

DSI

Operation Richenda

Investigation into the police shooting of Mr Usman Khan on 29 November 2019

> Independent investigation report

> Investigation information

Investigation name:	Operation Richenda
IOPC reference:	2019/128705 and 2019/128689
Investigation type:	Death or Serious Injury (DSI)
IOPC office:	Canary Wharf
Lead investigator:	Richard West
Case supervisor:	Ruth Bassett
Director General delegate (Decision Maker):	Adam Stacey
Status of report:	Final
Date finalised:	27/11/2020 ¹

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

¹ This report was amended on 21 December 2020 to address some points which were raised when it was shared with the MPS/CoLP/SO15. Changes are recorded in the footnotes.

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> Introduction

> The purpose of this report

1. I was appointed by the IOPC to carry out an independent investigation into the death of Mr Usman Khan. Mr Khan was fatally shot by police on 29 November 2019 after he stabbed multiple members of the public. This came to the attention of the IOPC on 29 November 2019 as a Death or Serious Injury (DSI) referral.
2. 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 Adam Stacey.
3. In this report, I will provide an accurate summary of the evidence, and attach or refer to any relevant documents. I will also set out the evidence available relating to:
 - (i) the nature and extent of the police contact prior to the death of Mr Khan, and
 - (ii) whether the police may have caused or contributed to Mr Khan's death
4. I will provide sufficient information to enable the decision maker to reach a decision as to whether:
 - There is an indication that any person serving with the police may have committed a criminal offence or behaved in a manner that would justify the bringing of disciplinary proceedings. If so, those matters will be investigated.
 - To make a recommendation to any organisation about any lessons which may need to be learned.
5. If the decision maker determines there is no indication of criminality or misconduct, the Metropolitan Police Service (MPS) and City of London Police (CoLP), who will have been sent the report, must then advise the IOPC whether or not they consider the performance of a person serving with the police to be unsatisfactory, and what action (if any) they will take in respect of any such person's performance (if required to do so by the decision maker).
6. The decision maker will then consider whether the Metropolitan Police Service and City of London Police's determinations are appropriate, and decide whether to recommend that:
 - (i) the performance of any person serving with the police is or is not satisfactory; and

- (ii) that specified action is taken is taken in respect of any unsatisfactory performance
7. The decision maker can ultimately direct the Metropolitan Police Service or City of London Police to take steps to comply with its recommendation.

> Other investigations

8. The Metropolitan Police Counter Terrorism Command is investigating the terrorist attack in Fishmongers' Hall on 29 November 2019, when Mr Khan attacked and injured a number of members of the public. Ms Saskia Jones and Mr Jack Merritt died from injuries sustained when they were stabbed. This investigation is referred to as Operation Bemadam.
9. The IOPC is separately investigating the contact that officers from Staffordshire Police had with Mr Khan following his release from prison. Four officers from Staffordshire Police were involved in meeting with Mr Khan and ensuring he complied with his notification requirements under Part 4 of Counter-Terrorism Act 2008. This investigation is referred to as Operation Aragon.
10. There are a number of other investigations and reviews into this incident, including a health and safety investigation, a MAPPA Serious Case Review, a NPS Serious Further Offence review, a Post-Attack Review by MI5 and a major incident review by the MPS.
11. Inquests into the deaths of Ms Saskia Jones, Mr Jack Merritt and Mr Usman Khan are scheduled to take place in 2021. The IOPC will make all the material collected for both investigations available to the inquests.

> Background information about Mr Usman Khan

12. On 9 February 2012, Mr Khan was convicted of engaging in conduct in preparation for terrorist acts, contrary to Section 5 of the Terrorism Act 2006. He was sentenced to eight years imprisonment and was due to be on licence until 27 December 2031. He was released from prison on 24 December 2018.

> The investigation

> Terms of reference

13. Adam Stacey approved the terms of reference for this investigation on 4 December 2019. The terms of reference can be seen in full in appendix 2, however, in brief they are:
14. To investigate:

- a) The actions and decisions, including the use of lethal force, of the officers involved in the police response on 29 November 2019.

> Policies, procedures and legislation considered

15. During the investigation, I have examined relevant national and local policies and legislation, as set out below. This will enable consideration of whether the policies were complied with, and whether the existing policies were sufficient in these circumstances.

> College of Policing Authorised Professional Practice (APP) – Armed Policing

16. The APP states, *“When police are required to use force to achieve a lawful objective all force used must be reasonable in the circumstances.”* Under the heading, *“Factors to assist in establishing whether a use of force is reasonable”* it states:
- *“Is the use of force lawful? (i.e. is the aim one of those outlines [sic] in s3 of the Criminal Law Act, Police and Criminal Evidence Act or Common Law?”*
 - *Is the degree of force proportionate in the circumstances?*
 - *Were other options considered? If so, what were they and why were those options discounted?*
 - *Was the method of applying force in accordance with police procedures and training?”*
17. The APP covers the law on self-defence, including that a person has the right to use reasonable force to protect themselves or another where necessary, and that circumstances may justify a pre-emptive strike in self-defence. It also explains that under criminal law the question of whether the degree of force used was reasonable is to be decided by reference to the circumstances as that person genuinely and honestly believed them to be. This applies even if the belief itself is mistaken. However, the decision is different in police disciplinary proceedings - see below.
18. The APP discusses *“conventional shots”* and *“critical shots”*. A conventional shot is a shot aimed to strike the central body mass (torso). A critical shot is a shot intended to immediately incapacitate the target, usually a shot or shots to the head, or otherwise the central nervous system or major organs.
19. The APP states that *“the primary intention of the police, when discharging a firearm, is to prevent an immediate threat to life by shooting to stop the subject from carrying out their intended or threatened course of action,”* and that in most circumstances, this is achieved by a conventional shot. However, the APP

explains that aiming directly at the head may be necessary if aiming elsewhere would be impractical in the circumstances, present increased risk to life, or be unlikely to achieve immediate incapacitation. The APP states that, *“a critical shot should only be fired when absolutely necessary in defence of a person when there is an imminent and extreme risk to life from unlawful violence.”*

20. In relation to *“Command decisions”* the APP says that there may be situations where a commander has access to decisive information relevant to an imminent threat to life, of which an AFO (Authorised Firearms Officer) who is operationally deployed would not be aware. It gives three principle reasons why the commander may not be able to pass on this information, one of which is, *“the danger may be so imminent that there is insufficient time for a commander to fully brief an AFO on all available details.”* In these circumstances, it may be necessary for a commander to authorise a critical shot.

> Section 3 Criminal Law Act 1967

21. This Act states *“a person may use such force as is reasonable in the circumstances in the prevention of crime, or in effecting or assisting in the lawful arrest of offenders or suspected offenders or of persons unlawfully at large.”*

> Code of Ethics – Use of Force

22. The Code of Ethics applies to police forces in England and Wales. It sets out the principles and standards of behaviour that will promote, reinforce and support the highest standards from everyone who works in policing in England and Wales.
23. On the Standard of Professional Behaviour ‘Use of Force’, the Code of Ethics states, *“I will only use force as part of my role and responsibilities, and only to the extent that it is necessary, proportionate and reasonable in all the circumstances.”*

> R(W80) -v- Director General of the Independent Office for Police Conduct

24. This was a recent case before the Court of Appeal, in relation to the shooting of a man by police. The summary of the judgment states, *“It was wrong to say that there could be no misconduct wherever an officer used proportionate force based on an honest belief that he was in danger. If the officer made an honest mistake, the disciplinary panel must still determine whether the use of force was reasonable in all the circumstances. In many cases, an honest mistake is also likely to be found to have been reasonable in all the circumstances, but there will be some cases where it will not.”*

25. This means that, for misconduct purposes, if an officer has made an honest mistake, it also must be considered whether that mistake was reasonable.

> Statement of a former Chief Firearms Instructor for City of London Police

26. A former Chief Firearms Instructor at City of London Police gave a statement dated 3 June 2020 covering various aspects of firearms training. He explained that firearms officers undertake Marauding Terrorist Attack (MTA) training, including response to incidents involving Improvised Explosive Devices (IEDs), at least once every year, if not more often. The former CoLP Chief Firearms Instructor stated that Operation Plato is the multi-agency response to reports of a marauding terrorist attack.
27. Regarding IEDs, the former CoLP Chief Firearms Instructor explained that, *“from a policing point of view, the only way of determining whether an IED is capable of functioning or not is through close up examination by qualified Explosive Ordnance Disposal officers... firearms training dictates that once what is believed to be an IED has been seen, it is treated as being viable until confirmed otherwise. From an armed policing perspective, this means the following;*
- *Officers will confront the subject, and seek appropriate ballistic cover where possible;*
 - *If an officer decides to shoot the subject, they should adopt a point of aim away from the IED;*
 - *Appropriately sized cordons will be put in place where possible (100m for a small device e.g. rucksack, 200m for a medium sized device e.g. car/suitcase and 400m for a large device e.g. van/lorry);*
 - *First aid will not be attempted on the subject if they have been shot, or otherwise incapacitated until it is safe to approach them.”*
28. In relation to the use of TASER, the former CoLP Chief Firearms Instructor stated officers are trained that, if one officer is dealing with the threat with a conventional firearm, it may be prudent for another officer to adopt a less lethal option such as TASER. However, he also stated that there is instruction on IEDs during TASER training, in which officers are taught about the potential for electrical devices to inadvertently initiate explosives. The former CoLP Chief Firearms Instructor explained, *“training recommends that if an officer is aware of an IED on a suspect that they should consider other more appropriate tactical options to neutralise the threat.”*

> Statement of the Chief Firearms Instructor for the Metropolitan Police Service

29. The Chief Firearms Instructor for the Metropolitan Police Service provided a statement dated 24 July 2020 covering aspects of firearms training delivered to MPS AFOs, to be read in conjunction with the statement from the former CoLP Chief Firearms Instructor. He explained that the initial Armed Response Vehicle (ARV) course includes a week of training relating specifically to terrorist attacks. Officers then receive annual refresher training in specific tactics for terrorist attacks, including any updates on attack methodology, current threats faced, and up-to-date tactics. Training is delivered through theory lessons, followed by practical scenarios and debriefs.
30. In relation to Person-Borne Improvised Explosive Devices (PBIEDs), the MPS Chief Firearms Instructor stated the overarching strategy is the preservation of life, to be achieved by *“identifying, locating, containing and confronting the threat posed by the safest possible means and whenever possible; isolate from potential victims and to secure evidence, detain offenders and return to normality the scene of the incident.”* Officers are trained to challenge suspects from an armoured vehicle (if available) or ‘hard’ cover, such as a wall or building), from a recommended distance of 100m in the case of hard cover.
31. In relation to critical shots, the MPS Chief Firearms Instructor stated, *“immediate incapacitation may be necessary if an officer believes that a subject has the capability or is about to detonate a PBIED, in order to save life.”*

> Summary of the evidence

32. 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 investigation is referred to in this report.

> Events prior to police arrival

33. Dr Amy Ludlow made a 999 call to police, which resulted in the creation of incident number 4170 by the Metropolitan Police Service. During the call, she immediately said that someone had been stabbed in the neck at Fishmongers’ Hall on London Bridge. She requested an ambulance and the police, and the call handler told her that she was *“sending it over”*. Dr Ludlow then referred to someone with knives who was in the forecourt of the building. Dr Ludlow explained that security were trying to push the person out of the building, then explained that there were lots of men trying to get the person out of the building. She told the call handler that she believed the person was now out of the building, and the call handler confirmed that units were on their way. The call continued for a further few minutes, as the call handler gathered details of the victim and the broader circumstances of the incident.
34. The log of incident number 4170 shows that the call was made to police on 29 November 2019, at 1:58:58pm. The incident log shows that at 1:59:42pm, the

caller had passed on information that someone had been stabbed in the neck. At 2:00:36pm, it was recorded on the incident log that there was someone in the building with knives, and at 2:00:54pm it was recorded that the building referred to was Fishmongers' Hall. All the relevant information provided by Dr Ludlow was recorded on incident number 4170.

35. Mr B is a member of the public who was at Fishmongers' Hall on 29 November 2019. He gave a statement to police dated 6 December 2019. He described being in a large hall, from where he heard screaming from another room. He left the hall and saw a young woman lying motionless on the stairs. He realised it was a serious incident and went upstairs to find a weapon to defend himself and found a Narwhal tusk. He stated that he went back downstairs and saw a man armed with two knives (Mr Khan) in a confrontation with Mr Steve Gallant, who he joined. Mr B stated that Mr Khan said, *"I'm not here for you, I'm here for the police, I'm waiting for the police"* and that he had a bomb. Mr B passed Mr Gallant the narwhal tusk and returned upstairs to get a second tusk. When Mr B came back downstairs, he saw the back of Mr Gallant as he left Fishmongers' Hall, chasing Mr Khan.
36. Mr Gallant and Mr D were two members of the public who were also at Fishmongers' Hall on the day in question. They both described a confrontation with Mr Khan in Fishmongers' Hall after seeing that he had stabbed someone. This was the same confrontation described by Mr B. Mr Gallant stated that, during this confrontation, he saw what appeared to be an explosive device on Mr Khan, but he did not pay much attention to it and thought that it was probably fake. Mr D also stated that he told Mr Khan, in reference to the device, *"it's fucking fake. Blow it."* Mr B and Mr D both also stated that Mr Khan said he was waiting for the police.
37. CCTV footage from Southwark Council shows that, at 2:00:47pm², Mr Khan left Fishmongers' Hall. Mr Khan is obscured on the footage by a bus. At 2:01:23pm, the footage shows that Mr Khan was walking south on London Bridge. Three members of the public appeared to be chasing Mr Khan.
38. The CCTV footage shows that at 2:01:28pm, Mr Khan was challenged by three members of the public. One had a fire extinguisher and another had a narwhal tusk. Mr Khan was sprayed with the fire extinguisher and taken to the ground where the three members of public attempted to restrain him. More people then rushed over to assist with restraining Mr Khan.
39. Mr Gallant stated that as Mr Khan left the building, he followed him. Mr Gallant described shouting, *"get back, he's a terrorist, get back,"* and members of the public were fleeing. There was a further confrontation on the bridge, where Mr Gallant was initially joined by Mr D and Mr B, as confirmed by their statements. They all described taking Mr Khan to the ground, before being joined by other members of the public who helped in restraining Mr Khan.
40. Officer X is a police officer with British Transport Police, who assisted with Mr Khan before armed police arrived. He had been nearby after being at court and saw the incident unfolding. He was not in uniform. He saw knives in Mr Khan's

² Please see Appendix 4 on page 53 in relation to the timings used in this report.

hands and saw what he believed to be a bomb vest on Mr Khan. He shouted at Mr Khan to drop the knife, and prised open his right hand to remove a knife. He stood up, immediately saw a firearms officer coming towards the incident, and then left to get away from the suspect as he knew the officers would deal with it. He can be seen assisting and then leaving on the CCTV footage.

