

Investigation name:	<b>Windmill Road</b>
IOPC reference:	<b>2020/142987</b>

## > Summary of IOPC conclusions

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**Our investigation found no officer or staff member had a case to answer for misconduct or should face unsatisfactory performance proceedings.**

A summary of our conclusions and our rationale is set out below.

We recommended learning for two police officers. The Metropolitan Police Service (MPS) agreed with our findings.

### > PC A (MPS)

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#### > The stop, search and arrest

When PC A stopped Mr De Zoysa, he was dealing with a dynamic situation on the street in the early hours of the morning. He took a positive course of action and conducted a search of Mr De Zoysa, during which he found evidence of offences.

The evidence and review suggest the search could have been conducted more thoroughly, however we are of the opinion the search was not of a standard that would amount to performance or misconduct, particularly in light of PC A's training and experience.

We are of the opinion PC A may benefit from some reflection and training in this area, outside of any formal UPP process.

#### > The transport to custody

During the 10-minute journey to custody PC A had various tasks to complete as well as observing Mr De Zoysa. He was conducting PNC checks, looking up the relevant offences and examining the items seized during the search. In our opinion it was not the case that PC A was not paying attention due to unrelated distractions.

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We do not consider PC A's actions amount to performance or misconduct, particularly in light of his training and experience. We are of the opinion PC A may benefit from some reflection and training in this area, outside of any formal UPP process.

### > The events in custody

When moving through custody, PC A did not have hold of Mr De Zoysa. The National Police Chief's Council Personal Safety Manual (PSM) outlines that a detained person who is handcuffed can be escorted either by holding the handcuffs or by taking hold of their arm. These would be considered a use of force and would need to be reasonable in the circumstances, necessary and proportionate. I note the other officers present did not indicate to PC A he should adopt the escort position and Mr De Zoysa continued to be compliant, follow instructions and answer questions put to him by the police officers.

### > Overall conclusion

We consider that PC A acted in good faith during this incident and do not consider his actions or omissions were negligent or that he wilfully did not follow any procedure.

Furthermore, we consider PC A showed great bravery in trying to disarm Mr De Zoysa without hesitation, despite the significant danger he was placed in at the time.

We do consider there may be some learning which could be dealt with through management action, in relation to the methodology of searches, observations during transport and escorting prisoners in custody.

### > PC B (MPS)

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#### > The stop, search and arrest

PC B accompanied PC A during the stop of Mr De Zoysa and acted as the cover officer during the subsequent search. The personal safety manual states a cover officer should observe and evaluate the situation including the subject, environment and circumstances at all times from an appropriate position of advantage and must be vigilant at all times when supervising a suspect, particularly when carrying out a search outside of police premises.

The evidence and review suggest to us that PC B could have performed her role as the cover officer during the search more effectively, however, we are not of opinion the search was not of a standard that would amount to performance or misconduct.

We are of the opinion PC B may benefit from some reflection and training in this area, outside of any formal UPP process.

**> Use of force**

PC B was present in the holding cell when Mr De Zoysa discharged the firearm and she attempted to restrain and disarm him, discharging her Taser in the process.

The officer accounts, supported by the CCTV, showed there was a threat to life posed by Mr De Zoysa. Mr De Zoysa was armed with a firearm, which, although he was handcuffed, put him at an advantage. At the time, his actions showed he was willing to harm others and therefore PC B was justified in the use of force in order to disarm him.

**> Overall conclusion**

We consider there were many different approaches that could have been taken by police officers in the situation PC B found herself in. PC B has provided a rationale for her actions and decisions which, in my opinion, were reasonable in the circumstances.

We consider that PC B acted in good faith during this incident and I do not consider her actions or omissions were negligent or that she wilfully did not follow any procedure.

Furthermore, we consider PC B showed great bravery in trying to disarm Mr De Zoysa without hesitation, despite the significant danger she was placed in at the time.

We do consider there may be some learning which could be dealt with through management action, in relation to the methodology of searches and the role of the control officer, in particular as the most experienced officer present.

**> National organisational learning recommendation  
– National Police Chiefs' Council (NPCC), November 2022**

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The IOPC recommends that the NPCC, in partnership with Chief Constables and relevant stakeholders, should consider the implementation of handheld metal detectors in all response vehicles and vehicles used to transport detained persons. This should include consideration of:

- A) Any evidence that has been collated regarding instances where metallic items or weapons concealed upon detained persons have been brought into custody suites.
- B) Any policies, guidance or training that would need to be developed or updated to ensure the effective implementation and use of handheld metal detectors by officers.
- C) The financial implications and any potential unintended consequences of implementing handheld metal detectors, including how these might be mitigated.

This follows an IOPC investigation into the circumstances surrounding a detained person entering custody with a gun in his possession. Following a stop and search

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[that yielded no firearm], the man was arrested and transported to custody. Shortly after his arrival, the man produced a gun that was concealed on his person and shot and sadly killed a custody sergeant. The man was restrained by officers, during which time the gun was discharged again and the man received a serious injury. In addition, the IOPC have identified six other cases whereby detained persons have brought concealed metallic items into custody suites, despite being searched by officers prior to entering custody. In all of these cases, the detained person used the metallic item or weapon to harm themselves or others.

The IOPC considers the implementation of handheld metal detectors in response vehicles and vehicles used to transport detained persons may aid officers in locating metallic items or weapons concealed upon a detained person at an early stage and prior to transportation to custody – enhancing officer safety. If implemented, they should be considered as a screening device available to officers already conducting a lawful, justified and systematic physical person search after arrest. Handheld metal detectors should not be intended to replace the requirement for a physical search and, if implemented should be used at the discretion of the officer conducting the search, taking into account the search powers relied upon and the objective of the search.

In advance of making this recommendation, the IOPC has liaised with other forces who have or are adopting the use of handheld metal detectors as a search aid prior to detained persons arriving at custody. This process identified several forces across England and Wales who have implemented or are implementing handheld metal detectors to frontline officers or vehicles as an additional tool to assist physical searches of detained persons.

### > National Police Chiefs' Council response

Key observations would be:

The NPCC Local Policing Committee understands the implementation of handheld metal detectors in all response vehicles including those to transport detained persons would achieve the safeguards sought from the investigations into the heinous events leading up to the murder of Custody Sergeant, Matt Ratana.

Whilst several forces have issued handheld metal detectors to frontline officers or vehicles to assist with searches taking place outside of a custody suite, the NPCC Local Policing Coordination Committee, along with Operations and Criminal Justice Committees will work together to inform Chief Constables' Council of the financial implications which may be significant but could be mitigated through economies of scale. Similar outcomes could be achieved if a wand search took place at a police station, but before entry to the Custody Suite. This would restrict the requirement for wands to Custody Suites, thereby reducing cost without compromising on the objective. The NPCC will explore all options.

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The NPCC is unclear how the firearm was missed during a physical search of the detained person. This may be a search related training issue and committees will work with the College of Policing to revisit training requirements.

The NPCC will also consider training requirements and guidance to forces if wands are introduced more widely to ensure the standards of physical searches are not compromised.

*Chief Constable Olivia Pinkney (Chair of the NPCC Local Policing Committee)*