

Investigation into police contact with Mr Lamont Roper prior to his death on 8 October 2020

> Independent investigation report

> Investigation information

Investigation name:	Lamont Roper
IOPC reference:	2020/143663
Investigation type:	Conduct
IOPC office:	London
Lead investigator:	Dean Brown
Case supervisor:	Chris Lovatt
Director General delegate (Decision maker):	Neil Orbell
Status of report:	Final
Date finalised:	15/4/2021

Please note this report contains language that some people may find offensive.

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> Introduction

1. On Wednesday 7 October at around 9pm, three police officers were on duty patrolling the River Lea towpath on bicycles due to a series of robberies in the area.
2. While on patrol the officers saw a group of four men, on pedal cycles and electric scooters making their way north up the towpath by Marksfield Park, whom they decided to stop.
3. One of the officers cycled up to the group and asked them all to stop. At this point the group of men split, with Mr Roper cycling away towards Lock 17, by Ferry Lane in Tottenham. Mr Roper was pursued by one officer. He fell from his bicycle and a struggle ensued with the officer. Due to his belief that Mr Roper had a weapon on his person, the officer released him. Shortly afterwards Mr Roper entered the lock.
4. The officer then entered the lock in an attempt to find Mr Roper but without success. A wider search of the water was undertaken, but, again, without success.
5. Mr Roper's body was found in the lock at around 9.40am the following morning. He was declared dead at the scene.

> The purpose of this report

6. I was appointed by the IOPC to carry out an independent investigation into the death of Mr Roper.
7. Following an IOPC investigation, the powers and obligations of the Director General (DG) are delegated to a senior member of IOPC staff, who I will refer to as the decision maker for the remainder of this report. The decision maker for this investigation is Operations Manager Neil Orbell.
8. In this report, I will provide an accurate summary of the evidence and attach or refer to any relevant documents. I will provide sufficient information to enable the decision maker to determine whether to refer any matter to the Crown Prosecution Service (CPS).
9. I will also provide sufficient information to enable the decision maker to form a provisional opinion on the following:
 - a) whether any person to whose conduct the investigation relates has a case to answer for misconduct or gross misconduct or no case to answer;
 - b) whether or not disciplinary proceedings should be brought against any such person and, if so, what form those proceedings should take (taking into account, in particular, the seriousness of any breach of the Standards of Professional Behaviour);

- c) whether the performance of any person to whose conduct the investigation related is unsatisfactory and whether or not performance proceedings should be brought against any such person; and
 - d) whether or not any matter which was the subject of the investigation should be referred to be dealt with under the Reflective Practice Review Process (RPRP).
10. I will also provide sufficient information and evidence to enable the decision maker to identify whether a paragraph 28ZA (Schedule 3, Police Reform Act 2002) recommendation (remedy) or referral to the Reflective Practice Review Process (RPRP) is appropriate.
 11. I will also provide sufficient information to enable the decision maker to determine whether to make a recommendation to any organisation about any lessons that may need to be learned.
 12. The IOPC will then send a copy of this report and the decision maker's provisional opinion to the Metropolitan Police. If the appropriate authority provides comments, then they must do so within 28 days. Where the appropriate authority disagrees with the content of the report or the decision maker's provisional opinion, the appropriate authority should set out the reasons in their response as fully as possible and provide any supporting information. Having considered any views of the appropriate authority, the decision maker is required to make the final determination and to notify the appropriate authority of it.
 13. The decision maker may also make a determination concerning any matter dealt with in the report. This may include a decision that a matter amounts to Practice Requiring Improvement (PRI) and as such should be dealt with under the Reflective Practice Review Process (RPRP) or a recommendation under paragraph 28ZA (remedy).
 14. Where Articles 2 or 3 of the European Convention on Human Rights (ECHR) are engaged, this investigation is also intended to assist in fulfilling the state's investigative obligation by ensuring as far as possible that the investigation is independent, effective, open and prompt, and that the full facts are brought to light and any lessons are learned.

> Other investigations

15. The other males Mr Roper was with on the towpath of the River Lea were investigated for robbery offences and possession of an offensive weapon.

> The investigation

> Terms of reference

16. Neil Orbell approved the terms of reference for this investigation on 20 October 2020. The terms of reference are:

To investigate:

- a) The decision to approach Mr Roper and the other males he was with
- b) The pursuit of Mr Roper
- c) The struggle between the officer and Mr Roper
- d) The manner in which Mr Roper entered the water
- e) Efforts to find Mr Roper when he was in the water

> Subjects of the investigation

17. There was an indication that persons serving with the police listed below may have:
- (a) committed a criminal offence, or
 - (b) behaved in a manner which would justify the bringing of disciplinary proceedings
18. Where there is such an indication for any police officer, police staff member or relevant contractor, they are categorised as a subject of the investigation. All subjects are served with a notice of investigation, informing them of the allegations against them.
19. They are also informed of the severity of the allegations. In other words, whether, if proven, the allegations would amount to misconduct or gross misconduct, and the form that any disciplinary proceedings would take.
20. The following person/people have been categorised as subjects of this investigation:

Name	Role	Severity	Interviewed	Were criminal offences investigated?
BX498	Police Constable	Misconduct	No	No

21. BX498 was served with a notice of investigation on 2 December 2020 which outlined the following allegations:

“You failed to activate your body worn camera as you approached the males to ensure all your interactions with them were recorded in line with

Metropolitan Police guidance in contravention of your NPCC [National Police Chiefs Council] restriction of 22 June 2020, in breach of the duties and responsibilities standard of professional behaviour.”

> Legislation, policies and guidance considered

22. During the investigation, I have examined relevant legislation, together with national and local policies and guidance, as set out below. This material will enable the decision maker and the appropriate authority to consider whether the police officers, police staff member and relevant contractors named in this report complied with the applicable legislation, policy and guidance, and whether the existing policies were sufficient in the circumstances.

> Reasonable grounds for suspicion

23. In this incident, the officers made the decision to approach Mr Roper and the males he was with in order to make enquiries relating to a number of recent robberies in the area of the River Lea towpath.

24. The criteria for reasonable grounds to suspect is the legal threshold for the exercise of almost all the coercive powers available under the Police and Criminal Evidence Act (PACE) and other relevant legislation. In the absence of reasonable grounds to believe or suspect, the exercise of those powers is not permitted and any consequential interference with the freedom of an individual is unlawful.

25. Whether or not a constable has reasonable cause to suspect is for a court to decide. In *Shaaban Bin Hussien & others v Chong Fook Kam* 1969 the court said (extract):

“‘Suspicion’ in its ordinary meaning is a state of conjecture or surmise where proof is lacking; ‘I suspect but I cannot prove’. Suspicion arises at or near the starting point of an investigation of which the obtaining of Cummings facie proof is the end... To give power to arrest on reasonable suspicion does not mean that it is always or even ordinarily to be exercised. It means that there is an executive discretion to exercise the power.”

26. The House of Lords stated in *O’Hara v C.C. of the RUC* (Times 13.12.96) that:

“The test for arrest on reasonable suspicion was in two parts....did the arresting officer have a genuine suspicion about the suspect; and were there reasonable grounds for that suspicion.”

27. In *Jarrett v the West Midlands Police* 2003 the Court stated in its judgement:

“The test as to whether there are reasonable grounds for suspicion to justify an arrest is partly subjective, in that the arresting officer must have formed a

genuine suspicion that the person being arrested was guilty of an offence; and partly objective, in that there must be reasonable grounds for forming such a suspicion. Such grounds can arise from information received from another, even if it subsequently proves to be false, provided that a reasonable man, having regard to all the circumstances, would regard them as reasonable grounds for suspicion."