> Police arrival at the scene and first phase of shots

41. The incident number 4170 shows that, at 2:00:31pm, an armed response unit with City of London Police (CoLP) was assigned to the incident. At 2:00:50pm, another armed response with CoLP was assigned to the incident.
42. YX99 is a CoLP firearms officer who wrote two statements about his involvement in this incident, one dated 29 November 2019 and a more detailed statement dated 3 December 2019³. In his second statement, he explained that he, WS5 and YX16 were parked on Cheapside, when a call came out requesting a unit to attend Fishmongers' Hall on London Bridge, as a woman had been stabbed in the neck. He described initially thinking they would be attending in a first aid capacity, before the Tactical Firearms Commander (TFC) declared it a firearms incident, at which point he began getting the guns out of their safe in the car.
43. YX16 and WS5 similarly wrote two statements, dated 29 November 2019 and a more detailed statement of 3 December 2019. WS5 also wrote a further statement dated 5 October 2020. YX16 and WS5 both also described, in their statements of 3 December 2019, being called to an incident where a woman had been stabbed in the neck, and it being declared a firearms incident. YX16 also stated that, on their way there, they received further information to say the suspect was still on scene and they were given "*pedestrian interception tactics*" by the TFC.
44. A87 is an Inspector in CoLP and was the TFC on 29 November 2019 in the Force Control Room for CoLP. In a statement from 3 December 2019, he⁴ explained that he saw that there was an incident where someone had been stabbed in the neck. Based on that, and lacking any further information, he felt it was appropriate for any unit, not specifically firearms, to attend. Shortly afterwards, he stated that information was received that there was someone in the building with knives, and A87 then decided that this should be dealt with by firearms officers. This was necessary as he had reason to suppose officers may need to protect themselves or others from someone in possession of a potentially lethal weapon. He also stated that he informed the firearms officers via radio that his preferred tactical option was a "*pedestrian interception*".
45. AZ99, AZ14 and YX97 are CoLP firearms officers who also wrote two statements, dated 29 November 2019 and 3 December 2019. AZ99 explained in his statement of 3 December 2019 that he was at Bishopsgate Police Station

³ It is standard procedure following a fatal shooting by police that two accounts are given by the officers involved, a "personal initial account" in the immediate aftermath and then a detailed account, usually at least 48 hours after the incident.

⁴ Amended 21/12/2020 – A87 was originally referred to as "they" as his gender was not known or referred to by other officers. He is now referred to as "he" throughout the report.

when he heard the call on his radio regarding a stabbing at Fishmongers' Hall. He saw his colleagues, YX97 and AZ14, rushing towards him and he said they would go to that. He then called up on his radio to say they would attend. He explained that YX97 called up for the TFC to declare it a firearms incident, and they made their way to their car and then to the incident. On the way, AZ99 heard over the radio that there were men fighting on the floor, and he considered it could be gang related. YX97, in his statement dated 3 December 2019, stated that he had asked the inspector to review the incident, as he thought the incident may meet the criteria for armed resources to be deployed.

46. Body Worn Video (BWV) footage from the officer YX99, beginning at 2:00:17pm, shows that YX99, YX16 and WS5 were parked at this time. Their car started moving at 2:00:39pm, but sound cannot be heard on the BWV initially.⁵ At 2:01:15pm, YX99 began retrieving the firearms, which appeared to be locked away.
47. BWV footage from the officer YX16, beginning at 2:00:51pm, shows his vehicle containing himself, WS5 and YX99 driving to, and arriving at the scene. They stopped briefly as they approached London Bridge, to confirm where they were going. YX16's BWV footage shows he left his car at 2:02:02pm and ran towards the incident. YX99's BWV appears to show the car stopped at that time and he left the car shortly afterwards. YX99's BWV camera appeared to fall out of position and does not provide any clear footage for the remainder of the incident.
48. YX99's described in his statement that as they approached London Bridge, they slowed down to work out where Fishmongers' Hall was. He stated that, as they arrived at Fishmongers' Hall, the TFC gave a tactic of a foot interception. He described this as a very fast, hard and aggressive tactic to get a subject under control. He said WS5 parked the car, they got out, and YX99 could see a big commotion on the western footpath. At this point, all YX99 knew was that a woman had been stabbed, and they had been authorised to carry out a foot interception.
49. In his statement, YX16 stated that as they arrived on scene, he was looking out for a suspect with a knife or a person who had been stabbed. He saw members of the public gesturing towards the other side of the bridge, so they drove, on the southbound carriageway, a few metres past Fishmongers' Hall. They stopped where YX16 could see six or seven people on his right, restraining someone on the ground. WS5 also stated that members of the public were directing them to the incident.
50. CCTV footage shows the first police officer arrived into view, coming from the direction of the road, at around 2:02:15pm. The second officer appeared two seconds later. CCTV footage shows the officers approached Mr Khan, who was being restrained on the floor, and most of the members of public moved back. The officers appeared to be involved in restraining Mr Khan, but it's not clear from the footage exactly what was happening.

⁵ Body worn video cameras usually record the first 30 seconds or minute, prior to the record button being pressed, without sound.

51. YX16's BWV shows that, when he approached the incident, he was initially trying to move people away. As YX16 was moving around, it is not clear from the footage what he was trying to do. People nearby said, "*he's just killed someone,*" "*he's just killed two women in there,*" and "*fucking scumbag, piece of shit.*" Someone was shouting, "*don't you fucking move.*" Various members of the public were stood around watching what was happening, and at least two members of the public were helping restrain Mr Khan.
52. YX16 explained in his statement that he ran towards the people on the ground, and saw a knife tossed to the side from within the bundle of people. He heard someone say, "*he's murdered some people*" and "*he's just killed two women in there.*" YX16 described Mr Khan gritting his teeth, pushing and kicking quite aggressively at the people holding him down. He explained that he circled round Mr Khan, to get a better view of him, and find a good place to kneel and get control of him. He stowed his conventional firearm and knelt to grab hold of him, before immediately disengaging and standing up. YX16 stated that they had information that Mr Khan had stabbed someone, he had seen a knife get tossed away, and Mr Khan was being very aggressive. YX16 thought that if Mr Khan were to get up, he would start attacking people. Therefore, YX16 drew his TASER, as he had an honestly held belief that they were in imminent danger from Mr Khan. YX16 said he was prepared to use reasonable force at the time to avert that danger under common law. YX16 also stated that he was prepared to use reasonable force under Section 3 of the Criminal Law Act, as the suspect had potentially stabbed someone and he needed to be controlled. YX16 added that, since YX99 and WS5 both still had their conventional firearms, he had a less lethal option ready, as per his training.
53. YX99 explained that YX16 was first out of the car running towards the melee, and YX99 handed WS5 his gun before following. As he approached, YX99 saw a large, 10 to 12-inch kitchen knife on the floor, inches away from a "*south Asian male*", of large build, who had a thick, black beard. YX99 said Mr Khan was wearing dark clothing and looked to be in his late twenties or early thirties. YX99 stated that five or six members of the public were fighting Mr Khan. As YX99 got within a couple feet, he heard someone say, "*he has killed two people in there.*" YX99 explained that this comment, combined with the call they received and the knife on the floor, "*upped [his] aggression levels as the threat was now incredibly high.*" YX99 described going to the head of Mr Khan to attempt to verbally and physically dominate him, where he shouted "*armed police, armed police, don't you fucking move, don't you fucking move.*"
54. In his statement, YX99 explained that his intentions at this time were to restrain and handcuff Mr Khan, so grabbed his clothing near his neck. YX99 said that, within a second or two of grabbing him, Mr Khan looked at YX99 and said that he had a bomb. YX99 instinctively touched Mr Khan's stomach and didn't feel anything. He then looked down, and he saw several clear pieces of plastic or glass, with what looked like white plasticine on either end and numerous wires attached to the various components. He believed this was a belt carrying an improvised explosive device (IED) at which point he immediately feared for his life, his colleagues' lives, and the lives of the members of the public nearby.

55. YX99's BWV does not clearly show anything of the struggle with Mr Khan, other than some brief images of Mr Khan's face as the struggle continued. As YX99 approached the incident, he can be heard shouting, "*armed police, don't you fucking move*" at 2:02:19pm. At 2:02:28pm, a voice is heard to say, "*I've got a bomb,*" at which point someone shouted, "*he said he's got a bomb, get back, get back.*" At 2:02:34pm, another voice stated, "*he says he's got a bomb on him.*" YX16's BWV shows that when it was mentioned that he had a bomb, the officers all immediately retreated a short distance.
56. YX99 explained that, at this point, he decided he "*would have to shoot [Mr Khan] as soon as possible, in order to neutralise the threat and protect everyone.*" However, he said there were people all around Mr Khan, so could not fire at that time as it would risk hitting or killing those members of the public nearby. YX99 described shouting that Mr Khan had a bomb and people needed to get back. He stated that the members of the public quickly left Mr Khan, other than one, who WS5 eventually pulled off Mr Khan.
57. WS5 explained in his statement that, when they had left their car and approached the incident, there were members of the public on top of Mr Khan. He could not see what was happening, so was shouting at them to get off Mr Khan, but this did not seem to work. WS5 stated that he moved towards Mr Khan, where he noticed what he believed to be a Person Borne Improvised Explosive Device (PBIED). He believed the device to be viable as it appeared real, describing that he saw "*cigarette packet size items around his midriff taped in a silver tape and wires coming out of the packages.*" WS5 also stated that he heard Mr Khan say "*Allah akbar,*" and he thought that they were going to die.
58. At around 2:02:32pm, CCTV footage shows the members of the public fleeing from Mr Khan and two of the officers backed away. However, one member of the public remained on top of Mr Khan, continuing to struggle with him. YX16's BWV shows that someone was repeatedly shouting "*let go*" and "*leave him,*" before the member of the public was dragged off Mr Khan by one of the officers. As the last member of the public was removed Mr Khan appeared to be trying to stand up.
59. Mr B was the last person remaining on top of Mr Khan. He described in his statement being told by police to get off Mr Khan, but he did not want to, as he did not want Mr Khan to kill anyone else. He also said he was concerned that Mr Khan may set off the device. He believed that letting go of Mr Khan meant that either the device would be set off, or police would shoot Mr Khan dead. Mr B explained that Mr Khan looked up towards the closest police officer, and calmly said, "*I've got a bomb*". At this point, Mr B looked down at the device and could see it very closely. He felt that it did not look real.
60. Once Mr Khan said he had a bomb, Mr B stated that the police response increased drastically, with police officers shouting that he had a bomb. Mr B explained that a police officer now forcefully dragged him off Mr Khan, and Mr B heard a noise immediately afterwards, which he later realised was gunshots. Mr A, another member of the public, gave a statement dated 9 December 2019. He explained that he saw Mr Khan's coat open up and the police went from being calm to being serious as they realised he had something on him.

61. YX16's BWV showed that as he backed away, he was aiming his Taser at Mr Khan. YX16 was on the south side of Mr Khan, with one officer on the east side (YX99) and one on the north side (WS5). At 2:02:45pm, he shouted "*taser taser taser*" before firing his Taser into Mr Khan's back at 2:02:49pm. Two shots can be heard at this time as well, within a second of each other. YX99's BWV shows that an officer was repeatedly shouting, "*get back*" after the shots were fired.
62. WS5 explained that he and YX99 were both aiming at Mr Khan, but a member of the public remained on top of him. They couldn't do anything until this person was out of danger, so WS5 went and removed this person from Mr Khan. This delayed WS5 neutralising the threat posed by the subject. WS5 stated that as he was walking away from Mr Khan, YX99 fired his primary weapon.
63. The CCTV footage shows that as soon as Mr B was clear of Mr Khan, a puff of smoke appeared to come out of YX99's weapon, followed by another one shortly afterwards. TASER wires can also be seen fired from YX16's TASER.
64. YX16 stated that he considered using the TASER at close range and could have incapacitated Mr Khan had he done so. However, both a member of the public and YX99 were still holding onto Mr Khan at that point and could have been affected by the TASER. He took a few steps back and lined up the red dots of the TASER on Mr Khan's back in a way that incapacitate him if he fired the TASER. As YX99 was stepping backwards, WS5 pulled the last member of the public off Mr Khan. YX16 shouted "*TASER TASER TASER*" and fired into Mr Khan's back, which he saw was effective. He then heard YX99 shout "*IED IED*" and fire two shots towards Mr Khan. YX16 explained in his statement that although YX99 did shout "*he's got a bomb*" prior to the use of TASER, YX16 didn't hear or see anything that made him aware of this until just before YX99 fired two rounds.
65. YX99 stated "*the moment that the last member of the public cleared my arc of fire and back drop, I instinctively fired one shot and then another. I was relying on muscle memory and training to flick the safety off and pull the trigger. I just instinctively pointed the gun at the subjects [sic] torso and fired to try and neutralise the threat. I saw a reaction that instinctively told me I had hit him with the bullets as his body seemed to slump. I fired it because it was my belief that he posed a genuine threat to the life of myself, my colleagues and the members of the public still in the area.*" YX99 also stated that it wasn't a particularly well aimed shot, as he was in a state of "*mortal fear and panic*".
66. Mr Jonathan Hall is a member of the public who gave a statement to police, dated 7 December 2019. Mr E, also a member of the public, gave a statement to police dated 9 December 2019. They both stated that they were on the third floor of a building opposite, looking out of the window at the incident. They both described that once WS5 pulled Mr B off Mr Khan, Mr Khan appeared to try to get up. Mr Hall stated that it looked like Mr Khan "*leant up*" and tried to lunge towards the officer and the man. They both described that one of the police officers then shot Mr Khan twice. Mr C, another member of the public, gave a statement dated 1 December 2019. Mr C stated that Mr Khan was holding on to Mr A as he was removed from on top of him. He said that it was this that caused Mr Khan's upper body to come off the ground. He said that Mr Khan's body "*was still off the ground when the male was freed.*"

