

The Azelle Rodney Inquiry

The Executive Summary of The Azelle Rodney Inquiry Report

Sir Christopher Holland (Chairman)

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Executive Summary

- 1 Azelle Rodney died on 30th April 2005 at Hale Lane, Mill Hill, in north London. The cause of his death was bullet wounds to his head and chest as a result of being shot by a Metropolitan Police Officer called, for the purpose of the Inquiry, E7.¹
- 2 When Azelle Rodney was shot he was the rear seat passenger in a Volkswagen Golf being driven by a Mr Lovell. The front seat passenger was a Mr Graham. All three men were believed, on the basis of intelligence provided to the Metropolitan Police Service (“MPS”) by HM Revenue and Customs (“HMRC”), to be on their way to commit a robbery. That intelligence was believed to show that the men had at least one automatic weapon, such as a machine gun.² On the basis of the intelligence available to HMRC and the MPS they were believed to be dangerous men.³
- 3 The MPS acted on the intelligence by staging a pre-planned operation, called Operation Tayport.⁴ Essentially, that operation comprised a group of covert surveillance officers from a division called SCD11, a group of Specialist Firearms Officers (“SFOs”) from the CO19 division, and a number of detectives from SCD7. The MPS used a command structure for pre-planned operations in 2005 which involved Gold, Silver and Bronze Commanders. Additionally, such an operation called for a tactical adviser and a Senior Investigating Officer (“SIO”).⁵
- 4 Operation Tayport used a strategy known as “MASTS” – that is, Mobile Armed Support To Surveillance. The intention was that the surveillance officers would keep suspects in their sight until the SIO decided that sufficient evidence had been gathered for an arrest to be made. At that point the SFOs would stop the suspects, and the detectives would formally arrest them.⁶
- 5 On the morning of 30th April 2005 those involved in Operation Tayport had very limited information. They believed that some men would conduct a robbery of some Columbians in the Edgware area connected with a substantial quantity of Class A drugs. They did not know the identity of the Columbians, nor their address or the precise location of the intended robbery. They did not know the identity of the proposed robbers save that they believed Mr Lovell would be among them. They believed the men would have access to guns, including automatic weapons.⁷ The tactics to be deployed were necessarily kept flexible, but the preferred tactic was a “hard stop”.⁸ That comprised SFOs using their unmarked police cars to box-in the vehicle being used by suspects and then, using a display of overwhelming force, to shock the suspects into compliance. The display of overwhelming force involved aiming loaded weapons at the suspects.⁹ On 30th April 2005 the SFOs had a variety of weapons, including G36 carbines. They were powerful short rifles.¹⁰

