



Her Majesty's Coroner for the
Northern District of Greater London
(Harrow, Brent, Barnet, Haringey and Enfield)

North London Coroners Court,
29 Wood Street,
Barnet EN5 4BE

Telephone 0208 447 7680
Fax 0208 447 7689

	<p>REGULATION 28 REPORT TO PREVENT FUTURE DEATHS</p> <p>THIS REPORT IS BEING SENT TO: Metropolitan Police Service New Scotland Yard Broadway London SW1H 0BG</p>
1	<p>CORONER</p> <p>I am Andrew Walker, senior coroner, for the coroner area of Northern District of Greater London</p>
2	<p>CORONER'S LEGAL POWERS</p> <p>I make this report under paragraph 7, Schedule 5, of the Coroners and Justice Act 2009 and regulations 28 and 29 of the Coroners (Investigations) Regulations 2013.</p>
3	<p>INVESTIGATION and INQUEST</p> <p>On the 7th Day of September 2015 I opened an investigation touching the death of James Kerry Fox , aged 45 years old. The inquest concluded on the 23rd September 2016. The conclusion of the inquest was Lawful Killing, the medical case of death was 1a Multiple Gunshot Wounds</p>
4	<p>CIRCUMSTANCES OF THE DEATH</p> <p>The Jury set out the circumstances :-</p> <p>“Mr Fox had for some years been suffering from depression and anxiety.</p> <p>On the 30th August 2015, over the phone and at the home of his father, in the early evening, he had made threats to kill members of his family, he had threatened to burn his fathers house down , and he had held a gun of some sort to the head of a child.</p> <p>The police were called .</p> <p>The persons who saw the weapon described it to police as a long barrelled pistol.</p> <p>Mr Fox's father, who had not seen the weapon used at his house , had told police that he believed it was an air pistol, as he knew his son owned an air pistol.</p> <p>The police treated the incident as a firearms incident because they could not determine from the information they had what kind of gun Mr Fox had.</p> <p>Police commanders decided to send an armed response vehicle, and other vehicles, to Mr Fox's Home address at [REDACTED]</p> <p>At this time the police did not know Mr Fox's whereabouts.</p>



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Police commanders assessed the risk to various categories of person and determined that the tactic to be used should be containment and call-out by phone and if there was no response to perform a limited entry.

Police Commanders identified Mr Fox as suffering from emotional or mental distress. As a result they determined not to proceed with an immediate limited entry in order to give Mr Fox time and space.

A briefing by the Mobile TAC (Tactical Firearms Commander), ██████████ ██████████ took place at approximately 11.05pm in which the risk areas were identified, the EMD, (Emotional Mental Distress), issues were conveyed, the tactic was designated and certain contingencies were planned for.

During the briefing officers were reminded of the circumstances in which they may determine to use their firearms. They were also advised to take non-lethal weapons, such as TAZER weapons.

At the start of the briefing, and intermittently during the briefing officer M27 appeared to be finding it hard to keep a straight face for reasons unknown, but M27's actions at the briefing demonstrated that M27 was nonetheless attentive.

Officers were positioned on the ground floor of ██████████ as the main stick of 5 officers proceeded in two groups to the 4th Floor of Picardy House.

The officers met in the stairwell of the 4th floor and proceeded to the 6th floor of ██████████

As the officers proceeded up the staircase there was a significant amount of noise from equipment striking the metal banisters and once instance of a humorous exchange.

The police entered the 6th floor corridor in stick formation, with M27, holding the ballistic shield at the front of the stick. M27, the lead officer, was positioned just short of the front door of ██████████. The shield carried by M27 had the words "POLICE" displayed at knee-to-waist height.

Officer D29 placed duct tape over the spy hole of the door to ██████████ ██████████

The OFC (Operational Firearms Commander), ██████████, placed a call to inform the officers outside that the stick, (the name for the formation of police officers), was in position and ready for the call to be placed into Mr Fox's flat.