28. Examples of police powers requiring reasonable grounds to suspect are:
- (a) power to stop and search a person or vehicle;
 - (b) powers of arrest under section 24 and in respect of the powers of arrest preserved by Schedule 2 and all statutory powers of arrest created since the PACE Act 1984 came into force;
 - (c) search of premises following an arrest for an indictable offence.
29. PACE Code A sets out a two stage test for reasonable grounds for suspicion in relation to the use of 'stop and search' powers:
- "(i) Firstly, the officer must have formed a genuine suspicion in their own mind that they will find the object for which the search power being exercised allows them to search; and*
- (ii) Secondly, the suspicion that the object will be found must be reasonable. This means that there must be an objective basis for that suspicion based on facts, information and/or intelligence which are relevant to the likelihood that the object in question will be found, so that a reasonable person would be entitled to reach the same conclusion based on the same facts and information and/or intelligence."*
30. PACE Code A goes onto set out what cannot form part of an officer's reasonable grounds for suspicion:
- "Reasonable suspicion can never be supported on the basis of personal factors. This means that unless the police have information or intelligence which provides a description of a person suspected of carrying an article for which there is a power to stop and search, the following cannot be used, alone or in combination with each other, or in combination with any other factor, as the reason for stopping and searching any individual, including any vehicle which they are driving or are being carried in:*
- (a) A person's physical appearance with regard, for example, to any of the 'relevant protected characteristics' set out in the Equality Act 2010, section 149, which are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation, or the fact that the person is known to have a previous conviction; and*
 - (b) Generalisations or stereotypical images that certain groups or categories of people are more likely to be involved in criminal activity."*
31. PACE Code A also provides guidance on reasonable grounds for suspicion based on information and/or intelligence:
- "Reasonable grounds for suspicion should normally be linked to accurate and current intelligence or information, relating to articles for which there is a*

power to stop and search, being carried by individuals or being in vehicles in any locality. This would include reports from members of the public or other officers describing:

- a person who has been seen carrying such an article or a vehicle in which such an article has been seen.*
- crimes committed in relation to which such an article would constitute relevant evidence, for example, property stolen in a theft or burglary, an offensive weapon or bladed or sharply pointed article used to assault or threaten someone or an article used to cause criminal damage to property."*

32. Lastly, PACE Code A provides guidance on reasonable grounds for suspicion based on behaviour, time and location:

"Reasonable suspicion may also exist without specific information or intelligence and on the basis of the behaviour of a person. For example, if an officer encounters someone on the street at night who is obviously trying to hide something, the officer may (depending on the other surrounding circumstances) base such suspicion on the fact that this kind of behaviour is often linked to stolen or prohibited articles being carried. An officer who forms the opinion that a person is acting suspiciously or that they appear to be nervous must be able to explain, with reference to specific aspects of the person's behaviour or conduct which they have observed, why they formed that opinion. A hunch or instinct which cannot be explained or justified to an objective observer can never amount to reasonable grounds."

33. To support its officers further, the MPS has a Standard Operating Procedure (SOP) for stop and search which gives the following guidance on reasonable grounds for suspicion (PTO):

What are 'reasonable grounds for suspicion'?

'Reasonable grounds for suspicion' is the legal test which a police officer must satisfy before they can stop and detain individuals or vehicles, to search them under powers such as s.1 PACE 1984, s.23 Misuse of Drugs Act 1971. The following test must be applied to the particular circumstances in each case:

- An officer must have formed a *genuine suspicion* in their own mind that they *will* find the object for which the search power being exercised allows them to search;
- and
- The suspicion that the object will be found must be *reasonable*. This means there must be an *objective* basis for that suspicion based on facts, information and / or intelligence which are relevant to the likelihood that the object in question will be found so that a reasonable person would be entitled to reach the same conclusion based on the same facts and information and /or intelligence.

Reasonable suspicion can never be supported on the basis of personal factors. This means that unless the police have information or intelligence which provides a description of a person suspected of carrying an article for which there is a power to stop and search, the following cannot be used, alone or in combination with each other, or in combination with any other factor, as the reason for stopping and searching an individual, including any vehicle they are driving or being carried in:

- A persons physical appearance (including any of the 'protected characteristics' set out in the Equality Act 2010, or the fact that the person is known to have a previous conviction); and
- Generalisations or stereotypical images that certain groups or categories of people as more likely to be involved in criminal activity.

Reasonable grounds for suspicion should normally be linked to accurate and current intelligence or

information, relating to articles for which there is a power to stop and search being carried by individuals or being in vehicles in any locality. Reasonable suspicion may also exist without specific information or intelligence and on the basis of the behaviour of a person.

You **MUST** be able to justify your grounds for suspicion. The mere appearance of a person is not sufficient - there must be something about their manner, deportment, conversations and the surrounding circumstances which afford that suspicion. A hunch or instinct which cannot be explained or justified to an objective observer can never amount to reasonable grounds.

To further assist understanding, the following guidance has been developed (this list is not exhaustive):

- Known criminal - not to be used as a ground for search. PACE Code A does not allow the fact that someone has a criminal conviction as a reason for searching that person.
- Known drug user - not to be used as a ground for search as it is non specific and if correct, would relate to a criminal conviction and therefore falls under the above bullet point.
- Smell of drugs - insufficient in itself and needs to be expanded with the circumstances / conversation with the individual / their appearance, actions, behaviour etc.
- Anti-Police - not to be used. It is not suspicious to dislike or be uncooperative towards the police.
- High crime area - must have a reference to a specific briefing or tasking location.
- Crime or drugs hotspot - must have a reference to a recent specific briefing, tasking, CAD etc.

- Evasive to questions - include reference to what the questions were about e.g. evasive to questioning about where they had just come from.
- Appeared nervous - needs to be expanded to include specific actions or behaviour e.g. sweating, muscles tensed, pacing, refuses to co-operate, repeats question before answering etc.
- Fitted description of a suspect for a recent crime - must include a summary of the description and the reference (CAD, CRIS etc) e.g. White male, 18yrs, blue hoody, CAD 63 refers.
- Acting as a lookout – needs further explanation. Describe what you saw them doing e.g. observed for 3 minutes at the rear of a closed shop premises; crouching down behind a wall; kept peering over the wall looking left and right down the alley.
- Avoids police - describe what they did e.g. changed direction and/or speed of walking having seen police, or, ran away from police when approached.
- Discarded item when approached by police – describe the item seen to be discarded, and / or what you believed it to be (and why).
- Concealed an article on seeing police – describe the item, and / or what you believed it to be (and why). Describe where / how it was concealed e.g. inside their jacket, up their sleeve, inside their sock etc.

> Metropolitan Police cycle policies

34. At the time of this incident, there was no corporate cycle training. Instead individual Borough Command Units (BCUs) run local training packages.¹
35. The three officers involved in this incident were all from Central East BCU. Central East BCU has a Basic Cycle Familiarisation training package which covers the following areas:
 - Overview
 - Component Parts of a Cycle
 - Daily DIP Check
 - Adjustment of Cycle
 - Highway Code & Safety
 - Dynamics of Gear Selection
 - Slow Speed Cycling
 - Emergency Stop
 - Fast Twitch Obstacle Avoidance
 - Dynamics of Group Riding
 - Personal Responsibility
36. The overview of the training makes clear that: *“It is NOT designed to permit any type of cycle pursuit”*. It adds that:

¹ A proposal to re-introduce corporate cycle training is currently under consideration by the MPS.

“Riding other than as instructed will be the responsibility of the rider & must be justified and subject to an appropriate personal dynamic risk assessment. Riding otherwise than instructed may trigger management action.”

37. Lastly, the overview of the training states:

“Protective equipment MUST be used when cycling; In addition to mandatory equipment such as PPE and MetVest, a cycle helmet, hi- viz jacket and cycle clips MUST be worn.”

38. The ‘Safety’ segment of the training focuses on how best to cycle on roads. Cycling near bodies of water is not covered in the training.

39. The Central East BCU ‘(Operational) General Patrols 2020’ risk assessment does cover the circumstance of officers ‘pursuing suspects on police cycle’, however this does not appear within the BCU’s cycle training package.

40. The Central East BCU ‘Police motor vehicles and cyclists’ risk assessment states:

- *“All police cyclists must have undertaken a Job Related Fitness Test (JRFT) and have received instruction from an authorised Service/OCU trainer.*
- *Only MPS level 2/3 trained cyclists to ride off-road (PCs are trained to level 2 and PCSOs trained to level 3)*
- *All cyclists on operational police duties must wear relevant safety clothing and equipment, appropriate to the weather conditions and activity.*
- *Level 3 (Long sleeves) fluorescent over garment to be worn at all times.*
- *Cycles to be fitted with audible warning device and front and rear lights*
- *To terminate activity if conditions are unsafe.”*

> Use of force

41. There are a number of acts which permit police officers to use force in certain circumstances:

Criminal Law Act 1967

Section 3 of the Criminal Law Act states a person may use such force as is reasonable in the circumstances in affecting or assisting in the lawful arrest of offenders or suspected offenders.

Police & Criminal Evidence Act 1984

Section 117 states an officer may use reasonable and proportionate force, as necessary, in the exercise of their duties.

Criminal Justice and Immigration Act 2008

Section 76 of the above act is with regards to the reasonable use of force for purposes of self-defence. It provides the defences as the common law defence of self-defence and those contained within section 3 (1) of the Criminal Law Act 1967, use of force in prevention of crime or making an arrest.