> Period of time prior to second phase of shots

67. YX16 stated that after the shots were fired, he transmitted on the radio *“shots fired shots fired, can we get people down to us”*. YX16 looked towards the suspect and saw a metallic device strapped across his stomach. The three officers then retreated backwards northbound on London Bridge, to get into cover due to the suspected bomb.
68. The CCTV footage shows that YX99 and WS5 continued to aim their guns at Mr Khan, while they backed away, northwards on the footpath of London Bridge. Mr Khan continued to move around, appearing to attempt to remove an item of clothing and then lying on his right side, facing towards the officers and Fishmongers’ Hall. He then moved to lie flat on his back. By 2:04:46pm, the officers were no longer visible on the CCTV.
69. YX99’s BWV shows that at 2:03:02pm he was standing next to WS5, with YX99 closer to the road. At 2:03:05pm, someone can be heard to say the words *“suicide vest”*. The officers were repeatedly shouting to members of the public to move back and to Mr Khan to stay still. An officer stated shortly afterwards, *“start flanking round”*.
70. YX16’s BWV shows that he retreated slightly further away from Mr Khan, in a southerly direction, before circling round to join YX99 and WS5, who could both be seen aiming their firearms at Mr Khan. They were shouting *“stay still”* to Mr Khan. At 2:03:38pm, YX16 requested over the radio for further units to come to the scene as quickly as they could. Multiple members of the public could be seen behind YX99 and WS5, towards Fishmongers’ Hall.
71. YX99’s BWV shows that various members of the public were telling the officers: *“there’s someone dying in there”*; *“shoot him in his fucking head”* and someone else asked if anyone was medically trained. An officer continued to tell the members of the public to move back and one of the members of the public asked for someone to get an ambulance.
72. In his statement, YX99 explained that, following the two shots he fired, he and his colleagues were constantly taking steps back to increase the distance to Mr Khan. When they were 10-15 metres away, with their weapons still aimed at Mr Khan, YX99 saw him move his arms, at which point YX99 realised he was not dead. YX99 then shouted *“stay still, stay still, he’s still alive,”* and described being in a state of shock as he was fully expecting Mr Khan to be dead. At this point, YX99 described seeing many pedestrians on the south side of the western pavement that he knew they would have to push back. He and WS5 continued to aim at Mr Khan, while screaming at the members of the public behind them to get back.
73. YX99 stated that at the time, while he still believed the device could go off, he believed they were beginning to get sufficient distance between themselves and Mr Khan so the perceived threat was lower than it had been. Looking back, YX99 acknowledged in his statement that this thought was probably misplaced as Mr Khan could still have detonated the device just as quickly as before. YX99 also

explained in his statement again that he could see numerous pedestrians in the backdrop on the western pavement, who would be at risk if further shots were fired. “*Backdrop*” refers to what is visible behind the target being aimed at.

74. At 2:03:52pm, an officer can be heard on YX99’s BWV speaking to the radio, in which they stated “*we’ve got numerous people stabbed, we need ambulances, the male has been shot but he is still alive... we’ve shot him but he’s still alive, we’ve got numerous people on the bridge.*” YX99 appeared from his BWV to be moving away from WS5 at this time.
75. YX16’s BWV shows that he attempted to get people back and away from the vicinity, shouting “*stay away*”. At 2:03:58pm, YX16 stated over the radio, “*just a quick update, this male has got some sort of IED device on him, some sort of bomb strapped to his body. Two shots have been fired by one of the officers, he’s incapacitated on the floor, still moving.*”
76. AZ99’s BWV turned on at 2:03:57pm and showed him in a police car with YX97 and AZ14. He arrived at the scene and left his car at 2:04:29pm, and immediately assisted with getting members of the public away. A crowd had gathered on the opposite side of the road to Fishmongers’ Hall. AZ99 ran towards them, shouting to them to get back. He also told some people to stay inside a building nearby.
77. AZ99 explained in his statement that they heard over the radio that shots had been fired on route. On their arrival, he saw WS5 and YX99 aiming at Mr Khan, who he saw moving around on the floor and formed the belief that this was the person they had shot. AZ99 states that, as he got out of the vehicle, he heard someone say the man had an IED. He saw a number of people nearby, so tried to clear the area. Similarly, YX97 stated that he heard YX16 state over the radio that shots had been fired and he knew YX16 was at this incident. YX97 arrived and saw WS5 aiming at a subject on the ground. YX97 said to WS5 that they needed to move forward and secure the subject, and WS5 responded that they could not as he had an IED.
78. AZ14 said in his statement on 3 December 2019 that after arriving, he told WS5 of his arrival, and aimed his gun at Mr Khan. This was done under common law as it was reasonable force to protect the public, his colleagues, and himself. After seeing the IED, AZ14 retreated to his car where he continued aiming at Mr Khan.
79. YX16’s BWV shows he moved across towards the other side of the bridge and YX99 ran past him, shouting at members of the public to move and get back. YX16 also started shouting at people, who appeared to be coming up some stairs onto London Bridge on the east side, to get back. YX16 explained in his statement that he was clearing people off London Bridge and clearing people down the stairs. He stated that he remained in this position on the stairs as it gave him good cover and he could still see Mr Khan. While YX16 was on the other side of the bridge, WS5 continued to aim at Mr Khan while slowly backing away.
80. The footage is unclear, but YX99’s BWV appears to show that, at around 2:04:38pm, YX99 began running towards the opposite side of the road to Mr Khan. He was shouting “*move back*” at various points. He also told someone to get out of their car, as “*he’s got a bomb*”. At 2:05:06pm, YX99 appeared to arrive

at a bus, and said *“you need to get everyone out, he’s got a fucking bomb.”* YX99 had no further involvement with Mr Khan. After this he continued to tell people to get back and otherwise attempted to evacuate the area.

81. YX99 stated that, after the other CoLP firearms officers (YX97⁶, AZ14, AZ99) arrived on scene, he decided there was enough cover on the subject and enough officers on the north side. Therefore, he decided he needed to get to the south side of the bridge to get people off the footway. He described flanking round, as far away from Mr Khan as possible, before returning to the western footway, where he cleared pedestrians. He then started clearing vehicles as well.
82. At 2:05:17pm, YX16 said over the radio, *“at the moment we’re just trying to get people back, as far as we can. He’s got some sort of device strapped to him, at the moment he’s lying on the floor, still moving. Two shots have been fired.”* After this, he continued to tell members of the public to move back.
83. AZ99’s BWV shows that, at 2:05:48pm, he returned towards his car, where an officer can be seen on the footpath, aiming towards Mr Khan. AZ99 removed his firearm shortly afterwards. It is not clear from the footage, but it appears that on equipping his firearm, his body worn camera was knocked out of place. At 2:06:28pm on AZ99’s BWV, an officer can be heard telling someone to get behind hard cover. It is not clear from the footage due to the position of the camera, but AZ99 appeared to walk around his car so that the car was now on his left as he looked towards Mr Khan. He remained there until 2:06:51pm, at which point he moved onto the footpath.
84. AZ99 explained in his statement that he removed his gun from the car and also equipped a shield on his left arm. He then moved towards WS5 and told WS5 to move towards him. This was so that they both had some cover with the shield from the IED, which AZ99 believed could go off at any time and kill them, members of the public, and other officers. At this time, AZ99 stated that his finger was on the trigger, and he was looking down the sights of his gun at Mr Khan, who was continuing to move around on the floor and presented a danger to everyone. However, AZ99 could also see a number of members of the public and YX99 on the other side of Mr Khan. He was concerned that they were at risk from both an explosion, and if further shots were fired at Mr Khan, they could injure or kill the people in the background. AZ99 explained that he shouted to YX99 to get them away, and other colleagues did the same, both shouting to YX99 and over the radio.
85. A National Police Air Service (NPAS) helicopter had been over London, covering a nearby protest. The helicopter moved to cover and record this incident. This footage also contains audio of the radio transmissions, which therefore provides timings for those transmissions.
86. On 29 November 2019, TC82, WA30 and S157 were in the MPS’s Special Operations Room, acting as TFCs (TC82, WA30) and a Firearms Tactical Advisor (S157). They all provided statements dated 3 December 2019.

⁶ Amended 21/12/2020 – changed to “YX97” from “YZ97”, which was a typographical error.

87. In the radio transmissions reviewed by the IOPC, and confirmed by his statement, TC82 stated that this was a firearms incident, and asked to speak to the officers on scene. At around 2:06:48pm on the NPAS footage, TC82 asked for confirmation that there were no other suspects, that members of the public would be kept as far away as possible and that the officers had containment from cover. He appeared to receive confirmation of this.
88. At 2:07:05pm, TC82 can be heard on the NPAS footage asking if the IED is viable, and whether the officers can make that assessment. On YX16's BWV, at 2:07:08pm, YX16 stated over the radio *"from initial assessment when we approached, we could see wires, honestly, as far as I can see, looks like a viable device, but I'm not an expert."* YX16's BWV shows that he remained on the opposite side of the bridge to Mr Khan, sporadically telling members of the public to move.
89. The radio transmissions show that TC82 then asked how far away members of the public were from the device and got a response from YX16 that there was quite a bit of traffic and they were trying to move it back.
90. G108 is a firearms officer from the MPS. On the day in question, he was crewed with TC52 and DB55. G108's BWV begins at 2:05:44pm and shows him in the car with his colleagues. They arrived at the scene at 2:06:53pm. While he was finding his firearm, he directed other officers to *"get up behind that lot"* and pointed towards Fishmongers' Hall.
91. On AZ99's BWV, at 2:07:02pm an officer was heard to say, *"is that an IED?"* but any response cannot be clearly heard. Shortly afterwards, an officer was again shouting to *"get them back"* or *"get them away"*. Similar shouting can be heard throughout the incident. At 2:07:13pm, an officer stated *"still moving"* and at 2:07:31pm shouted to Mr Khan to get his hands where they could be seen. At around this time on the CCTV, Mr Khan was raising his left arm from his side to above his head.
92. TC52's BWV begins at 2:06:44pm while he is in a car with G108 and DB55. As soon as he opened the door to get out at the scene, an officer stated, *"subject down with an IED"* and TC52 moved towards the officers on the footpath. His BWV shows that, at 2:07:38pm, he said, *"guys, we're going to move it back to the next concrete barrier."* Immediately afterwards, multiple officers stated that Mr Khan was *"moving his hands all over,"* to which TC52 responded, *"yep let's get it back to the next barrier, start moving back now. Move back to this concrete barrier here, alright?"* At this point AZ99's BWV shows that he began moving backwards, and TC52's BWV shows he encouraged officers to keep coming back. As he was moving backwards, AZ99 asked other officers to hang on, stating he wanted to *"keep him in line."* By 2:08:22pm, AZ99's BWV shows that he had reached the stairs of Fishmongers' Hall and climbed to the top. TC52's BWV shows that, once he had got the other officers behind the concrete barrier, he aimed his firearm towards Mr Khan at 2:08:19pm while at the bottom of the stairs to Fishmongers' Hall.
93. In his statement dated 3 December 2019, TC52 stated he arrived at the scene and saw three officers aiming their guns at Mr Khan. He heard from someone that the suspect had been shot and had a suicide vest. TC52 joined two officers

on the footpath. He explained in his statement that he felt uneasy with where they were stood, they were too close and if Mr Khan initiated the device, their lives would be in danger. Therefore, he made the decision that they would move back to the concrete wall outside Fishmongers' Hall, so they backed away while keeping firearms cover on Mr Khan.

94. AZ99 stated that he heard an MPS unit shouting to get back, so he backed away, but continued to aim at Mr Khan, in case there was cause to take a critical shot. He said he had to balance this with the risk of a shot hitting members of the public behind Mr Khan. When he reached Fishmongers' Hall, he left the shield he had been using at the bottom of the steps and saw a number of officers aiming at Mr Khan. He climbed to the top of the steps, which gave him a view of Mr Khan from a higher perspective.
95. DB55, in a statement dated 3 December 2019, explained that on their arrival they approached AZ14 and asked if he was okay. AZ14 said he wanted a ballistic shield, so DB55 took over firearms cover while AZ14 retrieved one. DB55 aimed at Mr Khan's head, due to the suspected IED. When AZ14 returned, DB55 repositioned behind one of the police cars, to get the best cover and view of Mr Khan that they could.
96. R158 is a firearms officer from MPS. His BWV was turned on at 2:06:48pm and showed him in the back of a police car, with Q134 and R139. They arrived at the scene at 2:07:08pm. R158 initially moved to the base of the steps to Fishmongers' Hall, joining other officers. R139 pointed to the opposite side of the bridge to Mr Khan, and said, "... *other side*" to which R158 responded, "*yeah go on.*" R158 said, "*we're gonna go round mate,*" and moved to the back of an unmarked car. R139 had a shield which he had taken from the back of a car, and aimed his handgun towards Mr Khan, as they ran towards the eastern side of the bridge.
97. R158 provided two statements dated 29 November 2019 and 3 December 2019. In his statement of 3 December 2019, he described being in his car with R139 and Q134, when he heard over the radio that shots had been fired (although he didn't know whether it was by police or someone else) and the closest available ARVs should go straight to the scene. On the way there, he also heard that multiple people had been stabbed, and then heard that there was a subject with an IED, which made him certain this was a terrorist attack. Both R139 and Q134 also said, in statements written on 3 December 2019, that an IED was mentioned over the radio on their way there.
98. R158 stated that on his arrival at the scene, he asked an unarmed officer where the subject with the IED was, and this officer said he was on the bridge. R158 saw Mr Khan lying on the bridge, and joined ARV officers who were facing Mr Khan, on the pavement. R158 stated that Q134 was getting an update at this time. R158 heard officers shouting at Mr Khan, but not what they were saying, and he did not know if Mr Khan was surrendering or if he had been shot. R158 viewed him as extremely high risk, due to the IED and having attacked people in the hall. R158 said that he feared for everyone's safety. R139 suggested to R158 that they get a shield and move to the other side of the road. R158 considered this to be a good idea as it would provide further cover on the subject and would create an armed barrier between Mr Khan and members of the public.