As ██████████ call was going in, Officer M27 heard a noise made by Mr Fox behind his door. M27 raised M27's shield and firearm and positioned M27 closer to the front of the door to ██████████ House in accordance with M27's training. This position had the effect of partially protecting the door to the flat opposite to Mr Fox's flat.

Officer D29 responded to this and quickly manoeuvred behind officer M27 to position himself to the hinge side of the door as he believed he couldn't be effective in his role on the right hand side of the door.

The door opened quickly

As the door opened, Mr Fox held up a gun, which we now know to be an air weapon, and pointed it in the direction of the police officers,

Officer M27 and D29 shouted a warning of "armed police" as soon as the door was opened and their position was compromised. The warning of "armed



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police was shouted before the first shot was fired.

The circumstances were such that there was no time for Mr Fox to react between the shout of "armed police" and the first shots being fired at him.

From body worn camera footage taken from the side of the doorway it is clear that whilst the warning of "armed police" was being shouted Mr Fox's gun emerges from the doorway of Mr Fox's flat and disappears from the view of the camera.

M27 and D29 were experienced officers. They responded simultaneously and in the same way. M27 and D29 fired 5 shots between them in a short space of time.

D29 fired shots in a fluid motion. As a result of the speed with which the treat presented itself, the shots taken by D29 were not slow carefully aimed shots.

The entire series of events from the noise behind the door to the shots being fired was over in a matter of seconds.

We (the jury) find that both officers honestly believed that they needed to use force to defend themselves or each other.

Mr Fox tragically died as the result of the shots fired at him."

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CORONER'S CONCERNS

During the course of the inquest the evidence revealed matters giving rise to concern. In my opinion there is a risk that future deaths will occur unless action is taken. In the circumstances it is my statutory duty to report to you.

The **MATTERS OF CONCERN** are as follows. –

- 1, The accuracy of shots fired at close range. A number of shots were fired at close range, (about 1 meter), resulting in a range of injuries spread over a large area including a gunshot wound to the head.
- 2, The need for contingency planning. There was no detailed contingency plan formulated at the briefing to cover the very real prospect that Mr Fox might at the very least open his door. It was left to the officers to apply their generic training.
- 3, That there is no less lethal firearm available to disable rather than cause fatal injury. A larger calibre less lethal firearm is available for use in other circumstances.
- 4, That there is no currently available shield with enhanced ballistic protection and a visible section that officer's might use to safely shelter behind.
- 5, A concern that if the presumption is that every firearm has the potential to kill or cause serious injury to officers, and members of the public, who attend or are present, at a firearms incident then the response to each incident does not utilise that maximum available protection ie, two officer team one with a full length shield and the other carrying a short carbine.



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	<p>6, The differences between, and apparent contradictions within the curriculum used for the training of police officers.</p> <p>7, That there is no standard central training provided on a national basis.</p>
6	<p>ACTION SHOULD BE TAKEN</p> <p>In my opinion action should be taken to prevent future deaths and I believe you [AND/OR your organisation] have the power to take such action.</p>
7	<p>YOUR RESPONSE</p> <p>You are under a duty to respond to this report within 56 days of the date of this report, namely by . I, the coroner, may extend the period.</p> <p>Your response must contain details of action taken or proposed to be taken, setting out the timetable for action. Otherwise you must explain why no action is proposed.</p>
8	<p>COPIES and PUBLICATION</p> <p>I have sent a copy of my report to the Chief Coroner and to the following Interested Persons;- Representatives of the family. MET police</p> <p>I am also under a duty to send the Chief Coroner a copy of your response.</p> <p>The Chief Coroner may publish either or both in a complete or redacted or summary form. He may send a copy of this report to any person who he believes may find it useful or of interest. You may make representations to me, the coroner, at the time of your response, about the release or the publication of your response by the Chief Coroner.</p>
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