Common Law

Common Law requires any use of force be “reasonable”, that is, absolutely necessary for a purpose permitted by law and proportionate to the circumstances.

42. PACE Code A also includes guidance on use of force:

“3.2 The co-operation of the person to be searched must be sought in every case, even if the person initially objects to the search. A forcible search may be made only if it has been established that the person is unwilling to co-operate or resists. Reasonable force may be used as a last resort if necessary to conduct a search or to detain a person or vehicle for the purposes of a search.”

> Metropolitan Police water policies

43. The Central East BCU ‘(Operational) General Patrols 2020’ risk assessment covers a variety of different potential risks incumbent with operational policing. It states the following of relevance to this incident:

- **Water/Docks/Moorings:**
 - *“Advice/assistance from Marine Policing Unit or RNLI*
 - *Staff to make themselves aware of any life-saving equipment available in the area, when working on or near Piers-Jetties-Docks-Marinas.*
 - *Attempt to save life using available life-saving equipment.*
 - *Do not enter the water.*
 - *Inform relevant authority if any of their life-saving equipment is lost/damaged/used.*
 - *Remain inside any safety barriers, going beyond these increases risk of trip, slip or fall.”*
- **Officers entering water:**
 - *“Police officers not to enter water except in exceptional circumstances to save known life.”*
- **Throw lines:**
 - *“Throw lines are to be carried on selected BOCU vehicles.”*
 - *“OCUs with river frontage should seek advice from MSU over purchase of and training in use of ‘Throw lines’.”*

44. The BCU also has a bespoke risk assessment covering water incidents, which states:

- Attendance at a scene, fast flowing water (rivers, etc) and vehicle based patrol
 - *“Police officers and operational police staff are not to enter water except in exceptional circumstances to save known human life; and only then following a dynamic risk assessment.*
 - *Police officers and operational police staff to communicate scene information to MetCC upon arrival*
 - *Dynamic Risk Assessment to include:*
 - *your own fitness/ability to swim in fast flowing, deep and cold water;*
 - *the likely response times of other emergency services who may be better equipped to carry out a rescue;*
 - *other hidden or submerged hazards;*
 - *the availability (or otherwise) of rescue aids/equipment in the immediate vicinity;*
 - *Any decision to enter the water must be communicated to MetCC.*
 - *Attempt to save life using available life aids prior to entering water;*
 - *Remain inside any safety barriers, going beyond these increases risk of trip, slip or fall;*
 - *Remove met vest and OST equipment prior to entering the water;*
 - *Do not jump into water of unknown depth;*
 - *MetCC to circulate relevant officer safety warnings.”*

45. The risk assessment also states:

- *“All operational officers and police staff are to receive water incident awareness training (including the use of throw lines).*
- *As an absolute minimum, throw lines are to be made standard issue for each emergency response team vehicle. Others are to be made available for other vehicles, cycles, etc based on the BCU risk assessment.*
- *Use of Water Incident Aide Memoire available.”*

46. The Metropolitan Police has training on throw lines which is delivered as part of its Officer Safety Training. All three of the officers involved in this incident confirmed they had received this training however they were not equipped with a throw line when on patrol on the River Lea.

> Metropolitan Police body worn camera policy

47. The MPS guidance on the use of body worn cameras states the following in relation to when officers should start recording:

“The MPS expectation is that Body Worn Video should be used in any circumstance where:

- *It may assist in providing a record of evidence in respect of the investigation of any offence or suspected offence.*
- *When the use of BWV would provide transparency of an encounter (for example stop and search, use of force).*
- *When users would have been expected or required to have completed a written record or report of an encounter or incident.*
- *Any other occasion when the user thinks a recording relates to a clear policing purpose; may be of evidential value in the future and to make a recording is proportionate and lawful in the circumstances.”*

> Summary of the evidence

48. To assist the decision maker in drafting their opinion, I have presented a summary and analysis of the evidence. During this investigation, a volume of evidence was gathered. After thorough analysis of all the evidence, I have summarised that which I think is relevant and answers the terms of reference for my investigation. As such, not all of the evidence gathered in the course of the investigation is referred to in this report.

49. Please note that, due to the number of police units that attended this incident, there are a significant number of statements and more than 100 hours of body worn footage and police airwaves. The summary below references only a small percentage of this as the bulk of the footage covers the same police actions just from different perspectives.

> Officers involved

50. A significant number of officers were deployed to this incident. To assist the reader they are listed here:

Key Police Witnesses – robbery officers on proactive cycle patrol on River Lea towpath

- BX498 – officer who has interaction with Mr Roper prior to Mr Roper entering water

- BX499 – acting sergeant; stops with two suspects and later assists BX498
- BX500 – officer who stays with two suspects until after they are arrested

Response officers first on scene

- PC Kiran Ram
- PC Jamie Rowland
- PC Hakeem Mahamedally
- PC Pete Gilgallon

Further response officers

- A/PS John Tully
- PC Richard Harrison
- PC Chris Howard
- PC Charlie Grainger
- PC Vicki O'Reilly
- PC Hannah Collins
- PC Ezzy Berisha
- PC Elek Janos
- PC Kader Okten
- PC Burak Guven
- PC Nancy Kairouz
- PC Darren Clifton
- PC Christian Jenkins
- Inspector Angela Thompson
- PC Alister Lee
- PC Melanie Dyke
- PC Thomas Vie
- PC Steve Hoodless
- PC Sunny Parbat
- PC Alin Dorofte
- PC Alicja Wykowska Soares
- PC Nancy Kairouz
- PC Joanne Kessell

Officers from dogs unit

- PC Bridget Tottman-Shaw
- PC Keith Horsefield

Officers from marine unit

- PC Simon Brassington
- PC Harvey Langman
- PC Genia Gulyas
- PS Justin Davis (did not attend scene)

Underwater search team

- PS Stewart Kennedy
- PC Matt Burton
- PC 6357 Terry
- PC Lee Simmons
- PC Andrew Cole
- PC 5340 Pitcher
- PC 44 O'Grady
- PC 55 Thomson

> Pre-pursuit

51. On 22 September 2020 a series of robberies began in the Central East Borough Command Unit of the Metropolitan Police. Between 22 September and 5 October 2020 85 offences of either personal robbery or commercial robbery took place.
52. The offences took place predominantly between 6-8pm (20%), with just under 50% of the offences taking place between 4-10pm.
53. Within the Central East area, the E5 and E8 postcodes accounted for 34% of where the offences took place.
54. Of the 85 offences, six were believed to have taken place on the E5 River Lea canal path. There was also one offence of Grievous Bodily Harm (GBH) which was thought to have been an attempted robbery. The victims were lone, predominantly white men.

55. As a result of the offences on the River Lea, briefing slides were prepared giving further information about the possible suspects. The slides show:
- “Suspects are predominantly 2-4x IC3 [black] Males, aged between 16 and 24 YOA [years of age], wearing dark clothing and face masks.*
- Distinctive clothing: 1 offence notes a suspect in a red and white top; 2 offences mention a suspect in a blue and black jacket or hoodie.*
- They have been on pedal cycles in 3 of the offences.*
- 2 offences note that the suspects were in possession of knives – for the GBH offence, the suspects are described as having a “large hunting/Rambo type knife”. Another 2 offences note that the suspects were in possession of a metal pole or police-style truncheon.”*
56. On 7 October 2020, Inspector Luke May sent two emails at 12.43am and 12.46am respectively. The first email was sent to the Canal River Trust informing them of an incident on the canals the Inspector had attended the night before. He wrote:
- “I am now an Inspector on an emergency response team in Hackney but wanted to make you aware of an incident on the canals I attended last night.*
- Basically a cyclist was attacked by 4 IC3 [black] males on bikes who tried to rob him. The victim managed to fight them off but in the process was stabbed in the shoulder and slashed in the head with a knife.*
- Obviously I do not want to scare people but it is worth you knowing about this so that people can stay safe and so that you can stay safe also. It occurred at Watermint Quay. The victim is ok his injuries are neither life threatening or changing but this was not very nice. It occurred at approximately 1900 HOURS.*
- I’ll copy this in and send to the local SNT [Safer Neighbourhood] teams as well and they can do some community re assurance down the canals.”*
57. In his second email, Inspector May emailed Inspector David Cooper. He wrote:
- “Can I just make you aware of an incident that occurred yesterday on the canals...it might cause some tension around here for the boaters and they will already be aware of the incident.*
- I’ve already contacted the river canal trust but it might be worth asking the SNT teams to do some re assurance patrols down there, for those teams that cover canal areas particularly at night. There has been a spate of robberies here.”*
58. Inspector Cooper forwarded the email onto Chief Inspector Dominic Barnes who then wrote to Detective Inspector Rob James at 9.44am asking:
- “I’m sure you’re aware of the incident below last night. Is it possible to task your Robbery Cycle team to this area over the next few days?”*

59. As a result of Chief Inspector Barnes' request, three officers – BX498, 499 and 500² – were tasked to complete cycle patrol on the River Lea towpath in the areas of Tottenham, Clapton, Hackney Marshes and Homerton. One of the three officers (BX499) was an acting sergeant and he explained in his statement why they had been chosen for the patrol:

“As a proactive, problem solving team dedicated to Robbery offending, we were tasked by the CE Senior Leadership Team with patrols along this stretch of towpath in order to both prevent further offences and also to detect suspects for the offending which had occurred. In general, my colleagues and I patrol in unmarked police vehicles, however vehicles are not effective on the towpaths as they cannot be driven along the paths, so we utilised unmarked cycles in order to patrol.”

