less serious complaints, the IPCC carried out a proportionate investigation into these as well.

## **The investigations**

In the course of the investigations IPCC investigators took some 300 statements, including from each of the 11 complainants, in some cases with the aid of an interpreter. Statements were also obtained from ambulance staff, doctors, nurses, and council employees as well as a large number of police officers. An additional 700+ documents were obtained and analysed, and three police officers were interviewed under caution, in relation to the allegations of assault.

IPCC investigators also provided 24-hour family liaison assistance to both families affected by the raid, until 29 August 2006.

Many of the complaints were made against officers who were not identified. Where the complaints were relatively minor it was not considered proportionate to carry out extensive work for the purpose of identification. Most of the complaints were directed generally at “the police” rather than individual officers and the investigation sought to establish how and why the police had done what they did.

## Findings

### *The justification for the police operation*

The IPCC requested, and received, full access to the intelligence which the MPS used to launch the operation. The intelligence related to the location of an allegedly highly dangerous explosive device that could be set off remotely. Both properties were targeted as they were believed to be physically connected. The “intelligence” was provided to the IPCC on a confidential basis and we are therefore unable to disclose further details. We are however satisfied that the information laid before the magistrate to secure the warrant for the operation was an accurate reflection of the information in the possession of the police at that time, that the primary aim of the police was to ensure public safety, and that the police decision to mount the operation was necessary and proportionate in light of that information.

Intelligence is not evidence, and in its very nature cannot be relied on with certainty. The failure of intelligence, for whatever reason, must always be a consideration for the police and we make recommendations about this below.

### *Use of force and other police conduct during the operation*

Each of the residents complained about aggressive behaviour by armed police during the operation, ranging from assault and pointing of weapons to swearing and withholding information.

The allegations of assault on each of the brothers, and their neighbour who received a minor head injury, were criminally investigated and a file was submitted to the Crown Prosecution Service, which decided that the evidence did not justify criminal proceedings against any officer.

A CPS decision does not preclude the IPCC recommending disciplinary action if appropriate, but this requires us to consider if there is a realistic prospect that a police misconduct tribunal would find that any officer used excessive force. In the case of the alleged assault on Mohammed Abdulkahar, there is no doubt that at some stage he suffered a cut to the hand, in addition to the wound he received from the discharge of the police weapon which was the subject of an earlier report. He was not sure which officer caused the injury or how it was caused. His brother alleged that he was assaulted by being kicked in the side when he was handcuffed. He could not identify the officer and there is no evidence of any injury.

The first two officers who entered the house were interviewed under caution in response to the allegations. The first officer denies striking either of the brothers. The second officer admits striking Abul Koyair on the stairs but not where Abul Koyair claims he was hit. It is likely that he was struck by this officer at some point during the operation. But taking into account the circumstances of the operation and perceived threat, and the lack of injury to Mr Koyair, we do not think that a disciplinary tribunal would find that the officer used excessive force.

An occupant of the neighbouring house complained that he was struck on the head. The wound to his head required stitching in hospital. He could not identify the officer but the officer was identified by the account he gave in his notebook. This officer was also interviewed under criminal caution. He said that he struck the man because he was failing to comply with his directions and he was afraid he was trying to reach for something under the bed. He said he struck him to gain compliance in the face of the extreme threat he thought he was dealing with.

Other complainants, while uninjured, also complain that they were subjected to excessive force by officers. We have no doubt that in the course of the operation the police were extremely robust with the occupants. The operational order however, in light of the intelligence, was to secure the premises and all inhabitants as soon as possible. The combination of the threat the officers believed they were facing and the tactics they had been trained to use (to control and dominate) undoubtedly meant that they were very aggressive. This was, equally undoubtedly, very frightening for those on the receiving end.

In each of these cases any disciplinary tribunal would consider the police use of force in light of the extreme threat the officers honestly believed they were facing, not just to themselves but to the public and the occupants of the houses. In our view, misconduct action would therefore be unsuccessful. We do not find these complaints substantiated, although we make recommendations below.