- 6 As things developed during 30th April 2005 it became clear that a hard stop would indeed be effected, of the VW Golf, preferably using three of the CO19 cars.¹¹ Those cars were designated Alpha, Bravo and Charlie. According to training and expectation the Alpha car would overtake the Golf and then come to a rapid halt, the Bravo car would get itself on the offside of the Golf and box it in to that side while the Charlie car would hem the Golf in from the rear.¹²
- 7 At some point during the 30th April it became clear to E7 that he would, as the front seat passenger of the Bravo car, be required to provide “static cover” from that position. Essentially that meant that he would remain in his seat while other officers got out. During the period while they were most vulnerable while getting into a position to dominate the suspects, he would keep the suspects covered with his G36.¹³
- 8 The MASTS tactic involved four stages: Green, Amber, Red and Attack. During the Green phase the surveillance vehicles would follow the suspect vehicles. Amber would be called when the SIO was satisfied that an arrest could lawfully be made. At that stage the CO19 vehicles would move up through the convoy to get directly behind the suspect car so as to conduct the hard stop. Once they were in position Red would be called, with the effect that the choice of where to conduct the stop passed to the Bronze Commander.¹⁴ In Operation Tayport E1 had the roles of tactical adviser and Bronze Commander.¹⁵
- 9 Amber was called between Harlesden and Mill Hill.¹⁶ The CO19 vehicles were directly behind the Golf at the beginning of Hale Lane, when Red was called.¹⁷ The officer responsible for calling Attack was E3, in the Alpha car. He made the call as the Golf approached a mini-roundabout at the junction with Selvage Lane.¹⁸ The Alpha car overtook the Golf. The Bravo car began an overtaking manoeuvre and then rammed the side of the Golf, which was still moving. Both the Bravo car and the Golf then moved forward. The Charlie car rammed the back of the Golf, shunting it forward into the back of the Alpha car, where it came to a halt. The Bravo car then rammed the Golf again, this time stopping, with E7 alongside the nearside rear window. Almost instantaneously with Bravo coming to a halt E7 began firing a burst of shots at Azelle Rodney. He did so with such speed that witnesses, including the other SFOs, believed it to have been an automatic weapon firing. He fired six shots in one burst. He then paused briefly and then fired two more shots.¹⁹
- 10 Mr Lovell and Mr Graham were pulled from the Golf by other SFOs and were duly arrested by detectives.²⁰ Guns were found in the car. There was a Colt automatic pistol on the rear seat next to Azelle Rodney. It was covered with some yellow plastic and it was not loaded with ammunition. It had been deactivated and, although some amateurish work had been done to reactivate it, it would not fire even if loaded. There was some ammunition which would have fitted it in a plastic bag in the rear footwell. In another bag in the rear footwell area were two further guns. Both had been converted from blank-firing guns. One was a Baikal automatic pistol which was loaded but not cocked. The other was similar to a key-fob and was loaded with two bullets. It was cocked and its safety catch was off. Messrs Lovell and Graham subsequently pleaded guilty to possession of those weapons and were given substantial prison sentences.²¹

- 11 The MPS failed to conduct a debrief of the SFOs to see what, if anything, had gone wrong or whether there were lessons to be learned.²² The Independent Police Complaints Commission (“IPCC”) investigated the incident but found nothing to criticise.²³ It provided a report to the Crown Prosecution Service (“CPS”), which decided to bring no prosecutions.²⁴ No inquest was held, because the Coroner accepted submissions made to him that relevant intelligence material could not be shown to him or a jury. A great deal of time was then taken in Parliament to find some way of revising the law to permit a thorough and sufficiently open inquest. That proved fruitless, and the Lord Chancellor established this Inquiry on 10th June 2010.²⁵
- 12 In announcing the Inquiry, the Lord Chancellor made it plain that it was intended to satisfy the State’s obligation under Article 2 of the European Convention on Human Rights (“ECHR”). It was established under the Inquiries Act 2005.²⁶
- 13 The purposes of such an Article 2 investigation are clear: to ensure so far as possible that the full facts are brought to light; that culpable and discreditable conduct is exposed and brought to public notice; that suspicion of deliberate wrongdoing (if unjustified) is allayed; that dangerous practices and procedures are rectified; and that those who have lost their relative may at least have the satisfaction of knowing that lessons learned from his death may save the lives of others.²⁷
- 14 The investigative obligation meant that the Inquiry was required carefully to scrutinise whether the force used was strictly proportionate to the aim of protecting persons against unlawful violence – i.e. was no more than absolutely necessary; and whether the operation was planned and controlled so as to minimise, to the greatest extent possible, recourse to lethal force.²⁸
- 15 At the outset of this Inquiry there was understandable concern that, if there was relevant intelligence that could not be made public in an inquest, it may have been forced to receive important evidence in closed session, preventing the public and Azelle Rodney’s family from being sufficiently involved in the process. In the event it publicly received intelligence evidence, both from witnesses who were called in open and from documents that have been placed on the Inquiry’s website. It received no intelligence evidence in closed session. That outcome was the result of replacing some extremely minor elements of the evidence with summaries, and of omitting some unnecessary elements of the evidence. Although the changes were small, the process of making them while ensuring that the evidence was comprehensive required a great deal of hard work on the part of legal teams, especially that of HMRC.²⁹
- 16 For reasons which are summarised below the report concludes that Operation Tayport was not planned and controlled so as to minimise, to the greatest extent possible, recourse to lethal force; and that the force used by E7 was not strictly proportionate to the aim of protecting persons against unlawful violence. It is also critical of what happened after Azelle Rodney was killed. Finally, it makes some recommendations.