Q134 then told R158 that the subject had a vest on, and R158 told him they were going to move round and put cover from across the road.

99. In his statement, WA30 explained that he could see a man on his monitor in the MPS Special Operations Room, crawling around as if in pain from being shot. He could also see the IED strapped to him and believed that it was going to be detonated at any moment, killing police and members of the public. Footage from the helicopter began at 2:05:47pm, and first shows Mr Khan lying on the floor at 2:07:23pm. It can clearly be seen from the footage that Mr Khan had something attached to his waist.
100. The radio transmissions show that at around 2:07:49pm, WA30 directed, *“all units, from Metro Alpha, this is containment, call out from cover, while he’s on the floor. Can I advise Trojan units as best as possible to direct public to leave that bridge, let’s make it a sterile area and contain from cover.”* WA30 stated that he was stood up and talking to S157, who gave the tactic *“containment and call out from cover”*. WA30 then relayed this to units on the scene and advised them to make the area *“sterile”*.
101. S157 gave a detailed explanation in his statement of what he considered when giving advice. He knew that the man was capable of causing further harm to people, particularly due to the IED, which would be assumed viable in the absence of credible information to the contrary. S157 considered the risk to injured parties and armed police to be high and he was satisfied that this incident met the criteria for an armed deployment. With regard to use of force, S157 considered that both common law powers of self-defence (including the ability to use a pre-emptive strike) and Section 3 of the Criminal Law Act were applicable here. S157 also stated that he considered Article 2 of the European Convention on Human Rights (ECHR).
102. S157 explained the various options considered. He stated that waiting was not appropriate, and an investigative assessment was not necessary (as the presence of weapons was confirmed). They would continue to observe the suspect and take mitigating action, although S157 stated he was conscious that clearing the area of all members of the public may not have been achievable in a short space of time. S157 explained that there were three primary tactics which could be considered in relation to a subject on foot. He said the only appropriate tactic in this case was containing and challenging the suspect from cover. This would maximise the safety of the officers and remove pressure on the subject, making him less likely to detonate the device. S157 also stated that safely removing the public from the vicinity would be key to achieving this tactic. Since he was aware efforts were being made to do so, he was satisfied this tactic could meet the working strategy, and this tactic was communicated to officers.
103. At 2:08:01pm on G108’s BWV, R158 and R139 could be seen moving across to the opposite side of the bridge to Mr Khan. R158’s BWV shows that he shouted, *“we’re going round, we’re gonna cross round, we need cover the other side”*. G108’s BWV shows he shouted to them to get in cover over the barrier. R158’s BWV shows he told R139 to get onto the pavement, and they crossed to the other side of the barrier. R158 aimed his firearm at Mr Khan at 2:08:19pm. They

then moved further south along the bridge until 2:08:34pm, at which point R158 again aimed at Mr Khan.

104. R158 explained that they moved diagonally across the bridge and he tried to continue aiming at Mr Khan in case he needed to fire. R158 recalled someone telling them not to move, but they responded telling this person they needed to cover Mr Khan from a different angle. They moved across, covering each other, before being joined by Q134 and YX16. He described being extremely fearful for his own and his colleagues' safety. In their position, he explained that they were almost opposite Mr Khan. R158 had his gun aimed at Mr Khan, and his finger on the trigger, due to the extreme risk that was posed.
105. R139 explained that he could still see members of the public on the opposite side of the bridge to Mr Khan and believed they were in immediate danger. He also saw that there was an open space directly across from Mr Khan. He stated that he took a ballistic shield from the boot, before being joined by Q134 and R158, who agreed that they would push round to get another angle on Mr Khan. R139 used his shield to cover himself and his two colleagues and aimed at Mr Khan with his gun due to the immediate fear for his life, along with that of his colleagues and members of the public. They then moved diagonally across the road until they were in position, with R158 to the left of R139 and Q134 behind R139.
106. YX16's BWV shows that at 2:08:05pm, he joined R139, R158 and Q134 as they were moving to the opposite side of the bridge to Mr Khan. An officer can be seen shouting down the stairs at members of the public to back off and go down the stairs. YX16 moved further along the bridge than the other officers, before returning and joining them at 2:08:50pm. R158's BWV shows YX16 asked, "*is he trying to pull something out of there?*" to which R158 responded, "*what's he doing, I don't know.*" R158 asked, "*has he been shot already?*" but no immediate response can be heard. At 2:09:06pm, R158 stated, "*I need to get a better angle.*" YX16 explained in his statement that he was stood behind one of the officers, as they had a shield so they were covering him from the front.
107. R158 stated that he saw Mr Khan removing his jacket, and from the way he moved, he thought he had been shot, which was confirmed by Q134. R158 explained that, although Mr Khan was moving around slightly, he felt that Mr Khan needed to be given the opportunity to surrender and be detained, in accordance with Article 2 of the European Convention on Human Rights. Mr Khan rolled onto his side, and R158 continued to believe he was neutralised, whilst also constantly assessing whether he could take an accurate shot if necessary.
108. The CCTV footage shows that, starting at around 2:08:49pm, Mr Khan appeared to be trying to get something from a jacket on the ground near him. He threw a glove in the air at 2:09:01pm, before continuing to search in his bag until he rolled from his right side onto his back at 2:09:22pm.
109. An officer approached G108, shown on his BWV at 2:08:09pm, and told him "*we need to get this as a warm zone as quickly as possible, we've got, fucking, loads of [inaudible] in there.*" G108 asked if they needed a first aid kit, and the officer asked G108, "*have you got enough for us to start helping out in there?*" then

asked, *“have you got enough for us to start running the...”* which G108 responded to by saying yes, and the other officer stated he would go and start helping out in there. G108 handed the other officer a first aid kit. As the other officer was leaving, he said, *“you’ve got enough firearms units, yeah?”* but it’s not clear what G108’s response was. G108 then appeared to turn off the siren in his car, before moving over to the bottom of the steps at Fishmongers’ Hall, joining TC52, at 2:08:55pm.

110. YX97 explained that after his arrival at the scene and once he became aware of unarmed officers in Fishmongers’ Hall requesting first aid assistance, he ran two first aid kits into the building. By this point, the team was on the steps at Fishmongers’ Hall, and could not retreat further. This was because they needed to keep armed officers between Mr Khan and members of public inside Fishmongers’ Hall.
111. The audio from the NPAS footage shows that at 2:08:43pm, TC82 asked the officers on scene whether the suspect on the bridge had anything in his hands, such as a trigger, but did not appear to get a response
112. KH16 and TC92 are armed officers from the MPS, who both gave statements on 29 November 2019 and 3 December 2019. They both explained in their statements of 3 December 2019 that they were crewed together, and on hearing over the radio that shots had been fired, immediately made their way to London Bridge. KH16 stated that when they arrived, he saw a number of firearms officers aiming along the bridge, where he saw a man lying on the pavement. The man was moving and clearly still alive. TC92 described a similar scene, although he did not realise initially that Mr Khan was still alive. TC92 also heard a voice shout, *“he’s got a suicide vest on.”*
113. AZ99’s BWV shows that at 2:09pm, KH16 can be heard saying, *“if he’s got an IED, deal with it”* and another officer⁷ says *“put it up to the boss first,”* shortly afterwards. KH16 explained in his statement that a CoLP armed officer told him that Mr Khan had been shot and had a suicide vest on, and there were multiple casualties in the building. This officer then repeated multiple times that Mr Khan had a suicide vest, and KH16 felt that the officer was asking him for advice. KH16 stated that when he told the officer to deal with it, he meant that if the officer saw an imminent threat from the man, he should make an individual decision as to how best to deal with it.
114. TC52’s BWV shows that at 2:09:18pm, one of the officers stated, *“looks like an IED, he’s said it’s an IED, he keeps reaching for it, TFC [inaudible] let us know what he wants done.”* The CCTV footage shows that, around the time this was said, Mr Khan appeared to be looking for something in a jacket. G108’s BWV shows that he then said, *“I’ve got my times three sight on guys, he’s got a load of black nasty round his gut.”* Immediately afterwards, at 2:09:30pm, TC52’s BWV shows an officer can be heard to ask, *“is he gonna authorise critical shot?”* At 2:09:40pm, an officer says, *“we can’t start dealing with what’s in here until this has been dealt with.”*

⁷ Amended 21/12/2020 – this comment was originally also attributed to KH16, but the IOPC later became aware that it was a different officer who said it.

115. TC92 explained in his statement that he saw an unarmed officer exit Fishmongers' Hall, who shouted that they needed help, *"there's loads of critical in here"*. TC92 then realised that there were casualties inside, and this incident was likely a terrorist attack. He returned to his car to get his medical pack. TC92 stated that he was going to assist, but KH16 told him to throw the pack to the officer and stay outside. KH16 explained he told TC92 not to go inside because they needed to concentrate on the continued threat, in line with their training. KH16 was not aware if Mr Khan had acted alone and was hugely aware that Mr Khan had a device that, if detonated, could cause serious injury and death to all those in the area.
116. At 2:09:21pm on AZ99's BWV, an officer asked about the backdrop, and another replied, *"he's sorting out, needs to get them buses evacuated."* G108's BWV shows that, at 2:09:34pm, he said, *"who's that down on the fucking bridge."* YX99's BWV shows that, at this time, he appeared to be dealing with people in a bus and would have been in the backdrop of the officers. At 2:09:47pm on G108's BWV, someone can be heard saying over the radio, *"move yourself off the bridge mate, you're in our backdrop."* In his statement, YX97 stated that he saw YX99 in the backdrop of the officers and shouted via the radio that he needed to get out of the way.
117. At 2:09:19pm, WA30 stated over the radio, *"you've got one male who's been shot, I can see a viable IED on him, he's got nothing in his hands, my directions at this stage are containment from cover, and we need to evacuate that bridge."* Another person asked if they had considered and announced Plato, and at 2:09:49pm, WA30 stated, *"this is declared Plato."* WA30 stated that, considering the earlier frenzied knife attack and IED, he declared this as Operation Plato at 2:09pm.
118. A87, the CoLP TFC, stated that he had given consideration to declaring Op Plato, and decided this incident should be classed as such. He had instructed this to be communicated to the MPS.
119. G108's BWV shows that, at 2:09:52pm, he said, *"I've got it on his chest, I can see it on his chest. It's all taped up, there's wires, there's wires."*
120. At 2:09:48pm, TC52's BWV shows that he asked what Mr Khan was reaching for. The CCTV footage shows that at this time, Mr Khan rolled onto his right side, and had his arms at his chest. He had been moving his arms around just before this. Shortly after, at 2:09:57pm, one officer asked, *"did we put that to the boss?"* to which another responded, *"yes, that's what I've done, mate."* At 2:10:10pm, TC52's radio appeared to say *"confirming critical shot,"* but the audio from the radio before and after cannot be clearly made out.
121. On YX16's BWV, at 2:09:50pm, R158 asked about an IED, and YX16 explained that when they got up close to him, he had it strapped across his belly, and told the officer you could see something at the back [of Mr Khan]. At 2:10:06pm, R158's BWV shows he asked if they were happy with the angle, and then another officer stated shortly afterwards that, if Mr Khan had an IED, they needed to be further away from him. Another officer then said, *"I can see it, he's got*

something strapped to him.” One of the officers said they needed to get back, to which R158 responded, *“we need to get round then”* at 2:10:21pm.

122. Q134 explained in his statement that he said, *“if he has an IED we need to back off.”* At this point, Q134 was aiming at Mr Khan, force he was using in self-defence of himself and others. He also said he used this force under Section 3 Criminal Law Act, as he knew the subject may have had an IED and he wanted to be able to react if he thought Mr Khan was going to detonate any explosives. R139 stated that he heard Q134 making this request, and he knew they were in an extremely dangerous place. However, he felt they needed to hold their position regardless, to ensure there was firearms cover and to ensure the route underneath the bridge was blocked, in the event that Mr Khan tried to escape.
123. R158 stated that he sought confirmation that Mr Khan had an IED, which YX16 gave him, and he then saw silver tape around Mr Khan’s waistline. At this point, R158 continued to believe that if Mr Khan got up, he would try and move towards the public on the south of the bridge or towards R158’s colleagues.
124. At 2:10:15pm, on G108’s BWV, someone can be heard over the radio saying, *“we are looking for authorisation, for a critical shot.”* A lot of the audio from the radio is hard to make out, but at 2:10:23pm someone can be heard over the radio saying, *“we need a decision.”* YX97 stated that WS5 was near him, speaking over the radio, telling control what the situation was and asking for permission for a critical shot. The controller said something like *“confirm critical shot?”* which caused YX97 to think WS5 wasn’t being heard properly, so he repeated what WS5 had said and said over the radio that they needed a decision.
125. AZ99 stated that, from his position at the top of the steps, he was able to see Mr Khan and shouted out everything he could see, including the fact that he was moving about, appeared to be going into his bag, then that he appeared to be taking his jacket off. He heard someone mention the bus being evacuated and continued to be aware of the danger of the backdrop. At this point, he saw the suicide vest on Mr Khan. He saw straps around the waist, and rectangular pouches attached to them. He said he believed it to be real and a viable threat to the life of his colleagues, the public, and himself. He also described hearing, both shouted and over the radio, officers requesting permission for a critical shot. AZ14 also stated, *“I heard numerous times for a critical shot authorisation but there was no response.”*
126. Throughout the time from when Mr Khan was first shot until 2:10:28pm, the CCTV footage shows that he was consistently moving around. As described above, at times he appeared to be looking for something, as he was putting his hand into a jacket and pulling things out. He rolled onto his side at various points, and there were multiple occasions when his hands were clearly on his waist, where the IED was located.
127. As with the CCTV, the NPAS footage shows Mr Khan rolling onto his side and rummaging around in his bag or coat. He was also shown picking up a gold, cylindrical object in his left hand before immediately dropping it. A pool of red blood appeared to be visible underneath Mr Khan, when he rolled on to his right side. The NPAS footage showed Mr Khan rolling onto his right side, and then his

left side at 2:10:14pm. He also appeared to briefly look up at the NPAS helicopter.