60. The officers started their patrol on the towpath at around 3pm. Prior to the incident with Lamont Roper they stopped one cyclist and a group of males, with no further action taken in relation to either.

> The approach and pursuit of Mr Roper and the other males

61. At around 9.15pm on 7 October 2020, BX499 saw four males – one of whom was Mr Roper - cycling/riding electric scooters through Marksfield Park towards the River Lea towpath. Three were wearing dark jackets and one was wearing a Deliveroo uniform.
62. BX499 gave his rationale for approaching the group as follows: *“I deemed them to be suspicious due to them being in a group, in dark clothing, going towards a canal where Robbery offences were taking place by suspects in similar numbers, clothing and using cycles.”*
63. When the officers caught up with the group and before there was any chance to make enquiries, one jumped into the river (possibly discarding a knife or cannabis³) and Mr Roper made off on his bike⁴. Both BX499 and BX500 had their body worn cameras activated from the point they were cycling in pursuit of the males.
64. Of the three officers, only BX498 remained in pursuit when Mr Roper cycled away from the other males he was with, towards Lock 17. However, BX498 did not appear to activate his body worn video camera until he was physically restraining Mr Roper. Furthermore, the image from his camera was obscured and did not become clear until Mr Roper had entered the river.
65. BX498 stated the following took place during his pursuit of Mr Roper:
- “I cycled past the male on the electric scooters and BX499 and started to give chase to the IC3 male on the pedal cycle. I caught up with and got behind*

² The officers in this case were assigned pseudonyms as part of the Post Incident Process. Whether or not they are granted anonymity will be decided as part of Mr Roper's inquest.

³ A knife was later recovered from the area the male entered the River Lea by the MPS dive team.

⁴ The Deliveroo cyclist was not involved with Mr Roper and the other males.

the IC3 male on the pedal cycle and told him "STOP", he looked at me and replied "WHY?". I believe the male was already aware that I was a police officer as well as knowing that BX499 was a police officer, I said to the IC3 male on the pedal cycle "POLICE, STOP" and he carried on facing forward and replied "WHY DO I HAVE TO STOP?" and began to cycle faster, I said to him "YOU'RE BEING DETAINED FOR A SEARCH UNDER SECTION 1 OF PACE, STOP THERE" The male continued cycling away and this strengthened my suspicions that he was carrying a weapon on his person, I said "POLICE, JUST STOP."

66. The cycle pursuit of Mr Roper continued until Mr Roper and BX498 reached Lock 17. At this point BX498 stated that Mr Roper fell from his bicycle. BX498 stated what happened then:

"Due to my close proximity to the male and his thick coat, drawing/using my taser wasn't a viable tactic, due to my close proximity to the male and the lock neither was PAVA⁵ as I did not want to be blinded and neither did I want the male to be blinded so close to the water. Also at this proximity I don't believe I would have been able to draw my taser and use it effectively, I decided my only viable option would be to try and detain the male whilst he was on the ground and try to use tactical communications and if I could not do this and the risk to myself became too great I would let him go, try to create distance and draw taser.

I quickly dismounted my electric pedal cycle and tried to pin the male down with my knees on his buttocks whilst trying to use my hands to pull his left arm behind his back, and in an effort to try and get him to stop resisting I said to him "JUST STOP RESISTING", the male replied "JUST LET ME GO" his hands were underneath him and I told the male "SHOW ME YOURS HANDS" and the male replied again "JUST LET ME GO".

The male has managed to throw me off his back whilst getting up and I've quickly landed on my feet, the male has then tried to run in the direction of the lock towards where the second set of railings begins, I've quickly run behind whilst he's facing the railings directly in front of them, I've put my arms either side of him and grabbed onto the railing and pulled forward which pinned him against the railings and told again "JUST STOP" I then told him "I'VE GOT A TASER" in an effort to deter him from fighting, the male is violently thrashing against me throwing his shoulders back, I could see his elbows out and his arms moving down as if he was reaching into his waistband and I told the male "HANDS UP WHERE I CAN SEE THEM" and he replied "I AINT DOING NOTHING MATE".

Seeing what I believed was him reaching into his waistband I said "I CAN SEE THAT" and I adjusted my grip wrapping my arms around him at my chest height in the style of a bear hug in an attempt to prevent him from pulling out any weapons at which point he continued thrashing hitting me with one of his shoulders around my upper body and face. After being hit with one of the males shoulders I briefly lost my grip and reached around him again at just below my chest height and with my left hand I felt something long slim which

⁵ Incapacitant spray carried by officers as part of their safety equipment.

I believed was metal due to the weight of it, I believed this to be the hilt of a machete.

The machete was not free moving and felt as if he had a hand on it too due to me not being able to move it easily. I held the male as tightly as I could with one hand on the machete hilt and the other wrapped around him. I decided at this point it was too dangerous and he was too strong for me and I was in immediate fear at this point for my own life knowing that he was stronger than me and in possession of a machete, I decided my next step was going to be to hold on tight as I could and tell him that I was going to let him go so that the male fully knew my intention before I let him go and dissuade him from fighting me, after letting him go I was then, as a contingency going to draw my taser as a last resort to deter the male from attacking me.

At this point myself and the male were on the opposite side of the railing from the lock and the male had a clear escape route to run north bound, the male also had the option to run north bound between the bank of the lock and the railings. Holding the male tightly I said to him "OK GO GO", I let go of the male and I believe I drew my taser immediately after this point, the male has immediately run around the railings and jumped into the lock out of my view and I heard a splash."

67. As stated above, there is no body worn camera footage of the struggle between BX498 and Mr Roper as the image is obscured. A witness appeal was conducted but no witnesses came forward. The body worn footage of the other officers did not show any other people present in the area of Lock 17.
68. When BX498 did activate his camera, he can be heard struggling with Mr Roper. The following speech can be heard:
Officer - *"Hands up where I can see them."*
Mr Roper - *"I'm doing nothing mate, I'm doing nothing mate."*
Officer - *"I can see that."*
Mr Roper - *"Please let me go. Leave me/Please mate."*
Officer - *"OK. Go, go."*⁶
69. After this point there is the sound of something hitting the water. BX498 can be heard to say: *"Oh fuck."*
70. BX498 then radioed the control room, stating: *"Need urgent assistance, there's a male in the canal. Fallen in. By Tottenham Hale."*
71. Due to the image from BX498's camera being obscured, the officer attended the scene of the incident in order to show where the events in his statement took place. The photographs showing this are below.

⁶ The audio quoted is subject to error of the investigator listening.



SOUTH facing view of canal passage A – BX498 has pursued suspect from this direction
LJA/09



NORTH facing view from over pass of both Exhibit A and B These points are the approximate area where Suspect has come off of his bike to make off on foot.
LJA/10



SOUTH facing view Loch side C Suspect has fallen to the ground LJA/11



East facing Loch side – D This is where BX498 has attempted to detain the individual LJA/12

72. BX498 moved to the edge of the canal. At this point the image from his camera is no longer obscured (the zip from his jacket can be heard being undone). He turned on his torch and pointed it into the water. Mr Roper can be seen in the lock (see below).