Planning and Control

- 17 Azelle Rodney was already wanted by the MPS on 30th April 2005, in connection with a serious but unrelated alleged offence. His identity as a suspect was not known to those planning Operation Tayport. There was some intelligence in the hands of HMRC which, had its significance been understood and had it been given to the MPS, may have permitted those planners to have identified him. However, the report does not find that, had he been identified prior to the hard stop, the operation would have been conducted differently.³⁰
- 18 A pre-planned armed operation such as Tayport should have been the subject of risk and threat assessments which addressed the dangers likely to arise from various tactics.³¹ Those would have assisted the Silver Commander in deciding between tactics and would have enabled him to know the advantages and disadvantages of implementing any given tactic at any given time. Such assessments should have led to an understanding of the risks presented to, among others, the suspects themselves.³² No such assessments were undertaken.³³ This left Silver in the position where he was not in the best position to choose between tactical options.
- 19 Silver was not fully supported by his tactical adviser E1. In part that was because E1 had to fulfil two roles, as both tactical adviser and as Bronze Commander leading the CO19 team of SFOs.³⁴ In part it was because of a systemic failure of communication between CO19 and others, by which the viability of tactics which SFOs were expected to implement was not tested.³⁵ Finally, E1 did not understand his tactical role to include pro-actively giving tactical advice, for example to carry out the stop as quickly as possible after the suspects were thought to have become armed.³⁶
- 20 Silver was not told that the SFOs proposed to conduct the hard stop using static cover from the Bravo car. Neither was he told that the SFOs in general regarded the stop as very dangerous or that E7 in particular regarded his position as exposing him to high risk.³⁷
- 21 Silver was further hampered by a systemic refusal of the MPS to let Silver Commanders know that there was aerial surveillance of suspects. Had Silver known that there was such surveillance he could, for example, have asked whether the road ahead of the Golf was suitable for a hard stop before it reached Mill Hill. There were good reasons for limiting the dissemination of information about the aerial surveillance. However, this was an operation which was expected to put armed officers up against dangerous criminals armed with machine guns. Silver should have been told of it.³⁸
- 22 Prior to driving the Golf to Mill Hill, the suspects spent time in Harlesden. There they parked their car and, so it was believed, picked up weaponry. They were under surveillance for that period, and the CO19 cars as well as the control car containing Silver and E1 were parked nearby. After leaving for the Edgware area the Golf drove past the car park where those vehicles were waiting. It travelled along Scrubs Lane, which would have been a relatively safe place to have done a hard stop.³⁹ No consideration was given to conducting the stop there, and Amber was only called after they had left the area.⁴⁰

- 23 Once State Red was called in Hale Lane and the responsibility for calling the Attack fell to E3 there was a failure to consider the risks posed by the chosen location. The stop was conducted directly outside a pub. Members of the public were sitting there, outside on the pavement.⁴¹ There was good reason not to let the Golf travel across the mini-roundabout and into Edgware, and it was reasonable not to have stopped it between Scrubs Lane and Hale Lane.⁴² That emphasises the opportunity that was missed for a stop in Scrubs Lane.
- 24 The conduct of the stop fell short of the standards set by the MPS. Deliberate ramming of suspect vehicles was not supposed to occur, yet E6 twice rammed the Golf from the side and E10 rammed it from behind.⁴³ The SFOs were supposed to wear caps identifying them as police officers. Only E5 and E6 can be clearly be seen on a video which shows part of the stop. Neither was wearing a cap.⁴⁴ Each CO19 car was equipped with a Hatton Gun, which is a shotgun loaded with rounds designed to deflate car tyres. Such rounds were not supposed to be fired unless the suspect car was presenting a risk of escape. Both E4 and E8 fired such rounds into the Golf's tyres after it had been rammed and hemmed-in by the CO19 cars.⁴⁵