> Second phase of shots

128. At 2:10:28pm, the CCTV shows that Mr Khan sat up, and appeared to look towards Fishmongers' Hall. The CCTV shows smoke came off Mr Khan, presumed to be as a result of gunshots. He touched his face with his hand, and then lay down on his back at 2:10:41pm.
129. The NPAS camera zoomed out almost immediately after Mr Khan sat up, so he cannot be seen clearly. He appeared to lie back on the floor at 2:10:41pm. The camera zoomed back in at 2:10:50pm and Mr Khan was on his side, before rolling onto his back at 2:11:04pm. The footage showed a clear wound across Mr Khan's face and his arms were outstretched, away from his body.
130. On YX16's BWV, a shot can be heard being fired at 2:10:28pm. Mr Khan was not in view at this time, as YX16 was being directed by one of the officers to go towards the stairs onto London Bridge. As further shots were fired, YX16 went to the stairs onto London Bridge's east side, briefly returned to R138, R158, Q134, before returning to the stairs, where he stayed for the remaining shots that were fired. YX16 explained in his statement that, once shots started being fired, he remained by the stairs and made sure no one was under the bridge. He had no further dealings with Mr Khan.
131. AZ99's BWV shows that, at 2:10:28pm, G108 shouted, "*he's getting up*" and a shot was fired immediately afterwards. TC52 shouted, "*get down*" and further shots continued to be fired, with at least a further eight shots fired over the next 13 seconds. G108's BWV shows Mr Khan then fell back to the floor.
132. R158's BWV shows that Mr Khan appeared to sit up at 2:10:28pm and a shot was fired almost immediately. R139's BWV shows that one of the officers shouted, "*stay still.*" As the officers outside Fishmongers' Hall were firing, one asked, "*what is that, that's shots fired at him?*" and R158 asked, "*is that them firing across?*" before firing a shot himself at 2:10:39pm. An officer said, "*he's down, he's down*" shortly afterwards and then R158 stated, "*I've fired a shot.*"
133. R158 stated that Mr Khan sat up, with his back to R158. R158 realised he would have to take a shot, as he had an honestly held belief that that the next thing Mr Khan was going to do was try to kill people, either with weapons or with the IED. He heard other officers firing shots which startled him, but saw that Mr Khan was still sitting up and not incapacitated. R158 explained that he knew he had to take a shot, since they were the only officers with a different vantage point. He knew from his training in relation to IEDs that he should try to take a headshot to incapacitate Mr Khan but did not have a good sight picture of his head. He aimed at Mr Khan's back and pulled the trigger. R158 saw an instant reaction, as Mr Khan's body jerked up then fell to the ground. R158 explained his legal justification for firing was that it was in self-defence, as he had a genuine belief that he had to use force, in order to prevent Mr Khan from causing harm to any

other persons, or R158 himself. R158 believed that Mr Khan intended to attack people with a knife, a gun, or by detonating the IED.

134. In his statement from 3 December 2019, WS5 said that, as they withdrew from Mr Khan, he noticed him getting up. WS5 was not out of the blast radius, should the IED detonate, and could also see members of the public getting off a bus on the south side of the bridge. He believed that he and the public were in imminent danger and would be killed if Mr Khan detonated the device. WS5 said he fired a number of aimed shots in order to neutralise this threat. WS5 stated that he then went to the steps of Fishmongers' Hall where there was a thick wall, which could provide protection from the device. In his statement from 5 October 2020, WS5 clarified that, although he recalled firing shots while withdrawing to the steps of Fishmongers' Hall, having reviewed some video footage he accepts that he did not do so.
135. AZ99 stated that he saw Mr Khan sit upright. At that moment, in his statement he described having a genuine fear that Mr Khan was about to set off the suicide vest, killing AZ99, members of the public, and his colleagues nearby. He also considered that Mr Khan may have been about to get up and run towards the officers, further risking life. AZ99 heard another gun shot being fired, before he had fully assessed the situation. Once he had done so, he made the decision that Mr Khan was threatening life and he needed to take a shot to prevent loss of life. He saw that Mr Khan was continuing to move following the initial shot fired by another officer, so he took an aimed shot at Mr Khan. After this shot, he continued to assess the situation, including that other officers were firing shots and Mr Khan was continuing to move, which presented a risk. He took three further aimed shots, assessing after each one, until he considered that the male was neutralised. AZ99 stated that, from the first shot he fired to the last, Mr Khan was moving about and was a continuous threat to the lives of all those nearby. He also stated that he did not hear Mr Khan make any noise throughout.
136. At 2:10:44pm on AZ99's BWV, TC52 said, "*he's down he's down he's down*" before another said, "*not moving not moving.*" A further shot was fired at 2:10:49pm. The CCTV footage shows that Mr Khan rolled onto his left side around this time.
137. At 2:11:00pm on AZ99's BWV, an officer said "*right, I don't think he's moving anymore,*" before at 2:11:03pm, multiple officers shouted, "*stop moving*" at the same time as G108's BWV shows he shouted, "*he's moving, he's moving.*" At 2:11:09pm on AZ99's BWV, an officer asked if Mr Khan was still moving. Multiple officers seemed to respond at the same time, so it is not entirely clear what was said. TC52's BWV shows that G108 said he had rolled onto his back. Another officer referred to Mr Khan's arms being out to his side and made a reference to his leg. Another shot was fired at 2:11:13pm, which prevented the comment about the leg being heard fully. The CCTV footage shows that at this time, Mr Khan bent his right leg at the knee, and his body jolted immediately afterwards.
138. At 2:11:22pm on AZ99's BWV, an officer shouted, "*still moving*" and then at least four further shots were fired between 2:11:24pm and 2:11:26pm. The CCTV footage shows that at this time, Mr Khan rolled onto his right side and his left arm clearly moved towards his waist.

139. At around 2:10:50pm, WA30 asked over the radio whether he had units that could take a shot if he directed them to do so. Other officers then confirmed over the radio that shots were being fired, and at around 2:11:33pm, the WA30 stated, *"you have top cover here, critical shot authorised."*
140. At 2:11:31pm, G108's BWV shows he twice said, *"I can't see his hands."* Another shot was fired at 2:11:35pm, before an officer stated, *"male has stopped moving"* at 2:11:38pm. The last shot was then fired at around 2:11:42pm. At the time of the last shot, the CCTV footage shows that Mr Khan appeared to be moving his left arm.
141. TC92's BWV began at 2:10:53pm. It shows that he was on the north side of London Bridge, in the road, with multiple police cars nearby. He aimed at Mr Khan and fired one shot at 2:11:25pm. He continued to aim at Mr Khan, and fired one further shot at 2:11:42pm. This was the last shot fired at Mr Khan, and officers can be heard shouting *"ceasefire, ceasefire"* on TC92's BWV immediately afterwards.
142. WS5 stated that, while on the steps to Fishmongers' Hall, he could see underneath London Bridge, where members of the public were walking, not knowing what was happening above them. He tried shouting to them, knowing that if the device went off they could be killed, but they either did not hear him, or ignored him. One of the other officers then said, *"he is moving again,"* so WS5 looked at Mr Khan and said that he appeared to be trying to get to the device again. WS5 moved off the stairs onto the footpath, where he could see Mr Khan, and fired at him again. He said this was to neutralise the threat from the IED, as an explosion from the IED would have killed members of the public, G108, TC52 and WS5. WS5 thought he missed, so fired again at the *"centre of mass"* and believed he hit Mr Khan but could not recall how many shots he fired. A few seconds later, WS5 saw Mr Khan continuing to move and try to get to the device, so fired again after shouting at Mr Khan not to move his hands. WS5 heard other shots being fired at the same time, and after these shots, Mr Khan stopped moving.
143. KH16 and TC92 both explained in their statements that they heard gunshots, and then looked towards Mr Khan. KH16 saw Mr Khan sitting upright, with his hands near his chest area. TC92 aimed his gun at Mr Khan and saw him in a *"semi sat up position pushing himself upwards with his elbows."*
144. KH16 stated, *"I could see his hands moving and I immediately feared he was trying to detonate his suicide vest. I had an overwhelming sense and awareness that if the suicide vest exploded, both me and those armed officers near to me would be killed or seriously injured... I had a genuine fear that I was going to die."* He explained that he moved to the rear of his car, where he aimed at Mr Khan. Mr Khan was still sitting upright, with his hands moving and appearing to do something to the vest. KH16 formed the decision that he needed to take a critical shot to prevent the device from exploding. He slightly changed position, and aimed again at Mr Khan, who had now slumped back down and appeared to be leaning on his left elbow. KH16 took aim directly behind the ear of Mr Khan, as he knew that aiming here would immediately incapacitate Mr Khan and prevent him detonating the device. KH16 then pulled the trigger. KH16 stated

that, *“at the time of firing my weapon, I had an honest held belief that the lives of my colleagues and I was in imminent danger. By firing my MCX, I knew that this was the best chance of incapacitating the suspect and therefore this was completely reasonable and necessary to negate that danger.”* KH16 further explained the lack of other options, due to the need to immediately incapacitate Mr Khan.

145. TC92 explained in his statement that he was immediately concerned that Mr Khan was moving, in possession of an explosive device, and based on shots from other officers, not incapacitated as he had originally thought. TC92 described seeing Mr Khan moving his arm, which TC92 believed was him attempting to activate a trigger on the device. The only cover TC92 had was the car, which he knew would not provide much protection. TC92 stated, *“I believed that if the male activated the device that I would be killed and so would my colleagues around me. The male turned away from me presenting his back and shoulders towards me and his head facing towards the bridge. I initially aimed at the head but this was blurred due to sunlight on my scope. I immediately aimed towards the male’s neck and back and fired.”*
146. TC92 stated that he continued aiming at Mr Khan after firing and Mr Khan continued to move around. TC92 explained, *“As the male rolled towards the bridge, he moved both arms towards the centre of his chest in a clenching motion. I believed that this was another attempt to activate the device and fired towards the male’s back, the male slumped backwards. I observed the male for a few more seconds and he did not appear to move.”* TC92 stated that he heard another shot or two, before he heard someone shout that Mr Khan was down.
147. Within a second of firing a shot, KH16 stated that he felt a shockwave on his right side, which he knew to be TC92 firing at Mr Khan. KH16 heard another shot from TC92 and explained in his statement that he lost all hearing in his right ear as a result of TC92’s shots. When he had recovered, KH16 stated that he looked at Mr Khan, saw that he was no longer moving, and shouted, *“ceasefire”* because he was confident Mr Khan no longer posed a threat and could still hear occasional shots being fired.
148. WA30 described in his statement that he believed there was a real and extreme threat to life, which would make a critical shot proportionate, given the fact that Mr Khan had already stabbed people which demonstrated his intent to murder. He knew that any detonation would kill armed police and any members of the public nearby, or in buildings nearby. He considered Mr Khan’s right to life to be outweighed by the extreme threat to the lives of police and the public. Therefore, he felt a critical shot was absolutely necessary and the only available tactic to support his working strategy.
149. WA30 explained that he was watching Mr Khan on his monitor, and believed he was about to watch an explosion. He was convinced that Mr Khan was trying to detonate the device, and he knew that if he was on the scene, he would have taken the shot and neutralised Mr Khan. He stated that it became apparent that his officers may not have had the same information as him, so he asked if there were units in position to take a critical shot but got no response. He heard a flurry

of activity via the radio that there were more shots being fired, so as soon as he could get onto the radio, he stated that a critical shot was authorised.

150. S157 described that a number of requests had come over the radio for critical shot authorisation, and he immediately discussed this with WA30. S157 stated that it was clear that members of public were still in the vicinity. Armed officers were also still in danger of being killed if the IED was activated. S157 stated the subject appeared to be making overt actions with his hands, despite having been shot, which implied he was not responding to the challenges or requests by officers. S157 considered that, given the opportunity, the subject would likely cause further harm. S157 stated that due to the immediacy of the ongoing threat, he formed the honestly held belief that a critical shot was necessary. S157 explained that this met the criteria for authorising a critical shot, as he felt that the danger was so imminent that there would be insufficient time for the commander to brief officers on the scene. S157 conveyed this to WA30, who then relayed over the radio that a critical shot was authorised.
151. A87 stated that he had heard a clear request transmitted over the radio from a unit at the scene, for authorisation for a critical shot. However, he felt that he did not possess sufficient information regarding the entire circumstances and scene to be able to make an informed decision on that. He also believed that the officers at the scene were best placed to make that decision.
152. TC52 explained in his statement that he considered firing shots to neutralise the subject, but his colleagues were already doing so. He stated that he did not want to add any more risk of ricochet or over penetration towards other members of the public, given the backdrop that he had. G108 stated that he did not fire any shots, as he never had a clear shot at Mr Khan's head. He explained that his training for person borne IEDs was that it was necessary to take a clear shot to the head to disable the target.
153. DB55 explained that, from the position they were in, they would have had to fire shots through the window of a car. They knew that this meant the shots would likely miss. They therefore relayed what they saw to both AZ14 and the control room. They saw shots hitting Mr Khan and relayed to the control room that further shots had been fired by police. AZ14 stated that he did not fire any shots as his vision of Mr Khan was slightly obscured.
154. AZ99's BWV shows that, after the last shot was fired, officers were shouting "*ceasefire*" and "*hold fire*" multiple times. Another officer can be seen on the footage touching two of his colleagues on the back, and telling each of them, "*looks like he's down*". An officer stated that Mr Khan was still moving, and another officer stated afterwards that Mr Khan's hands were moving towards his head. AZ99 remained in his position at the top of the stairs until 2:12:31pm, before moving away.
155. A paramedic gave a statement dated 21 February 2020. He explained that he and two of his colleagues approached Mr Khan, with him acting as team leader and his colleagues being "*hands on*" with Mr Khan. The paramedic explained that Mr Khan had no eye response, no verbal response, no motor response, and he had no pulse. The paramedic pronounced life extinct for Mr Khan at 3:07pm.