Image of Mr Roper in lock from body worn camera of BX498

73. He followed this message with: *“Control can you get an FB as well, he’s not coming up. I can’t get down to him.”*

> Attempts to locate Mr Roper in the water

74. After Mr Roper entered the water, BX498 recalled the following:
“I went to the edge of the lock bank to see where the male was, it was dark but I could see some splashing as if the male was swimming, I was trying to find where my torch was on my person so I could see clearly where the male was, I used my personal radio to call up control “I NEED URGENT ASSISTANCE THERE’S A MALE FALLEN IN THE CANAL BY TOTTENHAM HALE” during this time I had located my torch and shined it onto the water which the water level was about 2-3 metres down, about 2-3 metres away from the bank I could see the male just under the surface of the water, he was face up. He was moving his arms sideways. At first I wasn’t sure if he was trying to swim under the water to evade police but then he look like he was quickly sinking, I heard control update that a cad had been created and passed to YR, I also heard BX499 say that he was coming to me.”
75. The incident log was created at 9.14pm and at 9.17pm urgent requests for attendance were sent to both London Fire Brigade (LFB) and London Ambulance Service (LAS) due to concerns that Mr Roper had not resurfaced. Further requests for attendance were sent to the Metropolitan Police Marine Unit at 9.17pm and National Police Air Service at 9.18pm. A dog unit was also deployed for the eventuality that Mr Roper had exited the water and was in the near area.
76. BX499 left BX500 with the two suspects further up the canal and cycled to where BX498 was. BX499 recalled the following when he arrived at the lock:

"I cycled towards FERRY LANE, for around forty-five (45) seconds, all the while looking for BX498 as I wasn't sure exactly where he was. As I reached FERRY LANE, I left the towpath and I could see BX498 on the towpath on the other side of FERRY LANE, by TOTTENHAM LOCK N17. I crossed the road and re-joined the towpath where BX498 was. I circulated on the radio that I was with BX498 and then he said to me "MATE, HE'S NOT COMING UP I'VE GOT TO DO SOMETHING TO TRY AND GET HIM". I could see by looking at BX498 that he was very worried about the male and I could hear it in his voice too. BX498 was already stripping down to his underwear. I asked him for his torch, but he said he didn't know where it was as he had panicked and thrown it somewhere. My torch was out of battery, so I utilised my taser's torch by arming it, which illuminated the torch. This was not ideal, but it was not my intention to fire it, just to use it to search the water for the missing person.

I looked into the lock. The water was not at the top, instead it was about ten (10) feet below the concrete bank of the lock. I began to search the water and could see there was a large amount of algae. With use of the torch, I could see somewhat into the water, but not particularly well. I began to shout out to the male, but BX498 interrupted me, saying "HE'S DOWN HERE SOMEWHERE" and pointing to the SOUTH end of the lock, near to the gates. I searched and saw some sort of sewer hole which looked like it might be somewhere you could hide if you wanted. I got down onto my belly to get a better look but saw that it was not accessible from the water and was blocked.

BX498 said to me "HE HAD A KNIFE OR SOMETHING ON HIM, I COULD FEEL IT WHEN WE WAS GRAPPLING WITH EACH OTHER". BX498 then said to me "MATE JUST USE THAT TORCH AS BEST YOU CAN, I'VE GOT TO TRY AND SAVE HIM". At this point I knew the situation was gravely serious."

77. The first unit to arrive in support was logged at the scene at 9.19pm. The unit contained PCs Kiran Ram, Jamie Rowland, Hakeem Mahamedally and Pete Gilgallon. They were met by BX499. The officer asked whether the unit had a throwline, but one could not be found. The officers went down to the banks of the lock as BX498 was undressing to enter the water.
78. BX498 took off much of his clothing and entered the lock in an attempt to find Mr Roper, but without success.
79. Once BX498 emerged from the water he spoke with BX499 about what had happened. The following conversation can be heard on the footage:

BX498 – *"Mate literally, I chased him on the bike. Chasing, chasing, he came off the bike carried on chasing him. He's gone down on the floor I've got on top of him, grabbed him and he's just like proper wrestling to get away. I've got him in a bear hug against the railings like that and as I've come round and he's got some fucking, felt like the handle of a machete he's got.*

BX499 – *"Fucking hell. Mate, I'm telling you the other guy had a knife..."*

BX498 – *“Well mate I felt like literally I felt this machete and he’s struggling against him and I’m like mate ‘just go, just go’ and he’s fucking jumped in there.”*

80. The LFB arrived at the lock at 9.29pm. The LFB provided a report to the IOPC summarising the actions it took in support of the search for Mr Roper:

“Sub O Bannon instigated a search, along with MPS officers of the immediate area around the lock and at the same time set up the necessary safe system of work to allow fire service crews to operate safely close the water’s edge. This included safety officers, hazard area and safety equipment. The initial search of the water was undertaken using lighting and thermal imaging camera from the ground immediately around the lock.

Sub O Bannon asked the crew of A346 FRU to undertake a search of the water using wading poles and a telescopic pole provided the London Ambulance Service (LAS) Hazard Area Response Team (HART). The crew of F266 FRU were briefed to don dry suits and launch an inflatable mud path to use as a platform on the surface of the water. They then undertook further searching using a bathyscope and wading poles.”

81. A significant number of officers attended the River Lea (see officers involved) Among the officers to attend the incident was Inspector Angela Thompson. She declared the matter a Critical Incident at 9.35pm.

82. The MPS Marine Unit arrived at the scene at 9.50pm. PC Simon Brassington provided a summary of the actions undertaken by the unit:

“We arrived on scene at approximately 21.50 hrs. I located the on scene Inspector Ma’am Thompson and introduced myself. I could see that there were already LFB crews being assisted by LAS conducting a search of the water. Having received a brief update as to events thus far I asked PC’s Langman and Gulyas to don immersion suits and prepare to assist in the search efforts. I was then approached by the on scene commanders from both LFB and LAS. A discussion then took place between the agencies in the presence of Inspector Thompson. I made the decision to advise Inspector Thompson that bearing in mind LFB personnel were already in the water searching that we should allow them to continue under our guidance. I came to this conclusion in light of the fact that the edges of the lock were congested with safety personnel and lighting equipment and that to withdraw the LFB would have meant a pause/delay in conducting the search which was still at that time within the Golden Hour. Working in partnership with the rescue teams it was decided that due to the temperature of the water that the hour should be extended to 1hour 30 minutes and that the LAS considered life sustainable following recovery at that time. I continued to try and direct the LFB within the search parameters until approximately 22.45hrs when the next tactical command group meeting was called. This meeting was led and recorded by LFB and following introductions an appraisal of action thus far discussed and agreed. I explained that due to the time lapse since entering the water without surfacing, that the incident had now become a victim recovery, beyond the remit of search and rescue.

It was decided and agreed at that time that the LFB would start to withdraw their resources and that Police assisted by the LAS who would remain on scene would continue to search for a further period. At approximately 23.15 PC's Langman and Gulyas using a rescue Skid supplied by the LAS conducted a systematic search from approximately 10 metres into the lock from the point of entry at Ferry Lane. This was decided in light of the evidence of debris on the water's surface indicating little to no flow of water and that it may be assumed that the victim may have in made attempts to make way underwater to escape police detention. A further systematic search was conducted using extendable rescue poles, probing the depths of the lock which is difficult in that there is little to no feedback felt through the pole and visibility was restricted to approximately 12 inches below the water's surface. The search concluded approximately 45 minutes later. I appraised the duty inspector that we had exhausted our resources at that time and that it would need to be flagged for the Underwater search team (divers) to attend later that morning to conduct a fingertip search of the bottom of the lock. I was aware that PS Davis had already alerted the dive team Sgt to the possibility of their requirement and that they would liaise direct as soon as they were on duty make arrangements to attend."

> The retrieval of Mr Roper's body

83. The MPS Underwater Search Team attended the lock at around 9.30am the following morning.
84. PC Simmons commenced his dive into the lock at 9.33am. Two minutes later he reported that he had found a body. It was the body of Mr Roper. A stretcher and cover was used to retrieve Mr Roper and he was brought to land at 10.14am.
85. When Mr Roper's body was examined at the scene, a clawhammer with a black handle was recovered from the inside pocket of his jacket (see below).



Clawhammer with black handle recovered from jacket of Mr Roper

86. Inspector Stuart Simpson from the MPS Marine Unit provided further context around how the team operates and the risks involved in searching locks in a report to the IOPC:

An explanation of how both the marine unit and divers are deployed to an incident

“The Marine Policing Unit cover all 12 BCU’s and serve all of the Met Police area. They cover 47 miles of tidal Thames which is an area from Queen Elizabeth Bridge in the East to Teddington in the West. For the 250 miles of inland waterways they use a van with a small Rib which can be launched to get on most sections of water. The officers can also put on a variety of protective equipment which allows them to enter the water and provide a response to issues on the surface.

It is worth mentioning that the London Fire Brigade have primacy for search and rescue on inland waterways not the Police. However Police are duty bound to save life.

The deployment of the Marine Unit is no different to any other call despatched to our frontline officers and this all managed within CCC our Command and Control Centre. This is generated by the 999 or 101 systems.

