



**METROPOLITAN
POLICE**

PROFESSIONALISM HQ

Mr Andrew Walker
H M Coroner and Senior Coroner
North London Coroner's Court
29 Wood Street
High Barnet
London EN5 4BE

[REDACTED]
Deputy Assistant Commissioner
New Scotland Yard
Victoria Embankment
London
SW1A 2JL

Email: [REDACTED]

Tel: [REDACTED]
[REDACTED]

Date: 9th August 2022

Dear Mr Walker

I am the Deputy Assistant Commissioner for Professionalism in the Metropolitan Police Service (MPS) and I am responding on behalf of the Commissioner of Police of the Metropolis to your Regulation 28 Report to Prevent Future Deaths, dated 22nd June 2022. Your report was sent following the conclusion of the inquest into the death of Mr Luke Anthony Flynn who sadly died on 17th July 2019.

The MPS has acknowledged and reviewed your matter of concern and our response to this is as follows:

That there is no MET Police policy covering the use of handcuffs when medical staff request their use with a patient in hospital for treatment with a medical condition rather than a mental health condition.

In order to provide context to our response, the event leading up to this matter of concern followed a 999 call made on Saturday 13th July 2019 to Bilton Road, Perivale. Mr Flynn was described as being highly agitated, pushing people, screaming and throwing bottles. He was restrained by members of the public pending police and ambulance arrival. Upon their simultaneous arrival, police officers took over the restraint of Mr Flynn. At this time, Mr Flynn's behaviour remained the same, preventing an initial medical assessment by the LAS paramedics. Mr Flynn was handcuffed in the rear-stack position and this remained the case during transportation to hospital. Officers travelled in the rear of the ambulance to Northwick Park Hospital due to their ongoing safety concerns.

Upon arrival, Mr Flynn was taken to Accident and Emergency Resuscitation. Again, due to his behavioural presentation, medical treatment was hindered. Medical staff relayed their concerns to officers which resulted in Mr Flynn being handcuffed to a hospital bed which in turn enabled healthcare professionals to administer sedation. Before officers left the hospital, the handcuffs were removed from Mr Flynn. The officers have emphasised in evidence before yourself that the force used upon Mr Flynn was necessary to prevent harm to himself and to assist in medically treating him, at the request of medical professionals.

Although Mr Flynn was detained, he was not under arrest. He was being provided with medical assistance and his mental capacity was in question. Officers have powers to use force under common law to preserve life and limb. Equally, the Mental Capacity Act 2005 permits the use

of force to allow clinical personnel to provide medication to subjects in order to preserve life. This is of course underpinned by the right to life in accordance with Article 2 of the European Convention of Human Rights. Mr Flynn was under the direct supervision of clinicians who asked officers to use handcuffs in order for life saving treatment to be administered.

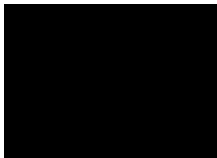
The officers' decision to handcuff Mr Flynn remained with them to justify (this is supported by the literature previously provided to you in our solicitor's e-mail dated 16th December 2021). This point is set out in the new Metropolitan Police Handcuff Policy (published in November 2021). Officers are expected to make their own assessment of the circumstances in which they find themselves, and on that basis take action (or inaction) based on proportionality, necessity, legality and ethics, whilst fully justifying their decisions in writing post event. Although the policy does not specifically address the use of handcuffs in a healthcare setting for medical treatment, upon reviewing both the policy and the legal powers afforded to officers, both are sufficiently robust to allow officers to make an informed decision as to the use of handcuffs in any given setting.

In conclusion, we do not believe that a change in the Metropolitan Police Service (MPS) Handcuff Policy addressing the very specific nature of this case would be appropriate. The policy requires officers to make decisions about the use of handcuffs in any given setting and to justify that decision subsequently, including for the purpose of any associated court proceedings, and I do not consider that it would be helpful to include the specific scenario of restraint in a healthcare setting or any other specific scenario.

I wish to express my sincere condolences to the family and friends of Mr Flynn. I trust this provides the reassurance that the MPS has considered the matter of concern you have raised.

Please do not hesitate in contacting me should you have any queries.

Yours sincerely



Deputy Assistant Commissioner