> Other evidence

156. A post-mortem examination was conducted by a pathologist on 30 November 2019, and he wrote a post-mortem report dated 22 September 2020. This post-mortem report identified the cause of death as 1a) shock and haemorrhage, 1b) multiple gunshot wounds to the chest and abdomen. The report stated unequivocally that death was due to gunshot wounds, and not related to any injury caused by the members of the public who engaged him or due to the Taser discharge.
157. The pathologist's post-mortem report described 12 gunshot wounds, and identified the possibility that a wound grazing the top of the scalp was from a bullet, although the pathologist considered it most likely to be a blunt force trauma.
158. Mr Michael Vaughan, Senior Forensic Scientist employed by the Metropolitan Police Service in the Forensic Firearms Unit, gave an expert statement dated 28 February 2020. He felt the wound to Mr Khan's scalp may have evidenced a further bullet wound but acknowledged that the pathologist considered blunt force trauma more likely. He similarly described 12 gunshot wounds.
159. Mr Vaughan also described the number 43 bus, which sustained bullet damage. Mr Vaughan stated that the causative bullet had gone through the front window, ricocheted off the roof lining of the bus, and gone down through the rear window towards the offside of the bus. A bullet was found on the south bound carriageway of the bridge. When examined by Mr Vaughan, he found evidence that it had ricocheted off a hard surface, such as a footway before striking glass, nose first. He also stated that the marks were consistent with the bullet ricocheting off the roof of the bus, tumbling and striking the rear windscreen base first, and exiting through the hole that it made. Mr Vaughan stated that, in his view, this bullet had been fired from the vicinity of the steps leading to Fishmongers' Hall.

160. Photograph of the IED vest worn by Mr Khan on 29 November 2019.



161. An explosives expert at the Forensic Explosives Laboratory, Defence Science and Technology Laboratory gave a statement dated 2 March 2020, in which she confirmed that the device had been examined by an MPS Explosives Officer who declared it a hoax. She was tasked by the MPS to examine the device and was asked to comment on the appearance of the device. She stated, *“without a detailed examination it would not have been possible to determine whether the device was real or whether it was a hoax device... on initial inspection of the hoax device, the presence of the components attached to the waist band fabric, visually gives the appearance of a real person borne IED (PBIED) to persons nearby.”*
162. Mr Matthew Middleditch, the Explosive Ordnance Disposal (EOD) Technical Lead for SO15 within the MPS, was also asked to comment on the appearance of the hoax device. He stated that it *“has the very real appearance of a PBIED.”* He also stated, *“this hoax device was well constructed to replicate a viable PBIED and only a close examination by an Explosives Officer would reveal that it was indeed a hoax with no explosive components.”*
163. Officer Y is an investigator within the Directorate of Professional Standards at the MPS, and a trained exhibit officer. He gave a statement dated 3 December 2019 outlining his role as exhibits officer at the countback procedure in relation to this incident. He explained that the countback procedure is the process of firearm and ammunition reconciliation, i.e. counting how much ammunition remains in each gun. YX16 confirmed in his statement that a full magazine of the gun used by CoLP (G36 assault rifle) contains 30 rounds. R158 confirmed in his statement that a full magazine of the gun used by the MPS (Sig MCX Carbine rifle) contains 28 rounds.

164. The countback procedure along with the officers' statements confirming how many rounds were in their magazines prior to this incident confirmed that a total of 20 shots were fired. TC92 fired two shots, KH16 fired one shot, R158 fired one shot, AZ99 fired four shots, YX99 fired two shots, and WS5 fired ten shots.

> Analysis of the evidence

> Police arrival and shots fired by YX99

165. On their way to the scene, the evidence from YX16, WS5, YX99 makes clear that they were first told that they were attending an incident where a woman had been stabbed in the neck. YX16 states that he was then made aware over the radio that the suspect was still on scene, and all the officers describe being made aware that it was a firearms incident. Therefore, YX99 started getting the guns out of the safe.
166. The evidence makes clear that when the officers arrived at the scene and left the car, they saw a number of members of the public who were restraining someone on the floor. On their arrival, YX99 and YX16 both describe seeing a knife on the floor and that members of the public told them that Mr Khan had killed some people. YX99 states that between the comment that Mr Khan had killed someone, the knife, and the call to police that someone had been stabbed, his assessment of the threat was *"incredibly high"*. The evidence suggests that this was a reasonable assessment of the situation.
167. Under Section 3 of the Criminal Law Act 1967, any person may *"use such force as is reasonable in the circumstances... in effecting or assisting in the lawful arrest of offenders or suspected offenders."* The evidence would suggest that the officers could reasonably suspect that Mr Khan had committed a serious crime and therefore that the officers could use reasonable force.
168. YX99 explains that his initial intentions, when he had been told Mr Khan had killed two women, were to restrain and handcuff Mr Khan. YX99 states that he grabbed Mr Khan's clothing in order to do this. As described in the above paragraph, YX99 could lawfully use force to arrest Mr Khan. It is not clear what any lesser use of force, in order to arrest Mr Khan, would be. The evidence would suggest this use of force would have been proportionate.
169. However, within a second of grabbing Mr Khan, YX99 states that Mr Khan looked at YX99 and said, *"I've got a bomb."* While it is not clear from YX99's BWV footage that it was Mr Khan who said this, the evidence suggests that it was him. YX99 then looked down at Mr Khan's waist and saw something that he believed to be a belt carrying an IED. Similarly, WS5 states that he saw what he believed to be an IED, which appeared viable and real.
170. Mr Gallant and Mr D both describe having confronted Mr Khan in Fishmongers' Hall and seen a device on him. Mr Gallant said that he thought it was probably fake, and Mr D said to Mr Khan that it was fake. Mr B, when he was restraining

Mr Khan immediately prior to shots being fired, described being very close to the IED and that he felt it did not look likely to be real.

171. However, the explosives expert and Mr Middleditch, two experts who examined the IED, stated that it appeared real. They both stated that only a close examination would reveal that it was not real and was, in fact, a hoax device. In addition, the former CoLP Chief Firearms Instructor states that firearms training dictates an IED should be treated as being viable until confirmed otherwise.
172. When assessing to the criminal standard, the views of the members of the public who had seen the device are not relevant to the question of what police officers using force genuinely and honestly believed the circumstances to be. The officers believed it to be a real and viable device, and training dictates that they should treat it as such until confirmed otherwise. There is no evidence to suggest that the officers could or should have been able to confirm that the device was not real.
173. When assessing to the misconduct standard, it is also necessary to consider whether the belief that the device was real was a reasonable belief. The decision maker may wish to consider this, taking into consideration the views of the experts who examined the device, that it appeared real, and the training which dictates officers should treat a device as real.
174. YX99 explains that he immediately decided he would have to shoot Mr Khan, in order to neutralise the threat and protect everyone. He believed that Mr Khan posed a genuine threat to the life of YX99, his colleagues, and members of the public still in the area. He delayed firing until the last member of public cleared Mr Khan, and then fired two shots in quick succession.
175. In relation to IEDs, the former CoLP Chief Firearms Instructor states that officers should seek appropriate cover where possible. Officers were in the immediate vicinity of Mr Khan when they realised he had an IED. There were numerous members of the public in the immediate vicinity as well. The former CoLP Chief Firearms Instructor states that 100m would be an appropriately sized cordon for a small device. The evidence suggests that seeking appropriate cover was not an option in this incident, given the immediacy of the threat.
176. Based on YX99's training, he would likely have been aware of the danger posed by an IED, and that the lives of all those nearby were at risk, should Mr Khan detonate the device. He states that he believed Mr Khan posed a genuine threat to the lives of all those still in the area. As explained in the APP on Armed Policing, a person has the right to use reasonable force to protect themselves or another where necessary, and that circumstances may justify a pre-emptive strike. As mentioned above, the fact that the device did not turn out to be real is irrelevant, the question is what the circumstances were as YX99 believed them to be and whether this belief was reasonable. He believed it to be a viable device, and the decision maker should consider whether this was a reasonable belief.
177. The APP on Armed Policing provides the factors to assist in establishing whether a use of force is reasonable. Firstly, as mentioned above, the decision maker may wish to consider if the evidence suggests that the shots fired were a lawful use of force in defence of himself and others.

178. Secondly, there is the question of whether the use of force was proportionate in the circumstances. Firing two shots at Mr Khan is clearly a very high level of force, so therefore the threat posed by him would need to be very high for the shots to be proportionate. The APP states that the primary intention of police, when firing a shot, is to prevent an immediate threat to life.
179. YX99 believed that numerous people nearby would be killed if he did not fire at Mr Khan. The decision maker may wish to consider if the evidence suggests that firing shots at Mr Khan, to prevent an immediate threat to the lives of many people nearby, was a proportionate use of force.
180. YX99 does not state whether other options were considered. However, as the former CoLP Chief Firearms Instructor explains, a TASER would not be a viable option when dealing with an IED. Other options are unlikely to immediately neutralise a threat, in the way that firing a gun could do. If officers had attempted to restrain and handcuff Mr Khan, it is possible there would have been a struggle before they were able to do so, which would have given Mr Khan chance to detonate the device. It is also relevant to consider that, even if they were able to use lesser force to handcuff and detain Mr Khan, the evidence suggests that being near to him would still present a risk, in case someone else were able to detonate an IED.
181. Finally, the question of whether the use of force was in line with police procedures and training. YX99 explains that he did not take a particularly well-aimed shot, he just instinctively aimed towards Mr Khan's torso and fired. It can be seen from the CCTV footage that YX99 fired as soon as Mr B was clear of Mr Khan.
182. It is established that aiming at the torso is the best course of action in most circumstances, however, the former CoLP Chief Firearms Instructor states that if an officer decides to shoot a subject with an IED, they should aim away from the device. There is no evidence to suggest YX99 aimed at the device. As he describes in his statement, his training kicked in and he just instinctively aimed at Mr Khan's torso and fired. Given the immediacy of the threat, the evidence would suggest that YX99 would not have had time to take a particularly well-aimed shot. It is also of note that Mr Khan did appear to be getting up, once Mr B was no longer restraining him, which would have made aiming at a specific part of the body more difficult.
183. The Standard of Professional Behaviour 'Use of Force' states that force will only be used to the extent that it is necessary, reasonable and proportionate. Proportionality and reasonableness have been discussed above. On necessity, YX99 believed it was necessary to use force to prevent the threat to life. In addition, the CCTV footage shows that Mr Khan appeared to be getting up, and there was a knife on the ground nearby. The decision maker may wish to consider whether the evidence suggests that it was reasonable to believe Mr Khan would have continued to pose a threat to the lives of those nearby, had this force not been used.

> TASER use by YX16

184. YX16 explains that on arrival at the incident, he became aware that Mr Khan had stabbed people, and he could see Mr Khan behaving aggressively. He also saw a knife that had been tossed away. YX16 thought that Mr Khan, if he could get up, would start attacking people. Given the knowledge that YX16 had at this point, the evidence would suggest this was a reasonable thought.
185. The former CoLP Chief Firearms Instructor states that officers are taught to have a less lethal option available when another officer is using a gun to deal with a threat. YX16 explains that he was prepared to use reasonable force in self-defence, as he believed Mr Khan presented imminent danger, and under Section 3 of the Criminal Law Act, as they had information Mr Khan had stabbed people and needed to be controlled. As he saw that YX99 and WS5 had their guns drawn, YX16 drew his TASER, in line with his training.
186. It is clear from the video footage that both officers and members of the public were shouting about the presence of a bomb and withdrawing from Mr Khan, prior to YX16 using TASER. YX16 states that he was near to Mr Khan but would not have been able to use his TASER as YX99 and a member of the public were in contact with Mr Khan, so he took a few steps back as a result. From YX16's BWV, the IED appears visible at various points, although a struggle was ongoing and YX16 had stepped back.
187. YX16 states that he was not aware of the IED until immediately before YX99 fired shots, after YX16 had used his TASER. The footage makes it clear that these happened at a very similar time. YX16 also states that he heard YX99 shout, "IED IED" immediately before firing. It is not entirely clear what is being shouted at that time, but it does not appear that "IED IED" was shouted.
188. The former CoLP Chief Firearms Instructor states that officers are trained to consider options other than TASER in the event of an IED on a suspect. There was clearly evidence available to YX16 that could have made him aware that Mr Khan had an IED, so the former CoLP Chief Firearms Instructor's statement would suggest he should have considered another option. However, the decision maker may wish to consider that it was also clearly a stressful situation and whether it is plausible that while YX16 focused on the need to detain Mr Khan and prevent the threat that was posed, he did not take in the information that there was an IED.

> Period between first and second phase of shots

189. It appears from the evidence that after YX99 shot Mr Khan, the officers slowly retreated from him, while WS5 and YX99 continued to aim at him as he was clearly still alive.
190. The former CoLP Chief Firearms Instructor explains that first aid should not be attempted on the subject until it is safe to approach them. Clearly, as the officers suspected this was a viable IED, they would not have considered it safe to approach Mr Khan. The former CoLP Chief Firearms Instructor also explains that for a small device, such as a rucksack, an appropriate cordon would be 100m.