The Dive team are a separate team that sit with in the Marine Unit and are Commercial divers. They work on a shift pattern that generally will see the team on a week day available and on duty. Their shifts do change to match the demand and can be requested to attend a call but this request must be reviewed by the duty officer on duty.”

The number of staff needed for a diving team and an explanation of how the dive team assess an incident and decide when and how to dive

"I have already outlined the team are Commercial divers and sit with in the Commercial world as 'inshore/inland' divers and have a whole range of Regulations and - Police Diving Operations at work Regulations 1997 brings all the requirements in law together and alongside that is our 'Dive rules' which are signed off by the College of Policing as guidance. This is 'how' we dive. It takes 6 role holders to get one diver into the water and this is set out in law.

- *Dive Contractor – The person authorised the dive in principle and will carry the risk and has the overall responsibility to ensure the dive is conducted safely and within regulations/Law.*
- *Dive Supv - The person that sets up the dive operation and records all actions.*
- *Diver 1 – Diver going into the water to carry out activity*
- *Diver 1 attendant - Diver needs a person to dress them and look after them while in the water*
- *Diver 2 (Rescue diver) - this diver will enter the water if diver 1 was to become trapped or get into difficulty and needs an intervention.*
- *Diver 2 attendant - Diver needs a person to dress them and look after them while in the water*
- *Site attendant - works the panel (communications from the surface to the diver) and ensuring air supply is managed.*

Diving is a very dangerous activity and by putting a range of control measures in place we can make the dive as safe as possible. We are not designed to be below the water line and there are some significant hazards that we need to consider. Some of the key issues are water temperature, depth, unseen hazards, water flow, zero visibility and access and egress of the dive site which includes getting in and out of the water.

The decision to put a Police diver into the water is last thing we do after we have considered all other methods available to us. It is worth noting that we generally will not dive in the dark because we cannot see when a diver has an unplanned 'arrive at surface' and one of the welfare checks is to see the bubbles pattern on the surface which cannot be seen in the dark."

The risks involved with looking for individuals/diving in locks

"Most of the waterways in London are owned by government bodies or agencies. Most of these bodies of water require permissions or a permit to dive. This is because the water or fluid is a hostile place and when you enter there are a range of unseen dangers that need positive action to make them safer.

Specifically around diving in locks and near the lock gates - This is one of the most dangerous sections of water you can put a diver into because of the water flow and the diver entrapment risk because of the different heights of the water, sluice gates and valve systems.

You cannot enter the water until you are completely satisfied you have reduced the water flow to zero, any water height difference on either side of

the gate will cause water flow and will contribute to the diver being pushed up against the lock gate. The locks by design are deep and have a high free board (height from water surface to top of the lock wall) and are generally long and deep. This again by design is difficult to get access to the water level and needs to be considered when planning the dive.

Further environmental considerations are stopping all boat traffic and to set up a temporary system or process to allow the access and egress of the diver safely from this body of water.”

The equipment used by the marine unit in the search for an individual under the water

“The last option is to put a diver into the water, to support this decision we have a range of technologies which can support our searches. Some environments lend themselves to different pieces of equipment but the best way to start is to identify a witness who can give us first-hand account of where the individual went in the water and last place seen. We also need to consider they could have got out without being noticed. This may need further investigation and add delay to the process.

A co-ordinated search will take place usually putting in an overlap and start at the last place seen. We can by using a Bathyscope view the underwater world, this is limited due to a number of factors; water clarity and light permitted so at night may not be a viable option. On wide open expanses of water you can consider sonar but again this relies on a competent operator and being able to produce a product that can be assessed for further action – deploying a diver to any target area. This all takes time and on some deployments this phase could last days.

When the pros and cons of all of these above options have been considered it may come back to that human factor and the most practical and quickest option is to place a diver in the water to complete a physical search.”

> Post mortem findings

87. The post-mortem of Mr Roper took place on 12 October 2020. In his post mortem report, the pathologist made the following findings:

“Post mortem examination has revealed no evidence of natural disease that could have caused or contributed to his death.

The deceased showed evidence of pulmonary oedema (excess tissue fluid within the lungs and airways), emphysema aquosum (over-inflation of the lungs due to air trapping by inhaled water) and silt in the airways. These features would be consistent with the deceased having died as a result of drowning.

There were no significant internal injuries associated with a fall from height into water. Specifically, there was no evidence of traumatic brain injury.

There were no marks of an offensive, defensive or restraint type nature. Specifically, there was no evidence of bruising, of grip marks or use of physical restraints to the wrist. There were no injuries to suggest use of a

Taser-like device. There was no evidence of bruising to the knuckles to indicate the deceased had struck out with clenched fists. Based upon the pathological findings, I am unable to comment further on how Mr Roper came to enter the water.

Toxicological analysis has shown that Mr Roper had previously been exposed to cannabis. Although it is possible that he may have been experiencing the effects associated with cannabis use, it cannot be ascertained whether this exposure was recent or "less-recent".

> Safety equipment and body worn video

88. All three of officers BX498, BX499 and BX500 confirmed that they were not equipped with any safety equipment for the eventuality that either they or another person entered the water – including a throw line.
89. The first response car to arrive at the scene also did not have a throw line readily available.
90. During the IOPC investigation, investigators walked the route taken by the officers from Marksfield Park to Lock 17. There were no lifebuoys or any other water safety equipment which could have been used by the officers.
91. As detailed above, the body worn camera of BX498 was not operated until the point the officer was struggling with Mr Roper. The image from the camera was also obstructed by the officer's jacket.
92. As a result, the officer was served with a Regulation 17 notice alleging: *"You failed to activate your body worn camera as you approached the males to ensure all your interactions with them were recorded in line with Metropolitan Police guidance in contravention of your NPCC restriction of 22 June 2020, in breach of the duties and responsibilities standard of professional behaviour."*
93. The officer responded to the allegation as follows:
"Seeing Mr Roper was a spontaneous event. Upon seeing him I had to start to give chase immediately so as not to lose him. My camera was located on my met vest under my jacket, which was fully zipped up due to the inclement weather. I was also cycling at the time at speed next to the River Lea on uneven surfaces in the dark. I needed to maintain my own safety, and keep control of the pedal cycle whilst also chasing after Mr Roper, to have switched my camera on I would have had to take one of my arms off the handle bars, reached up to the top of my jacket, unzip the jacket and then activate my body worn camera. In considering the national decision making model to have stopped to have activated my bodyworn in that dynamic situation would have risked losing the suspects in an operation where we were patrolling to prevent further knife point robberies."

The MPS guidelines state that a body worn camera should be activated as soon as practicable and I do not believe it was practicable to activate my body worn camera at the very moment I saw Mr Roper."

> Analysis of the evidence

94. The following analysis is ordered in relation to the five strands of the Terms of Reference.

> The decision to approach Mr Roper and the other males he was with

95. The evidence suggests BX498, BX499 and BX500 were assigned to patrol the towpath of the River Lea due to seven robberies which had taken place on/near the towpath between 29 September and 5 October 2020.

96. The briefing they received prior to undertaking their patrol described the suspects as, *"predominantly 2-4x IC3 Males, aged between 16 and 24 YOA, wearing dark clothing and face masks."* The briefing also included the information that in three of the seven robberies the suspects had been on pedal cycles.

97. At around 9.15pm on 7 October 2020, BX499 saw four males – one of whom was Mr Roper - cycling/riding electric scooters through Marksfield Park towards the River Lea towpath. Three were wearing dark jackets and one was wearing a Deliveroo uniform.

98. BX499 gave his rationale for approaching the group as follows: *"I deemed them to be suspicious due to them being in a group, in dark clothing, going towards a canal where Robbery offences were taking place by suspects in similar numbers, clothing and using cycles."*

99. When the officers caught up with the group and before there was any chance to make enquiries, one jumped into the river (possibly discarding a knife or cannabis) and Mr Roper made off on his bike.

100. The body worn video footage shows that the officers approached the group from behind. The towpath is poorly lit and it is very unlikely they would have been able to ascertain the group's age or race without getting much closer to them. What was immediately known to BX499, was:

- The group were in the vicinity of where a number of the previous robberies had taken place.
- The group was approaching the towpath at a time similar to the previous robberies (1600 – 2200 accounted for 47.1%).
- The number of individuals in the group matched that of the intelligence briefing.