Other matters complained of included officers pointing their guns at the occupants, not identifying themselves as police, placing the occupants in 'plasticuffs', not giving them an opportunity to use the bathroom or take milk powder for the baby, and not giving an explanation for the police action. We have little doubt that these events happened much as the complainants have stated. However, the officers carrying out these actions were doing so in accordance with police tactics and operating procedures put in place to respond to an extreme threat. They do not therefore amount to individual misconduct. We do however make recommendations about this below.

### *Medical treatment*

Mohammed Abdulkahar complained about his medical treatment after he was shot, while in hospital and while in custody at the police station. We found these complaints to be unsubstantiated. He was given first aid as soon as possible, taken by ambulance to the Royal London Hospital, and following his discharge seen by a number of doctors while he remained in custody. The doctors do not support his allegation that police pressured them to discharge him from hospital and state that his discharge was appropriate on medical grounds. He was seen 22 times by doctors at Paddington Green Police Station, who determined his fitness to be detained and interviewed.

### *Treatment at Paddington Green Police Station*

Both Mohammed Abdulkahar and his brother Abul Koyair made numerous complaints about their treatment while in custody. Both were detained at Paddington Green Police Station, the high security police facility used for the detention and questioning of people arrested under anti-terrorism legislation. We found several of Mohammed Abdulkahar's complaints about neglect in provision of medication and meals, to be substantiated. In relation to the medication an officer has already received a written warning. In the other instances we do not think that formal disciplinary action is proportionate, but recommend that better procedures and training for custody staff are put in place to ensure that detainees receive the appropriate care and attention.

Abul Koyair made a number of complaints about his treatment which we found to be unsubstantiated. He did not specifically complain about his detention. But in considering the overall lawfulness of the police operation, we were concerned about the length of time he was detained. While we noted that Mr Koyair's continued detention was authorised by a judge, in our view the police should have considered at a much earlier stage whether it was really necessary. Having been provided with our findings on his detention, Mr Koyair may now make a complaint, in which case this matter will be the subject of further investigation.

We also observe that both detainees were regularly seen by their lawyers, who inspected the custody records and according to those records made no representations at the time about their clients' treatment. We therefore also recommend to lawyers representing people in custody, to check whether their clients have complaints about their treatment, so that they can be noted, and where possible rectified, at the time.

### *Treatment at Plaistow Police Station*

The occupants of the two houses who were not arrested were taken to Plaistow Police Station, where they remained until mid-afternoon on 2 June. They complained that they were unlawfully detained, not given access to solicitors and interpreters, not given food or drink and that their DNA and fingerprints were improperly obtained. The police stated that the families were offered the opportunity to go to Plaistow Police Station as a place of safety where housing, food and clothing could be arranged, that the families went voluntarily and provided fingerprints and DNA voluntarily for elimination purposes. They were not kept in the custody suite.

We have concerns about the "voluntary" nature of their actions bearing in mind that some members of the families did not even speak English, and about the overall treatment of these individuals. However, evidence was provided by the MPS of the efforts they made to obtain food, clothing and personal items, and all but one of the complainants signed DNA and fingerprint consent forms. We found most of the specific complaints to be either unsubstantiated or to relate to police policy, although we also felt that

taking the families to a police station at all was insensitive and unnecessary. We make recommendations about this below.

## **Conclusion and recommendations**

The scale of the Forest Gate operation and its outcomes – the accidental shooting of Mohammed Abdulkahar, the widespread public exposure of individuals being suspected of terrorist offences and the lack of any apparent substance to the terrorist allegations leading to the raid – have caused significant public concern. We do not criticise the police for carrying out the operation, which had, at its heart, public safety. Nor do we doubt that an operation of that scale, with armed officers in protective clothing, would have been a terrifying ordeal for everyone involved.

But while the police are right to take no chances with public safety, they must also plan more realistically for the possibility that their intelligence is wrong. They must also recognise that, whether the intelligence is right or wrong, innocent people are likely to get caught up in the operation, and will suffer the consequences even if they have not been arrested and detained.

It is clear that the highly dangerous nature of the threat police believed they were facing set the tone for the entire interaction. In these circumstances everyone in those houses would have been regarded as an unknown threat until it could be established otherwise. Aggressive commands, pointing of weapons, immediate handcuffing and refusal to accommodate requests are standard armed police tactics to control and dominate in the face of an unknown threat. But as soon as any potential threat is neutralised, the police need to recognise the importance of a change in behaviour.