The force used by E7⁴⁶

- 25 The CO19 cars were all fitted with incident data recorders ("IDR") which recorded their movements. There was a Delta car containing, among others, an SFO referred to as E12. In Hale Lane he was filming the Golf and the Alpha, Bravo and Charlie cars in front. The audio track from his camera picked up, among other things, the gunshots. Expert witnesses were able to synchronise the timing of relevant events as captured by those means. Further co-ordination of effort, this time between a ballistics expert and a pathologist, synchronised movements made by Azelle Rodney with those timings and with the shots fired at him. Yet further, with the aid of replica cars, photographs were taken in an attempt to reconstruct the views of Azelle Rodney which E7 would have had prior to the shooting.
- 26 With the aid of that evidence the report makes clear findings. Although E7 would have been able to see Azelle Rodney through the tailgate window of the Golf prior to the final coming together of that car and Bravo, his view would have been poor. He first fired 0.06 seconds after the Bravo stopped alongside the Golf. The entire burst of the first six shots took only 1.11 seconds. There was then a pause of 0.72 seconds before the second burst of two shots, which were separated by only 0.21 of a second. When the first shot was fired Mr Rodney was upright, with his seat belt on, sitting on the left hand side of the rear seat but towards the middle. That shot probably went low and lodged in the Golf's rear offside door. Of the second to fourth shots, one largely missed and went out through the nearside rear window of the Golf, but two wounded Azelle Rodney. The first of those wounds was to the top of his right arm. The second struck him in the back, at a downward angle, from which the Chairman deduces that he was slumping towards E7. The fifth and sixth shots struck Azelle Rodney in the head, by his right ear, and were travelling significantly downwards, meaning that Azelle Rodney had slumped heavily to his right, towards E7. The final two shots were into the top of Azelle

Rodney's head, by which time the top of his head must have been presented to E7. Azelle Rodney was still wearing his seat belt.

- 27 Azelle Rodney's arm wound was not fatal. The wound to his back entered his chest but would not have been fatal with prompt treatment. Each of shots five to eight to his head was fatal.
- 28 Prior to giving his oral evidence at the Inquiry E7 had given a number of written accounts, all of which were consistent with each other. He said that, once the Bravo car had finally come alongside the Golf he had seen Azelle Rodney make a number of movements, including reaching down so as to present the top of his head to E7, and coming back up with his shoulders hunched. According to these accounts those movements made E7 believe that Azelle Rodney had picked up a gun, which could well have been a machine gun capable of firing 18 rounds a second. He said that he paused and then, believing that Azelle Rodney was going to open fire, he fired. These written accounts then go on to say that Azelle Rodney appeared to be unaffected by the first burst of fire, remaining upright. The accounts continue that E7 paused after the first burst of fire, believed that Azelle Rodney still constituted a threat, and so he fired again. Azelle Rodney is then said to have disappeared from E7's view, so he ceased fire and got out of Bravo.
- 29 The expert evidence was called before E7 gave his oral evidence. He then gave a different account, which was to the effect that the movements he had previously described occurred, at least in part, prior to the Bravo coming to a halt. He accepted that reconstruction photographs showing a very restricted view into the Golf fairly represented what he could have seen before the Bravo car stopped.
- 30 The report concludes that E7's accounts of what he saw are not to be accepted. Prior to firing he did not believe that the man who turned out to be Azelle Rodney had picked up a gun and was about to use it. Further, on the basis of what he was able to see, he could not rationally have believed that. Moreover, according to eye witness and other evidence, Azelle Rodney had not in fact made the movements described. Even had E7 enjoyed a clear view of Azelle Rodney he would have had no reason to believe that he had picked up a gun.
- 31 On the basis of UK civil law, and of the law applied by the European Court of Human Rights, the report asks whether E7 believed, for good reason, that Azelle Rodney presented a threat to his life or that of his colleagues such that it was proportionate to open fire on him with a lethal weapon. The answer is that he did not.
- 32 The report then poses an alternative question. That is framed on the basis of UK criminal law, and assumes that, contrary to the Chairman's actual findings, E7 believed that Azelle Rodney had picked up an automatic weapon. Would it have been proportionate to fire the shots that killed Azelle Rodney? The answer would be no. That is because, even if it was proportionate to open fire at all, there would have been no basis for firing the fatal fifth to eighth shots.