- The group were wearing dark clothing, again matching the description given in the intelligence briefing.
101. The Metropolitan Police has a SOP for stop and search which gives the following guidance on reasonable grounds for suspicion: *“Reasonable grounds for suspicion should normally be linked to accurate and current intelligence, relating to articles for which there is a power to stop and search being carried by individuals or being in vehicles in any locality. Reasonable suspicion may also exist without specific information or intelligence and on the basis of the behaviour of a person.”*
102. The SOP also gives specific examples which may lead to reasonable grounds for suspicion:
- *“Avoids police – describe what they did e.g. changed direction and/or speed of walking having seen the police, or, ran away from police when approached.*
 - *Discarded item when approached by police – describe the item seen to be discarded, and / or what you believed it to be (and why).”*
103. Given the above, I am of the opinion the evidence suggests there were strong grounds for the officers to approach Mr Roper and the other males, including:
- The initial sighting of the group matched with a number of details of the intelligence briefing the officers had received.
 - Without approaching the group the officers would not have been able to ascertain the age, sex and race of the group and would not have been able to make enquiries which may have confirmed or pointed away from any reasonable suspicion.
 - Before the officers had chance to use any lawful powers, one of the group had jumped in the canal and Mr Roper had made off – both actions which, I am of the opinion, gave further reasonable grounds for suspicion.
104. As such, I am of the opinion the officers had reasonable grounds to approach Mr Roper and the other males he was with.
105. Lastly of note is the fact that the basic cycle training currently offered by the MPS at BCU level does not include a pursuit element and is not designed to permit cycle pursuits. While, as detailed above, I am of the opinion the officers had reasonable grounds to approach the group the MPS may wish to consider whether a pursuit element should be added to the training. I have included potential learning on this matter for the attention of the Decision Maker (see Learning section).

> The pursuit of Mr Roper

106. Of the three officers, only BX498 remained in pursuit when Mr Roper cycled away from the other males he was with, towards Lock 17. As stated above, given the behaviour of Mr Roper in cycling away from the officers, I am of the

opinion BX498 had reasonable grounds for suspicion and there was a need to pursue and detain Mr Roper.

107. However, BX498 does not appear to activate his body worn video camera until he was physically restraining Mr Roper. Furthermore, the image from his camera is obscured and does not become clear until Mr Roper has entered the river.

108. The MPS guidance on the use of body worn cameras states the following in relation to when officers should start recording:

“The MPS expectation is that Body Worn Video should be used in any circumstance where:

- *It may assist in providing a record of evidence in respect of the investigation of any offence or suspected offence.*
- *When the use of BWV would provide transparency of an encounter (for example stop and search, use of force).*
- *When users would have been expected or required to have completed a written record or report of an encounter or incident.*
- *Any other occasion when the user thinks a recording relates to a clear policing purpose; may be of evidential value in the future and to make a recording is proportionate and lawful in the circumstances.”*

109. Furthermore, after BX498’s discipline history was disclosed, it transpired that BX498 was already under an NPCC restriction resulting from a previous unrelated incident. The restriction was:

“Only to be deployed when in possession of BWV and ensure it is activated when dealing with operational matters, in accordance with BWV policy, & that the BWV unit is docked in at the conclusion of every shift.”

110. When considering whether BX498 has a case to answer in relation to the activation of his body worn camera, the decision maker may wish to consider the following:

- At the point BX499 sees Mr Roper and the other males cycling towards the towpath, the officers knew they were going to approach and stop them. Given their suspicions regarding the group, there was a significant chance the footage could have assisted in providing a record of evidence in respect of the investigation of any offence or suspected offence and provided transparency of an encounter (for example stop and search, use of force). As such the MPS body worn video guidance makes clear that the cameras should have been activated at the point the officers decided to approach the group.
- BX499 was able to activate his camera while cycling towards the males and both the image and sound are recording at the point he stops with the males and Mr Roper. BX500 is a little distance behind and his camera was operated at the point he reaches where BX499 and the males were standing. Neither camera was obscured by a jacket.

- BX498's camera does not appear to be operated until the point he is struggling with Mr Roper. It is unclear how the officer was able to operate the camera given that it was under his jacket which – according to his written response – was fully zipped up. The practicality of having his jacket over the camera is also of question if, as the officer states, wearing his jacket in this manner was a hindrance to him activating it while cycling. It is of note that neither of the other officers had their cameras obscured by their jackets.
- The fact the body worn camera was not operated until a late stage – and that it was initially obscured by the officer's jacket – meant critical audio and images of the moments leading up to Mr Roper death were not captured.
- BX498 was already subject to an NPCC restriction relating to use of body worn camera. As such it can be inferred that he should have known the expectation of him to activate the camera at the point the officers decided to approach the group.
- BX498 stated in his response to caution that he activated his camera as soon as was practicable. It should also be noted that he was on his bike and it was dark which may have impacted on when he felt he could safely operate it.

> The struggle between the officer and Mr Roper

111. BX498 described the struggle between himself and Mr Roper in his statement (see para. 66).
112. As stated above, there was no body worn camera footage of the struggle between BX498 and Mr Roper. There were also no witnesses present.
113. When Mr Roper's body was recovered from the water of the River Lea, it was discovered he had a clawhammer within his jacket.
114. The pathologist found no evidence of injuries to Mr Roper of an offensive, defensive or restraint type nature.
115. PACE Code A makes clear that: "*Reasonable force may be used as a last resort if necessary to conduct a search or to detain a person or vehicle for the purposes of a search.*"
116. Given the above, I am of the opinion the evidence suggests:
 - Mr Roper had the opportunity to stop on his bicycle and comply with the instructions given to him by the officers but failed to do so. When he fell from his bicycle BX498 attempted to use reasonable force in order to carry out a search.
 - Given the proximity of the officer to Mr Roper and both of their proximity to the river, the use of PAVA spray or Taser would have incurred additional risk in the circumstances.

- The lack of body worn camera footage hinders analysis but having visited the scene there are iron railing fences which separate the water from the towpath. This provided some degree of mitigation from the risk of either party entering the water. That Mr Roper ran around the railings is also supported as the width of the towpath to the water on the other side of the fence is narrow and it is difficult to see how the officer could have struggled with Mr Roper on this side of the fence without falling in himself.
- The presence of the clawhammer in Mr Roper's jacket supports the officer's claim that he thought he could feel the hilt of a machete. I am of the opinion the evidence supports BX498's decision to release Mr Roper at this point as the risk of trying to continue to hold him was becoming too high.
- Lastly, the post-mortem found no use of force marks or injuries on the body of Mr Roper.

117. As such, I am of the opinion the evidence suggests the use of force by the officer on Mr Roper was reasonable and proportionate in the circumstances.

> The manner in which Mr Roper entered the water

118. The only evidence pertaining to the manner in which Mr Roper entered the water is provided within the statement of BX498. There were no independent witnesses to the incident and no CCTV or body worn camera footage (other than sound).

119. In the absence of any other evidence, I am of the opinion BX498's account that Mr Roper "[ran] *around the railings and jumped into the lock out of my view*" is a feasible explanation of the manner in which Mr Roper entered the water.

> Efforts to find Mr Roper when he was in the water

120. When Mr Roper entered the water, the options available to BX498 were very limited. He had no water safety equipment on his person and there was no equipment at the lock which he could have utilised.

121. In line with MPS policy, he radioed for assistance and then took the decision to enter the lock to try and save Mr Roper's life when he felt he had exhausted all other options. Given the circumstances he found himself in, I am of the opinion the evidence suggests the actions he took were appropriate and in line with MPS policy.

122. The control room requested the assistance of the LFB, LAS and deployed the Marine Unit. A helicopter and dog unit was also deployed to try and find

Mr Roper. I am of the opinion the evidence suggests all potential resources were utilised to find Mr Roper.

123. The body worn video illustrates that the scenario that Mr Roper may have swam out of the lock was explored and the search for him widened past Lock 17. However, given that divers could not be deployed to search the base of the Lock until the following morning, I am of the opinion the evidence suggests this had no bearing on the time it took to recover Mr Roper's body.
124. The MPS Marine Unit and LFB utilised the equipment available to them – including wading poles, a telescopic pole, a bathyscope and a rescue skid – but without success. I am of the opinion the evidence suggests all possible attempts were made to find the body of Mr Roper but without success as it required the dive team to locate him, who could not be deployed until the following morning.
125. When Mr Roper first entered the water, BX498 did not have either a throw line or lifebuoy to assist Mr Roper with. Whether either would have been successful in preventing his drowning is unclear. The evidence suggests the fact that he had dropped some distance into the lock, that the water level was some distance below that of the towpath and that it was dark would have been factors that decreased the chance that Mr Roper could have been saved.
126. Nevertheless, the fact that the officers were not equipped with a throw line meant there was no chance it could be used successfully. The MPS equipment policy dictates that this equipment should be in response vehicles, but there is no mention of officers specifically deployed to patrol areas near bodies of water. I have included potential learning on this matter for the attention of the decision maker (see Learning section).
127. Lastly, the evidence suggests the situation BX498 found himself in with Mr Roper incurred a significant risk of the officer himself entering the water unexpectedly. Should he have done so, given the weight of the police equipment and the drop down to the level of the water in the lock, he would have been in significant danger. The MPS may wish to consider adding to their water training for officers, guidance on how to cope with entering a body of water unexpectedly. I have included potential learning on this matter for the attention of the decision maker (see Learning section).