In this case, nine of the 11 people involved were not arrested. But having been taken to a police station and having their DNA and fingerprints taken, they understandably felt that they were being detained. Although the police are adamant that they came “voluntarily” and they were placed in the canteen rather than the custody suite, it must have been a confusing and frightening experience. It would have been clear to the police before the operation that those people not arrested would not be able to stay in the houses while they were being searched. Alternative accommodation, rather than the canteen of a police station, should have been arranged in advance, as well as food, clothing and other personal needs. Although these people were not prisoners and therefore the police were not legally obliged to offer legal representatives and interpreters, in our view it would have been appropriate for a duty solicitor and interpreter to have been present to assist the families in what must have been a time of great stress and uncertainty. Many of the complaints could have been avoided if the families had been treated with more care and compassion at the outset.

*Recommendation 1: Counter-terrorist operations should plan for the failure of intelligence, including making much better provision for innocent people who are likely to be caught up in an operation.*

As already noted, intelligence is not evidence. While we accept that the police have a duty to protect confidentiality, in our view the police service also has a responsibility to explain to the victims of failed intelligence, and to the wider public, the process by which they evaluate and develop the intelligence they receive and why they felt it necessary to act on it.

*Recommendation 2: The MPS should publicly explain the process by which they evaluate and act on intelligence, to respond to some public perceptions that it can be misused.*

During the operation itself, officers were wearing respirators and full protective clothing, a frightening sight at any time but even more so in the early hours of the morning following a forced entry. Although the word "POLICE" is on the bullet-proof vest it is difficult to see in poor light, and the respirators muffle the sound of officers' shouting 'Armed police'. We understand that research and development is being undertaken in respect of microphone and speakers being fitted to respirators and encourage this to be pursued.

*Recommendation 3: Consideration should be given to having "POLICE" shown much more prominently on officers' clothing.*

Where the Metropolitan Police arrest people for terrorist offences they are detained in specialist cells in Paddington Green Police Station. These cells, like most in the Metropolitan area, are designed to hold people for one or two nights. Although members of the local Metropolitan Police Independent Advisory Group have made arrangements for the provision of prayer mats, halal food and other facilities to Muslim detainees in Paddington Green, particular care must be taken to ensure that cells are kept clean, and that staff are properly trained in detainee care. In our view this facility needs to be improved if it is to be suitable for longer term detention.

*Recommendation 4: Considering upgrading or relocating the cell block in Paddington Green Police Station to improve it for longer term detention*

High-profile counter terrorist operations inevitably attract relentless media scrutiny. Speculative reporting, partial information, one-sided press conferences and selective leaks have been an unfortunate by-product of this case. Early media reports portrayed both brothers as terrorists and the house as a chemical weapons factory. A subsequent report accused one of the brothers of shooting the other. The brothers responded in a press conference after their release from custody accusing the police of deliberately shooting Mohammed Abdulkahar. The IPCC was accused in some quarters of leaks, and we understand a police source suggested that we had delayed the police counter-terrorist operation. None of this was true.

It is equally inevitable that when there is an information vacuum from official sources, it will be filled from unofficial ones. It is plainly not possible to prevent this, but official bodies (including ourselves) can and should be aware of these pressures. For the IPCC, our investigations are searching for the truth, and the truth is not instantly available. In the meantime, we released such facts as

we could, that would not compromise the integrity of our investigation or suggest that we had prejudged the outcome. This included providing leaflets in four languages directly to the communities affected. We believe however that the Metropolitan Police could have done more to provide accurate information in the course of their own operation to allay community concerns, and we are aware that this has been attributed, wrongly, to the IPCC having prevented them from doing so. As a result of this experience we drew up a more detailed media protocol with the MPS to ensure that the responsibilities for releasing information were properly understood.

Finally, the police must recognise the impact of a high-profile operation such as Forest Gate on individuals who as a result of an operation are publicly branded as terrorists or associating with terrorists, but are not in fact charged with any offence. This impacts not only the individuals but the communities to which they belong. If police do not find an explosive device this does not mean they were wrong to have launched the raid. But it may well be grounds for an equally high-profile public apology.

*Recommendation 5: The MPS should publicly apologise to the two families affected by the raid.*



Deborah Glass  
Commissioner

February 2007