191. The evidence shows that officers were trying to clear members of the public from the scene and get them further away, as they repeatedly shouted at them to get back. On AZ99's arrival at the scene, he also shouted at members of the public in the vicinity to get away from the scene. This appears to be in line with their training, to try and create a cordon around the device.
192. YX99's statement and BWV show that shortly after AZ14, AZ99 and YX97 arrived at the scene, he considered there to be enough cover on Mr Khan. YX99 states multiple times that he was aware of members of the public south on the bridge, who would be at risk if further shots needed to be fired. Therefore, he made the decision that he needed to go there and get people away. This appears to be in line with the training to create a cordon of this distance and the evidence that a bullet went through a bus (within this cordon) when the officers were firing later on suggests YX99 correctly identified and took steps to mitigate a genuine risk to the public.
193. Both AZ99 and AZ14 aimed their guns at Mr Khan after arriving at the scene. AZ14 knew shots had been fired already and described aiming at Mr Khan as it was reasonable force to protect himself, his colleagues and the public. Once AZ14 was aware of the IED, he retreated to a car to seek cover. AZ99 describes getting a shield from a car, and then telling WS5 to join him, so he could offer WS5 some cover. He aimed at Mr Khan, who he said presented a danger to everyone nearby. This appears to be in line with their training, to seek cover if possible.
194. TC82 spoke to officers on the scene and asked whether they could assess the viability of the device. YX16 responded that it looked viable to him, but he was not an expert. As discussed in the former CoLP Chief Firearms Instructor's statement, training dictates that apparent IEDs should be treated as viable until confirmed otherwise, and the decision maker may wish to consider whether the evidence suggests the officers acted appropriately in treating the device as viable. As mentioned previously, it appears that there was no evidence available to the officers to suggest that the device was not viable.
195. TC82 asked YX16 how far away members of the public were, and YX16 told him there was lots of traffic which they were trying to move back. Again, this appears to be in line with training, to create a cordon. The evidence suggests that clearing the public away from this device was a key part of what officers were doing, while dealing with this incident.
196. WA30 gave the tactic of containment and calling out from cover. S157 set out in his statement an explanation of why this was his advice and why other options would not be viable. The MPS Chief Firearms Instructor, in his statement, explains that officers should contain and confront a suspect with an IED by the safest possible means, and isolate them from potential victims. S157's advice appears to be in line with training, as described by the MPS Chief Firearms Instructor. S157 also mentions that containing and calling out from cover would reduce pressure on the subject, making him less likely to detonate the device.
197. TC52, on his arrival at the scene, was made aware that Mr Khan had an IED. He describes feeling uneasy with where the officers were stood, as they were too close and their lives were in danger. Therefore, he made the decision to move

them back. This is all confirmed by BWV. This appears in line with training, that officers should find cover from which to challenge the suspect.

198. R158, R139 and Q134 arrived at the scene, and described the decision to cover the opposite side of the bridge, which they did. This is all confirmed by BWV. R158 explained that this would create an armed barrier between Mr Khan and members of the public, which would appear to be in line with training to isolate the suspect from potential victims. They were also aware of the need for cover, with R139 bringing a ballistic shield.
199. There is significant evidence demonstrating that officers on the scene were asking for authorisation for a critical shot, with one officer⁸ saying to “*put it up to the boss first*” and an officer stating, “*is he gonna authorise critical shot?*” The evidence shows YX97 said over the radio, that they were seeking authorisation for a critical shot. AZ14 also stated hearing numerous times that officers were requesting authorisation for a critical shot but had not received a response.
200. The APP on Armed Policing makes clear that a critical shot should only be fired when absolutely necessary, when there is an imminent and extreme risk to life. It also makes clear that, where a commander has access to decisive information, which an AFO is not aware of, it may be necessary for a commander to authorise a critical shot.
201. The decision maker may wish to consider the evidence in this case that suggests that officers on the scene could have considered that there was an imminent and extreme risk to life, prior to Mr Khan sitting up, and that a critical shot was absolutely necessary. However, the decision maker may wish to take on board that this was an immensely stressful situation, and officers were quite a distance away from Mr Khan, so may not all have been able to clearly see the device and what Mr Khan was doing whilst on the floor. They would also likely have known the NPAS helicopter was present and may have considered that the TFC had a clearer view of Mr Khan, with access to more information.

> Second phase of shots

202. At around 2:10:28pm, Mr Khan sat up and a number of shots were fired at him over the course of the next 75 seconds.
203. Mr Khan was sat up for 13 seconds, whilst at least nine shots were fired. Once he lay back down, there was a pause in the shots being fired.
204. A further shot was fired around eight seconds after Mr Khan fell back to the ground, when he rolled onto his left side. Another shot was fired 24 seconds after that, when Mr Khan bent his right leg and lifted his knee off the ground.
205. At least four further shots were then fired 11 seconds later, and the CCTV footage clearly shows that Mr Khan was moving his hands towards the IED vest at that time.

⁸ Amended 21/12/2020 – this was originally believed to be KH16 but the IOPC later became aware it was a different officer, as per footnote 7.

206. A critical shot was authorised around seven seconds after that round of shots, with one shot being fired around the time that the authorisation was given. Mr Khan did not appear to be moving at that time. When the last shot was fired at Mr Khan, he appeared to be moving his left arm.
207. The evidence above shows that, except for the penultimate shot, each time shots were fired Mr Khan can be seen on footage either sitting up or moving. For the penultimate shot, this came shortly after the critical shot authorisation was given. However, it is also the case that the footage from both the CCTV and NPAS is some distance away so Mr Khan cannot be seen clearly.
208. As has been described above, officers are trained to treat anything believed to be an IED as viable, until it is confirmed otherwise. They are also trained that for a small device and when utilising hard cover, 100m is the appropriate sized cordon. All officers who fired shots in this case were well within 100m of Mr Khan. There were a significant number of cars on the opposite side of Mr Khan, within 100m of him. At least some of the officers were also aware of members of the public underneath the bridge, below Mr Khan, as they could be seen from the steps of Fishmongers' Hall.
209. As also described above, the test for whether force was reasonable involves considering whether it was lawful, whether it was proportionate, whether any other options could have been considered, and whether it was in line with policy.
210. As discussed previously, when faced with an IED which could potentially cause the death of numerous people nearby, the evidence strongly suggests that firing shots to neutralise that threat is proportionate. Similarly, as discussed previously, the decision maker may wish to consider that the evidence suggests that firing shots is likely to be the only option that is effective when it is believed that a suspect is about to detonate an IED. As explained by the MPS Chief Firearms Instructor in his statement, immediate incapacitation, in the form of a critical shot, may be necessary if an officer believes that a subject could, or is about to, detonate an IED.

> Shots fired by WS5

211. WS5 initially stated that he fired shots whilst withdrawing from Mr Khan, but later clarified that he did not do so, having watched video footage. Regardless, when he described firing those shots whilst withdrawing, WS5 mentioned Mr Khan getting up. The evidence suggests that WS5 had withdrawn back to the area of the steps at Fishmongers' Hall when he first fired, and his description of this period of time relates to when Mr Khan sat up, at 2:10:28pm.
212. As WS5 explains, and in line with training which states a cordon of 100m would be required for a small device, he knew he was not out of the blast radius. He could see members of the public getting off a bus, who he also knew were in imminent danger should Mr Khan detonate the device. Therefore, WS5 fired a number of aimed shots to neutralise the threat posed by Mr Khan.

213. WS5 describes firing further shots, when he saw Mr Khan trying to get to the device. He thought he missed, so fired again. He then saw Mr Khan continuing to go for the device, so fired again. These shots were all fired whilst WS5 believed that he, G108, TC52 and members of the public would be killed, should Mr Khan detonate the device.
214. The APP states that a person can lawfully use force to protect themselves or another. WS5 explains in his statement that he needed to use force to protect himself, other officers, and members of the public, who would be killed if Mr Khan detonated the device. WS5's training would have meant he was aware that he and others were inside the blast radius, should the device be detonated. The decision maker may wish to consider whether the evidence suggests that firing shots at Mr Khan was a lawful use of force by WS5.
215. WS5 does not describe considering other options, but as described above, the decision maker may wish to consider that it is highly unlikely that any other options could have been effective at stopping Mr Khan from causing further harm, had the IED been real.
216. The APP states that *"the primary intention of the police, when discharging a firearm, is to prevent an immediate threat to life by shooting to stop the subject from carrying out their intended or threatened course of action."* The evidence suggests that WS5 reasonably believed there was an immediate threat to life from Mr Khan.
217. The former CoLP Chief Firearms Instructor's statement explains that officers should adopt a point of aim away from the IED. WS5 refers to firing aimed shots, but only refers to aiming at the centre of mass for one round of shots and does not explain where he aimed for his other shots.

> Shots fired by AZ99

218. AZ99 had been able to see the IED vest, and stated he believed it to be real and a viable threat to the life of his colleagues, the public, and himself.
219. AZ99 describes seeing Mr Khan sit upright, and having a genuine fear that Mr Khan was about to set off the suicide vest. He states this would have killed AZ99, members of the public, and his colleagues nearby. AZ99 also considered the possibility that Mr Khan could get up and run towards officers. AZ99 states that once he assessed the situation, he made the decision that Mr Khan was threatening life, and therefore that he needed to take a shot. Mr Khan was continuing to move despite a shot having been fired already, and so AZ99 took an aimed shot at him. AZ99 describes firing a further three aimed shots, until Mr Khan no longer posed a threat.
220. AZ99 describes that both he and others would have been killed should Mr Khan detonate the vest, and that he had a genuine fear Mr Khan was going to do so. Therefore, the decision maker may consider, as the APP describes, that AZ99 could lawfully use force in self-defence.

221. AZ99, as with WS5, does not describe considering other options. Again, as described above, the decision maker may wish to take the view that it is highly unlikely that any other options could have been effective had the IED been real.
222. The APP states that *“the primary intention of the police, when discharging a firearm, is to prevent an immediate threat to life by shooting to stop the subject from carrying out their intended or threatened course of action.”* The evidence suggests that AZ99 believed there was an immediate threat to life from Mr Khan.
223. AZ99 refers to firing aimed shots but does not explain where he aimed these shots. However, he does mention, prior to firing, that he was conscious that he may need to take a critical shot. A critical shot would likely have been at Mr Khan’s head, as described in the APP.

> Shot fired by KH16

224. KH16 describes hearing gunshots, looking up, and seeing Mr Khan sitting upright. He stated that he immediately feared Mr Khan was trying to detonate his vest, and was aware that if the suicide vest exploded, he and his colleagues nearby would be killed or seriously injured. He made the decision he needed to fire a critical shot to prevent the device from exploding. Mr Khan had slumped back down, so KH16 aimed behind the ear of Mr Khan, and pulled the trigger. KH16 also explained that other options would not work, due to the need to immediately incapacitate Mr Khan.
225. KH16 explains that force was used to prevent death or serious injury to himself and his colleagues, in line with the law on self-defence. He describes the lack of other options, and that he fired at Mr Khan’s head, where he knew the shot would immediately incapacitate Mr Khan. The decision maker may be of the view that this would appear to be in line with training and policy, that officers should fire away from the IED, and that critical shots may be necessary in the event that an officer believes a suspect is about to detonate an IED.

> Shots fired by TC92

226. TC92, like KH16, described hearing gunshots, looking up, and seeing Mr Khan in a *“semi sat up”* position. TC92 described that he knew Mr Khan was in possession of an explosive device, and he believed that if the device was activated, TC92 and his colleagues would be killed. He saw Mr Khan moving his arm, which he believed was Mr Khan attempting to trigger the device. TC92 explained that he aimed at Mr Khan’s head, but his view was blurred, so he shot at Mr Khan’s neck and back. The CCTV footage at this time shows that Mr Khan moved his left hand towards his waist, which supports TC92’s account.
227. TC92 stated that Mr Khan continued to move, and TC92 saw him move both his arms towards his chest. He believed this was another attempt to activate the device, so TC92 fired again towards Mr Khan’s back.

228. The CCTV footage shows that Mr Khan would have been facing towards Fishmongers' Hall at this point, so TC92 could not have fired towards his back. However, TC92 was a significant distance away from Mr Khan, and the decision maker may wish to consider whether he may not have been able to clearly see him. The decision maker may also take the view that this was a highly stressful situation in which TC92 considered his life to be at risk, which can affect memory.
229. TC92 clearly explained that he considered his life and those of his colleagues were at risk. He fired a shot as a result, which the decision maker may consider is in line with the law on self-defence and the APP. The CCTV footage shows that, at the time of his first shot, Mr Khan's hands moved towards his waist, and multiple other officers also fired at the same time. TC92's first shot was aimed at Mr Khan's neck, which the decision maker may feel appears to be in line with his training; not to aim at the IED.
230. TC92's second shot was the last shot fired by officers at Mr Khan. It can be seen on the footage that Mr Khan's arm appeared to be moving at the time of the last shot. It is unlikely that TC92 would have been able to aim at Mr Khan's back when firing his second shot, as the footage shows Mr Khan facing towards Fishmongers' Hall. However, the CCTV does show that Mr Khan appeared to be moving his arm at this time, and TC92 stated that he believed Mr Khan had a viable IED, which he was attempting to detonate.
231. TC92 stated that after firing, he heard another shot or two. The video footage suggests that no further shots were fired.

> Shot fired by R158

232. R158 was on the east side of the bridge, when he saw Mr Khan sit up. He explained that when he saw Mr Khan sit up, he had an honestly held belief that Mr Khan was now going to attempt to kill people, either with weapons or with the IED. He describes knowing he had to take a shot, as they were the only officers with a different vantage point. He aimed at Mr Khan's back, as he could not aim at his head, and fired. R158 acknowledged that his training was to shoot towards Mr Khan's head, but this was not possible in the circumstances.
233. R158 explained that he fired in self-defence, as he had a genuine belief that he needed to do so in order to prevent Mr Khan causing harm to any other person, either with a knife, a gun, or the IED. As the APP states, a person can pre-emptively use reasonable force in self-defence.
234. R158 was aware of the IED, having been given confirmation of it by YX16 and then seeing it for himself. Training makes clear that IEDs should be treated as viable until confirmed otherwise, and that 100m is an appropriate cordon for small IEDs. R158 was not over 100m away.
235. R158 does not mention any consideration of other options for use of force, but as mentioned above, the decision maker may feel that it is unlikely any other options would have been viable had the IED been real.