What happened after Azelle Rodney was killed?

- 33 A number of police officers of various ranks and disciplines attended the scene, but no one person of sufficient seniority and common sense to manage it was put in charge.⁴⁷ There were a number of immediate consequences – Azelle Rodney’s body was left where it lay after being pulled out onto the pavement for more than 16 hours.⁴⁸ When his family attended the scene his blood had not been fully cleaned away.⁴⁹ The ambulance that attended the scene was impounded.⁵⁰ Press reports were allowed to circulate without being properly authorised.⁵¹
- 34 The Gold Commander, Mr South, had the task of debriefing the SFOs. He failed to conduct any such debrief.⁵²
- 35 The MPS chose to provide legal representation for itself as well as for the officers involved in Operation Tayport save for E7. It failed to distinguish between its responsibility as an employer – to support its staff – and its responsibility for operations.⁵³

Recommendations

- 36 The report makes three recommendations. The first is that there should now be a full and thorough review by the MPS of all aspects of Operation Tayport. A number of suggestions are made about what should be taken into account in that exercise.⁵⁴
- 37 The second is that the MPS, the IPCC and the Association of Chief Police Officers should endeavour to establish a protocol which will allow for debriefing of future operations while an IPCC investigation is progressing.⁵⁵
- 38 The third recommendation is that, in the event of another shooting by an MPS officer resulting in death or serious injury, a senior officer should be appointed to conduct a full operational debriefing.⁵⁶

End Notes

- ¹ 19.14
- ² 7.5
- ³ 1.1
- ⁴ 3.1
- ⁵ 4.1
- ⁶ 6.5
- ⁷ 7.5
- ⁸ 11.5
- ⁹ 10.6
- ¹⁰ 10.2
- ¹¹ 12.3
- ¹² 10.3; 10.6
- ¹³ 12.3
- ¹⁴ 6.5
- ¹⁵ 5.11
- ¹⁶ 14.5
- ¹⁷ 14.7
- ¹⁸ 16.1
- ¹⁹ 16.5; 16.19
- ²⁰ 16.6
- ²¹ 13.2
- ²² 20.18
- ²³ 1.3
- ²⁴ 1.4
- ²⁵ 1.5
- ²⁶ 1.6
- ²⁷ 1.8
- ²⁸ 1.8
- ²⁹ 1.5
- ³⁰ 7.6; 24.3
- ³¹ 24.40
- ³² 24.41
- ³³ 11.13
- ³⁴ 24.53
- ³⁵ 11.14
- ³⁶ 24.53
- ³⁷ 10.6; 12.3; 19.23
- ³⁸ 24.53
- ³⁹ 24.51
- ⁴⁰ 12.3; 12.6; 24.51; 24.52
- ⁴¹ 16.2; 18.1
- ⁴² 14.6
- ⁴³ 24.27
- ⁴⁴ 16.9
- ⁴⁵ 24.29
- ⁴⁶ See sections 19 and 21
- ⁴⁷ 24.57
- ⁴⁸ 24.61
- ⁴⁹ 20.11
- ⁵⁰ 24.60
- ⁵¹ 20.5
- ⁵² 20.18
- ⁵³ 23.4 to 23.6
- ⁵⁴ 23.8; 24
- ⁵⁵ 23.19
- ⁵⁶ 23.20



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