

## INVESTIGATION INTO THE CIRCUMSTANCES SURROUNDING THE DEATH OF RICKY PENFOLD

### *Investigation Update*

#### **Summary of the Case**

At 1.25pm on Monday 20 October 2008, Metropolitan Police Service received a number of calls about a man causing a disturbance in the area of Malvern Avenue and Hale End Road (E4). The callers claim that the man, later identified to be Mr Ricky Penfold (aged 45) of Frinton Drive, was behaving in a disturbed manner. He was reported by a number of witnesses to be carrying some form of weapon.

At 1.30am officers attended a premises on Hale End Road where Mr Penfold was believed to be. Officers located Mr Penfold in the rear garden of the property and called for him to come out. When Mr Penfold appeared, he was reported to be in a confused and agitated state. Officers attempted to apprehend him. During the struggle that followed, Mr Penfold stopped breathing and officers commenced cardiopulmonary resuscitation (CPR) for approximately 10-15 minutes. An ambulance was called 1.42am which arrived at 1.51am and attempts to resuscitate Mr Penfold continued. Mr Penfold was transferred to Whipps Cross Hospital, where he subsequently died at 4.25pm on Thursday 23 October.

(All times stated above are based on witness statements and are approximate)

#### **IPCC involvement**

The Independent Police Complaints Commission was notified of the incident by Metropolitan Police Service at 10.00am hours on Monday 20 October 2008. The IPCC then undertook a full assessment of all the available evidence to decide how the incident should be investigated. Following feedback from the assessment, it was determined that an independent investigation should be undertaken.

#### **Terms of reference for investigation**

- 1) To investigate the circumstances leading to the death of Mr Ricky Penfold beginning with the police deciding to deploy to the incident and;
  - a) the subsequent search by police officers
  - b) the restraint techniques used by officers of Metropolitan Police Service on Mr Penfold
  - c) the care received by Mr Penfold from officers following the period of restraint
  - d) to give consideration to any training, supervisory, management or policy issues that arise from the investigation of Mr Penfold's death.
- 2) To investigate the circumstances of the death of Mr Penfold, including:
  - a) assessing the actions of the police officers against national and local policies and procedures, specifically:
  - b) assessing whether the use of restraint on Mr Penfold was appropriate, proportionate and necessary, taking into account concerns from Mr Penfold's family that any officer used excessive force.

- 3) To consider and report on whether any criminal or disciplinary offence may have been committed by any police officer or member of police staff involved in the incident, and whether relevant local and national policies were complied with.
- 4) To consider and report on whether there is any organisational learning for the police service, including:
  - a) whether any change in police policy or practice would help to prevent a recurrence of the event, incident or conduct investigated
  - b) whether the incident highlights any good practice that should be disseminated.

## **The Investigation**

### **Team:**

A team of 6 IPCC investigators have been assigned to this investigation.

### **Post Mortem Examination:**

A full post mortem by a Home Office registered pathologist (Dr Rob Chapman) was undertaken on Friday 24 October at 4.30pm. Representatives from the IPCC, Metropolitan Police Service and Police Federation were all in attendance. Dr Chapman confirmed it was not possible at this stage to determine the cause of death and commissioned further toxicology tests on samples taken from Mr Penfold.

### **Forensics & Examinations:**

Forensic work is ongoing to assist in determining the cause of death. Forensic examination of the equipment is being undertaken, along with examination of the scene and surrounding areas where Mr Penfold was apprehended.

### **Policies and Procedures:**

Analysis will be conducted of all Metropolitan Police Service policies and procedures governing the apprehension of suspects including the method of restraint used and the manner in which they affected the arrest of Mr Penfold.

### **CCTV footage:**

The investigation has established there was no CCTV footage available either of the incident or the surrounding areas.

### **Interviews:**

To date 12 people have made witness statements to the IPCC. Five civilian witnesses and the 11 police officers directly involved in the incident provided statements to the Metropolitan Police Department of Professional Standards during the early stages of the investigation.

Depending on the outcome of all relevant evidence and forensic analysis, further interviews may be required. This position remains under constant review as our investigation is progressing.

### **Regulation 9 notices:**

No police officers are under investigation, therefore no Regulation 9 notices (this is a notice required under police misconduct regulations and is served on an officer to advise that their conduct is under investigation) have been served. This decision has been made on the evidence as it presents to date and as with all lines of enquiry will remain under review.

**Witness Appeal:**

On the 7 day anniversary of the incident, the IPCC launched a witness appeal. We produced leaflets which IPCC investigators distributed in the area where the incident occurred, when IPCC investigators undertook house to house enquiries. A further 12 witnesses were identified, all of whom have now provided witnesses statements

A freephone telephone number (0800 096 9074) and a dedicated email address ([woodgreenincident@ipcc.gsi.gov.uk](mailto:woodgreenincident@ipcc.gsi.gov.uk)) were set up and publicised. We remain keen to hear from anyone with any information relating to this incident.

**Crown Prosecution Service:**

At this stage the investigation has not identified any evidence to suggest any criminal offence may have been committed by any police officer. A file will be submitted if the evidential position changes. The threshold for referral to the CPS is low.

**Information:**

Mr Penfold's family and Metropolitan Police Service have been updated regularly about the progress of the investigation. The IPCC has appointed a Family Liaison Manager to work with Mr Penfold's family.

**Community issues:**

Shortly after Mr Penfold's death a community impact assessment was undertaken and this was repeated following the Gold Group meeting on Friday 24 October. No community issues have been identified to date.

**Timescales:**

Although the investigation has progressed well, it is not possible to advise at this stage when the investigation will conclude.

**Outcomes:**

The IPCC independent report into the circumstances surrounding the death of Mr Ricky Penfold will be submitted to HM Coroner, Dr Elizabeth Stearns, as part of the evidence to support the inquest into his death. As such, the IPCC is not permitted to publish the findings of its investigation until this process has concluded. Prior to this the IPCC will continue to give regular updates to all properly interested persons including Mr Penfold's family and the Metropolitan Police Service.

**About the IPCC**

The IPCC has overall responsibility for the police complaints system. Since April 2006 it has taken on responsibility for similar, serious complaints against HM Revenue and Customs and the Serious Organised Crime Agency in England and Wales. The IPCC's jurisdiction was extended in 2008 to cover UK Border Agency staff exercising police-like powers.

The IPCC has the task of increasing public confidence in the complaint systems and aims to make investigations more open, timely, proportionate and fair.

The 15 Commissioners who run the IPCC guarantee its independence and by law can never have served as police officers. No Commissioner has worked for HM Revenue and Customs. They are supported by more than 100 independent IPCC investigators plus casework managers and other specialists.

Since April 1 2004 the IPCC has used its powers to begin 264 independent and 663 managed investigations into the most serious complaints against the police and other agencies. It has set new standards for police forces to improve the way the public's

complaints are handled. The Commission also handles appeals by the public about the way their complaint was dealt with by the local force.

The IPCC is committed to getting closer to the communities it serves. Its Commissioners and staff are based in IPCC regional offices in Cardiff, Coalville, London and Sale plus a sub office in Wakefield.

The IPCC web site is constantly updated at [www.ipcc.gov.uk](http://www.ipcc.gov.uk) or members of the public can contact the IPCC on 08453 002 002.