236. As explained in his statement, R158 considered a shot to Mr Khan's head in line with training, but this was not possible. He considered that there was an immediate threat to life, and therefore fired at Mr Khan to prevent it, which the decision maker may be of the opinion is in line with the APP.

> Authorisation for critical shot

237. The APP explains that it may be necessary for a commander to authorise a critical shot, if they have access to decisive information, relevant to an imminent threat to life, of which an operationally deployed AFO may not be aware. This includes where the danger is so imminent that there is insufficient time for the AFO to be briefed.

238. WA30 described his belief that there was a real and extreme threat to life, which would make a critical shot proportionate. This was because Mr Khan had stabbed people already, demonstrating an intent to kill. WA30 believed that a detonation would kill armed police and members of the public nearby, so Mr Khan's right to life was outweighed by the danger to those nearby.

239. WA30 explained that he was watching Mr Khan on the monitor, and believed he was about to see an explosion. He could see that Mr Khan appeared to be trying to detonate the device, and knew that if he was on the scene, he would have shot at Mr Khan. He considered that officers on the scene may not have been aware that Mr Khan was trying to detonate the device. Therefore, as soon as he could get onto the radio, he authorised a critical shot.

240. S157 described hearing requests over the radio for critical shot authorisation, and then discussed it with WA30. S157 knew that the area was not clear of all members of the public and they and the armed officers were in danger of being killed if the IED was detonated. S157 stated that Mr Khan continued to move, despite having been shot, suggesting he was not complying with the requests of the officers. S157 also considered that, given the opportunity, Mr Khan would be likely to cause more harm. Therefore, the decision maker may consider that S157 had an honestly held belief that, given the immediacy of the ongoing threat, a critical shot was necessary. He also stated that, given the immediacy of the threat, there would be insufficient time to brief officers on the scene. S157 conveyed this to WA30, who authorised the critical shot.

241. WA30 and S157 had access to the NPAS footage, which officers would not have had access to. This footage showed a close up view of Mr Khan, including the IED vest. It would have also given WA30 and S157 a clear view of what Mr Khan was doing. They both describe an immediate threat to life being present by Mr Khan, due to the IED he possessed, which justified a critical shot. The evidence supports this assessment of the situation.

242. To be able to authorise a critical shot, a commander must have access to decisive information that an operationally deployed AFO may not be aware of. WA30 stated that he knew, if he was on the scene, he would have fired a shot. Therefore, he considered that since officers had not fired a critical shot, they may not have the information that he had.

243. In the circumstances as they were, that WA30 considered there to be an immediate threat to life, and he believed the officers on the scene may not have been aware of it, the decision maker may feel that APP suggests it may have been appropriate for a commander to authorise a critical shot.
244. A87 described in his statement that he received a request for critical shot authorisation but considered that he did not possess sufficient information to make an informed decision. A87 did not reference having access to the NPAS footage, which showed a closer view of Mr Khan, he only had access to the CCTV footage. This footage was less clear and from a similar angle to most of the officers on the scene. It also did not show the IED in any level of detail, compared to the NPAS footage.

> Questions to be answered by the DSI investigation

245. At no point during the investigation was a determination made, pursuant to para 21A of Schedule 3 to the Police Reform Act 2002, that any person serving with the police:
- a) may have committed a criminal offence; or
 - b) behaved in a manner that would justify the bringing of disciplinary proceedings
246. This decision was made by the Lead Investigator Richard West and the rationale recorded as follows: *“This decision has been made in consultation with Adam Stacey, after viewing council CCTV footage, NPAS footage, and BWV footage from the officers in attendance at the scene. We have also read all the statements of officers who used force against Mr Khan. The evidence shows that Mr Khan presented an immediate threat to life, having stabbed multiple people, which the initial attending officers were made aware of by members of public at the scene. The officers who fired shots believed that Mr Khan had a viable IED, which he could detonate at any point, presenting an immediate threat to life. This is backed up by comments on the BWV, comments on the airwaves from the NPAS footage, and the use of an explosives dog to check Mr Khan's body. The force was used until Mr Khan no longer presented a threat to life. The evidence suggests that the force used was necessary, proportionate and reasonable in all the circumstances.”*
247. On receipt of this final investigation report, Adam Stacey, acting with the delegated authority of the DG under paragraph 24A(4) of Schedule 3 to the Police Reform Act 2002, is required to finally determine the two matters referred to above.
248. 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 Usman Khan prior to his death?

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

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

249. There is video footage and witness statements which clearly show and describe the contact with Mr Khan. They show that the police arrived on scene, identified that he was wearing what appeared to be an IED vest, and shot him. They retreated, other officers arrived, and Mr Khan was contained from cover. Mr Khan sat up, and officers shot him again. They continued to shoot him when he was moving around and they suspected he was trying to activate the IED vest.

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

250. The post-mortem report states that the gunshots from police officers caused Mr Khan's death.

> Learning

251. 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.

There are two types of learning recommendations that the IOPC can make 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.
252. During this investigation, the lead investigator and decision maker attended a meeting with the senior leadership team for National Police Chiefs' Council (NPCC) armed policing. As a result of that meeting, the following occurred:
- Revisions were made to the APP for armed policing, including some additional emphasis in the critical shot content regarding the distinction between a critical shot (as a concept or use of force) and the relationship between that type of shot and command authority. This was to reinforce

the point that authority for a critical shot is only required in specific circumstances.

- A training package for delivery to all AFOs was developed, focused on PBIEDs and the associated considerations, challenges and options. It also explained the issue around when a critical shot should be authorised.
- The annual firearms command and tactical advisor package was finalised. This package is given to forces for mandatory delivery to all levels of command and TAs during the training year. This package also reinforces the critical shot issue from the command perspective.

253. The decision maker may wish to consider whether it is appropriate for a reminder to be provided to YX16, or to officers equipped with TASER more broadly, that alternative options to TASER should be considered when faced with a person that has a suspected IED.
254. This report will be shared with various stakeholders and the IOPC will continue to consider any potential learning recommendations, as a result of any feedback provided.

> Next steps

255. The decision maker is now required to reach conclusions about the investigation. The decision maker will consider the evidence with a view to determining whether the report indicates that any person serving with the police may have committed a criminal offence, or behaved in a manner that would justify the bringing of disciplinary proceedings.
256. The decision maker will also decide whether to require the Metropolitan Police Service and City of London Police to determine whether or not the performance of a person serving with the police is unsatisfactory, and what action (if any) the authority will take in respect of any such person's performance. If so required, the decision maker will then decide whether those decisions are appropriate, and whether to recommend (and potentially direct) that the performance of a person serving with the police is unsatisfactory, and, if so, the action (if any) that should be taken in respect of it.
257. The decision maker's conclusions will be recorded on a separate document.
258. The decision maker will also decide whether any organisational learning has been identified that should be shared with the organisation in question.

DSI

Operation Richenda

Investigation into the police shooting of Mr Usman Khan on 29 November 2019

- > 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, analysing CCTV footage, reviewing documents, obtaining forensic and other expert evidence, as well as liaising with the coroner and other agencies.

The lead investigator is supported by a team that includes 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 also passes through a series of reviews and quality checks.

The IOPC has three main types of investigation. This case was what we refer to as a Death or Serious Injury (DSI) investigation, which means any circumstances where, or as a result of which, a person has died or sustained a serious injury and:

- at the time of death or serious injury, the person had been arrested by a person serving with the police and had not been released, or was otherwise detained in the custody of a person serving with the police, or
- at or before the time of death or serious injury, the person had contact of any kind – whether direct or indirect – with a person serving with the police who was acting in the execution of his or her duties, and there is an indication that the contact may have caused – whether directly or indirectly – or contributed to the death or serious injury

The investigation aims to identify and obtain the available evidence regarding the nature and extent of the police contact, and whether the police may have caused or contributed to the death or injury.

The possible outcomes of DSI investigations reflect the fact that it is not an inquiry into any criminal, conduct or complaint allegation against any person serving with the police.

> 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 submitted to the decision maker, who will decide if the report indicates that any person serving with the police may have committed a criminal offence, or behaved in a manner that would justify the bringing of disciplinary proceedings. If the decision maker decides that there is such an indication, it will be investigated as a conduct matter.

The report will also be given to the appropriate authority (normally the police force), who may be required to determine whether the actions of anyone serving with the police were unsatisfactory and what action (if any) will be taken in respect of any such person's performance. The appropriate authority must inform the decision maker of both its decisions. Unsatisfactory performance will be dealt with through the police force's unsatisfactory performance procedure (UPP). UPP is generally handled by the person's line manager and is intended to improve the performance of both the individual and police force.

If the decision maker considers that the appropriate authority's response is not appropriate, the decision maker has powers to recommend or ultimately direct that the matter is dealt with by UPP. The decision maker will also decide whether to make individual or wider learning recommendations for any relevant organisations.

> Inquests

In investigations into deaths, the IOPC's investigation report and supporting documents are usually provided to the coroner. The coroner may hold an inquest, either alone or with a jury. This hearing is unlike a trial and is a fact-finding forum. 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 any possible proceedings relating to the investigation have concluded, the IOPC may publish a summary of its investigation report. Redactions might be made to the report at this stage, for example, to ensure that individuals' personal data is sufficiently protected.

> Appendix 2: Terms of reference

Terms of Reference

Investigation into the police shooting of Mr Usman Khan on 29 November 2019

Investigation Name:	Operation Richenda
Investigation Type:	Independent
Appropriate Authority:	Metropolitan Police Service and City of London Police
Case Reference:	2019/128705 and 2019/128689
Director General (DG)	Adam Stacey
Delegate (decision maker):	
Lead Investigator:	Richard West
Target Range:	9 - 12 months

Summary of events

This summary is presented on the basis of information presently available to the IOPC. The veracity and accuracy of that information will be considered as part of the investigation and will be subject to review.

According to the relevant Computer Aided Dispatch (CAD), on 29 November 2019 at 1:58pm, police were called to reports of a man stabbing members of the public near London Bridge. Armed officers were deployed to attend the location, and the incident was declared a firearms incident.

Officers who attended stated that, upon their arrival, they saw a group of men on top of someone, later identified as Mr Usman Khan. The officers saw what appeared to be an Improvised Explosive Device (IED) vest on Mr Khan. One officer used a taser, and six officers, from both the Metropolitan Police Service and City of London Police fired a total of 20 shots at Mr Khan and he was declared deceased at the scene.

Terms of Reference

1. To investigate:
 - a) The actions and decisions, including the use of lethal force, of the officers involved in the police response on 29 November 2019.

2. To assist in fulfilling the state's investigative obligation arising under the European Convention on Human Rights (ECHR) 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.
3. Further to paragraph 21A of Schedule 3 of the Police Reform Act 2002, to assess during the investigation whether any person serving with the police may have committed a criminal offence or behaved in a manner justifying the bringing of disciplinary proceedings (i.e. whether there are any indications of 'conduct matters') and if so, follow the paragraph 21A procedure and make appropriate amendments to the terms of reference of the investigation.
4. To consider and report on whether there may be organisational learning, including:
 - whether any change in policy or practice would help to prevent a recurrence of the event, incident or conduct investigated
 - whether the incident highlights any good practice that should be shared

The decision maker responsible for oversight of this investigation is Adam Stacey. The decision maker has approved these terms of reference. At the end of the investigation they will decide whether they agree with the appropriate authority's proposals in response to the report.

These terms of reference were approved on 4 December 2019.

> Appendix 3: Challenges encountered in the investigation

- The IOPC were not given possession of any material that was unredacted or unpixelated. This meant that there were significant delays in obtaining access to the body worn video and airwaves, which were necessary to write the final report.
- The Covid-19 pandemic meant that officers in the Directorate of Professional Standards (DPS) at the MPS were seconded to assist with additional resourcing demands. The IOPC generally obtains information through a contact at DPS, and that was the agreed process for this investigation. The secondment of most officers from DPS contributed to the delays the IOPC experienced obtaining some of the relevant evidence.

> Appendix 4: Timing adjustments for video footage

Having viewed all of the relevant footage for this investigation, it was clear that the timings were not aligned across the footage. For example, the timing displayed at the time of the last shot fired on one piece of BWV was different to that of another piece of BWV. Therefore, specific moments were identified across all of the footage, and timings as given in the report were adjusted, to ensure the timings were consistent with each other. The below table explains the adjustments made to the time displayed on each piece of footage, to make them in line with the time on the NPAS footage.

Footage	Time of first shot of second phase/Mr Khan sitting up	Time of last shot of second round (1m14s after first shot)	Time on footage at 2:10:00pm on NPAS footage	Adjustment made to time on footage
NPAS	2:10:28pm	2:11:42pm	2:10:00pm	N/A
YX16	2:19:34pm	2:20:48pm	2:19:06pm	-9m 6s
YX99	2:10:25pm	2:11:39pm	2:09:57pm	+3s
TC92	n/a	2:11:40pm	2:09:58pm	+2s
AZ99	2:10:40pm	2:11:54pm	2:10:12pm	-12s
G108	2:10:27pm	2:11:41pm	2:09:59pm	+1s
TC52	2:10:24pm	2:11:38pm	2:09:56pm	+4s
R139	2:10:32pm	2:11:46pm	2:10:04pm	-4s
R158	2:10:26pm	2:11:40pm	2:09:58pm	+2s
Q134	2:10:22pm	2:11:36pm	2:09:54pm	+6s

The CCTV footage did not display a time, therefore the time of Mr Khan sitting up was taken as being the same as that of the NPAS footage, and timings were based on how far along the video footage was.