> Questions to be answered by the Death and Serious Injury (DSI) investigation

128. To conclude this analysis, I, as lead investigator, will consider the following:
 - a) What evidence is available regarding the nature and extent of police contact with Mr Roper prior to his death?

- b) What evidence is available in relation to whether the police may have caused or contributed to Mr Roper's death?

> **What evidence is available regarding the nature and extent of police contact with Mr Roper prior to his death?**

129. The evidence (detailed above) suggests police pursued Mr Roper and he was involved in a physical altercation with BX498 before entering the lock and drowning.

> **What evidence is available in relation to whether the police may have caused or contributed to Mr Roper's death?**

130. The evidence (detailed above) suggests no injuries to Mr Roper of an offensive, defensive or restraint type nature. The only evidence pertained as to how Mr Roper entered the water was from BX498 who stated that Mr Roper, "[ran] around the railings and jumped into the lock out of my view".

> **Learning**

131. Throughout the investigation, the IOPC has considered learning with regard to the matters under investigation. The type of learning identified can include improving practice, updating policy or making changes to training.

The IOPC can make two types of learning recommendations under the Police Reform Act 2002 (PRA):

- Section 10(1)(e) recommendations – these are made at any stage of the investigation. There is no requirement under the Police Reform Act for the appropriate authority to provide a formal response to these recommendations.
- Paragraph 28A recommendations – made at the end of the investigation, which do require a formal response. These recommendations and any responses to them are published on the recommendations section of the IOPC website.

132. **Potential learning to be considered by the decision maker**

I have identified the following areas of potential learning for the attention of the decision maker, to inform any recommendations they may wish to make:

1. Officers deployed to patrol areas near bodies of water be equipped with throw lines in the event that either they, their colleagues, or a member of the public, should enter the water unexpectedly.

2. The MPS enhance their existing cycle training to include a pursuit element.
3. The MPS enhance their existing water training to include an element instructing officers on how to cope should they enter a body of water unexpectedly.

> Next steps

133. The decision maker will now set out their provisional opinion on the investigation outcomes. The decision maker will record these on a separate opinion document.
134. The decision maker will also identify whether a paragraph 28ZA recommendation (remedy) or referral to the Reflective Practice Review Process (RPRP) is appropriate.

> Criminal offences

135. On receipt of my report, the decision maker must decide if there is an indication that a criminal offence may have been committed by any person to whose conduct the investigation related.
136. If they decide that there is such an indication, they must decide whether it is appropriate to refer the matter to the CPS.

Investigation into police contact with Mr Lamont Roper prior to his death on 8 October 2020

- > Independent investigation report
- > Appendices

> Appendix 1: The role of the IOPC

The IOPC carries out its own independent investigations into complaints and incidents involving the police, HM Revenue and Customs (HMRC), the National Crime Agency (NCA) and Home Office immigration and enforcement staff.

We are completely independent of the police and the government. All cases are overseen by the Director General (DG), who has the power to delegate their decisions to other members of staff in the organisation. These individuals are referred to as DG delegates, or decision makers, and they provide strategic direction and scrutinise the investigation.

> The investigation

At the outset of an investigation, a lead investigator will be appointed, who will be responsible for the day-to-day running of the investigation on behalf of the DG. This may involve taking witness statements, interviewing subjects to the investigation, analysing CCTV footage, reviewing documents, obtaining forensic and other expert evidence, as well as liaison with the coroner, the CPS and other agencies.

They are supported by a team, including other investigators, lawyers, press officers and other specialist staff.

Throughout the investigation, meaningful updates are provided to interested persons and may be provided to other stakeholders at regular intervals. Each investigation is also subject to a quality review process.

The IOPC investigator often makes early contact with the CPS and is sometimes provided with investigative advice during the course of the investigation.

> Investigation reports

Once the investigator has gathered the evidence, they must prepare a report. The report must summarise and analyse the evidence and refer to or attach any relevant documents.

The report must then be given to the decision maker, who will decide if a criminal offence may have been committed by any person to whose conduct the investigation related, and whether it is appropriate to refer the case to the CPS for a charging decision.

The decision maker will reach a provisional opinion on the following:

- a) whether any person to whose conduct the investigation related has a case to answer in respect of misconduct or gross misconduct or has no case to answer;

- b) whether or not disciplinary proceedings should be brought against any such person and, if so, what form those proceedings should take (taking into account, in particular, the seriousness of any breach of the Standards of Professional Behaviour);
- c) whether the performance of any person to whose conduct the investigation related is unsatisfactory and whether or not performance proceedings should be brought against any such person; and
- d) whether or not any matter which was the subject of the investigation should be referred to be dealt with under the Reflective Practice Review Process (RPRP).

The decision maker will also decide whether to make individual or wider learning recommendations for the police.

> **Misconduct proceedings**

Having considered any views of the appropriate authority, the decision maker is required to make the final determination and notify the appropriate authority of their determinations, as follows:

- a) whether any person to whose conduct the investigation has related has a case to answer for misconduct or gross misconduct or has no case to answer;
- b) whether the performance of any person to whose conduct the investigation related is unsatisfactory; and
- c) whether or not disciplinary proceedings should be brought against any person to whose conduct the investigation related and, if so, what form the disciplinary proceedings should take.

The decision maker may also make a determination as to any matter dealt with in the report. This may include a decision that a matter amounts to Practice Requiring Improvement (PRI) and as such should be dealt with under the Reflective Practice Review Process (RPRP) or a recommendation under paragraph 28ZA (remedy).

> **Unsatisfactory Performance Procedures (UPP)**

UPP is defined as an inability or failure of a police officer to perform the duties of the role or rank the officer is currently undertaking to a satisfactory standard or level.

The decision maker can recommend and, where necessary, direct an appropriate authority to refer an officer to any stage of the UPP. The appropriate authority must comply with a direction from the decision maker and must ensure proceedings progress to a proper conclusion. The appropriate authority must also keep the decision maker informed of the action it takes in response to a direction concerning performance proceedings.

Practice Requiring Improvement

Practice Requiring Improvement (PRI) is defined as underperformance or conduct not amounting to misconduct or gross misconduct, which falls short of the expectations of the public and the police service as set out in the policing Code of Ethics.

Where PRI is identified the Reflective Practice Review Process (RPRP) is followed. However, there may be instances where PRI is identified, but for a variety of reasons the RPRP process is not instigated, for example on the grounds of officer wellbeing.

RPRP is not a disciplinary outcome but a formalised process set out in the Police (Conduct) Regulations 2020. It is more appropriate to address one-off issues or instances where there have been limited previous attempts to address emerging concerns around low-level conduct. In some instances it may be appropriate to escalate the matter to formal UPP procedures where there is a reoccurrence of a performance related issue following the completion of the Reflective Practice Review Process.

The IOPC cannot direct RPRP: it can only require the appropriate authority to determine what action it will take.

Criminal proceedings

If there is an indication that a criminal offence may have been committed by any person to whose conduct the investigation related, the IOPC may refer that person to the CPS. The CPS will then decide whether to bring a prosecution against any person. If they decide to prosecute, and there is a not guilty plea, there may be a trial. Relevant witnesses identified during our investigation may be asked to attend the court. The criminal proceedings will determine whether the defendant is guilty beyond reasonable doubt.

> Inquests

Following investigations into deaths, the IOPC's investigation report and supporting documents are usually provided to the coroner. The coroner may then hold an inquest, either alone or with a jury. This hearing is unlike a trial. It is a fact-finding forum and will not determine criminal or civil liability. A coroner might ask a selection of witnesses to give evidence at the inquest. At the end of the inquest, the coroner and/or jury will decide how they think the death occurred based on the evidence they have heard and seen.

> Publishing the report

After all criminal proceedings relating to the investigation have concluded, and at a time when the IOPC is satisfied that any other misconduct or inquest proceedings will not be prejudiced by publication, the IOPC may publish its investigation report, or a summary of this.

Redactions might be made to the report at this stage to ensure, for example, that individuals' personal data is sufficiently protected.