

1 Wednesday, 28 July 2021  
 2 (10.00 am)  
 3 THE CHAIRMAN: Good morning, everybody.  
 4 MS MCNEILL: Good morning, sir.  
 5 The first witness today is Chief Constable  
 6 Simon Chesterman.  
 7 THE CHAIRMAN: Thank you.  
 8 MS MCNEILL: Could he please be sworn?  
 9 MR SIMON CHESTERMAN (sworn)  
 10 Questions from MS MCNEILL  
 11 MS MCNEILL: Thank you, please take a seat, Chief Constable.  
 12 You have in front of you a bundle of documents.  
 13 Behind tab 1 is a long witness statement. We are not  
 14 going to go through, you will be pleased to know, every  
 15 line of that statement but if you keep it open in front  
 16 of you I will be able to point you to the particular  
 17 section we are interested in.  
 18 **A. Thank you.**  
 19 Q. Can you please start by outlining for us in brief terms  
 20 your experience as a police officer and your current  
 21 role within the NPCC?  
 22 **A. Certainly, so I have been in the police service for**  
 23 **37 years, serving in three separate forces. I have been**  
 24 **the national lead for armed policing for the last**  
 25 **13 years. I have extensive experience as a firearms**

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1 **But clearly, as the national lead, I work very**  
 2 **closely with the College in order to produce the**  
 3 **guidance that goes into the curriculum and into the**  
 4 **authorised professional practice, so the College would**  
 5 **chair perhaps a working group involving practitioners**  
 6 **and subject matter experts in developing the codes.**  
 7 **They act if you like as the library and the owner of**  
 8 **documents, we help them to develop them and**  
 9 **I operationalise them on behalf of the police service.**  
 10 Q. We have heard, for example, just breaking that down, we  
 11 have heard a lot of evidence about the APP, and primary  
 12 responsibility for the APP, is that within the NPCC or  
 13 the College of Policing?  
 14 **A. It is the College of Policing's authorised professional**  
 15 **practice, however clearly it is delivered by the police**  
 16 **service. So we help to develop it and I as national**  
 17 **lead would help to develop it, but the College own it.**  
 18 Q. You help to develop the APP and you also help to filter  
 19 that down into actual policing operationally?  
 20 **A. Correct, yes.**  
 21 Q. Does the same apply to the curriculum that we have heard  
 22 a lot about?  
 23 **A. Yes, it does, the College own the curriculum but it**  
 24 **would be practitioner groups from the police service and**  
 25 **subject matters experts who are both occupationally and**

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1 **commander, I was a counter-terrorist firearms commander**  
 2 **and specialist firearms commander and I conducted**  
 3 **a number of reviews around the world into incidents such**  
 4 **as the armed intervention into the terrorist siege in**  
 5 **Sydney and the active shooter Derrick Bird in Cumbria.**  
 6 Q. Thank you, can you explain for us, in brief terms, I am  
 7 sure it is more complicated than that, but the role of  
 8 the NPCC, I suppose we should get the acronym out, the  
 9 National Police Chiefs' Council, and how that compares  
 10 to or works alongside the College of Policing, just so  
 11 we understand?  
 12 **A. I will try and summarise it.**  
 13 **Obviously there are 43 Home Office police forces,**  
 14 **each with a chief constable with the direction and**  
 15 **control of that police force. Those individuals form**  
 16 **the National Police Chiefs' Council, I sit on the**  
 17 **National Police Chiefs' Council both as a member but as**  
 18 **the national lead for armed policing. So the role there**  
 19 **is obviously the chief constables lead the service and**  
 20 **lead the operational response to incidents and have**  
 21 **direction and control of the geographic area they are**  
 22 **responsible for. So responsible for policing the area.**  
 23 **The College of Policing set the standards for**  
 24 **policing and they own documents such as the National**  
 25 **Police Firearms Training Curriculum.**

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1 **operationally competent that would develop the modules.**  
 2 Q. Thank you.  
 3 In your responsibilities as the national lead for  
 4 armed policing, you set out that that would involve  
 5 working on developing both the curriculum and the APP,  
 6 is that right?  
 7 **A. Yes, it would, yes.**  
 8 Q. Other than that, can you just explain for us briefly  
 9 what other responsibilities you hold in practical terms  
 10 as the national lead for armed policing.  
 11 **A. Issues such as organisational learning, so clearly as**  
 12 **a result of public inquiries such as this, inquests,**  
 13 **IOPC, investigations, et cetera and also from actual**  
 14 **operations themselves and training and exercising,**  
 15 **obviously quite a lot of learning comes out of those**  
 16 **type of issues. I would be responsible for considering**  
 17 **that learning, making sure that it is delivered on the**  
 18 **ground.**  
 19 Q. In terms of organisational learning, is it right that  
 20 recommendations and conclusions in inquests, inquiries,  
 21 IOPC reports, would all feed into what you describe as  
 22 organisational learning?  
 23 **A. That's correct, we have an organisational learning**  
 24 **database.**  
 25 Q. When was that database established? That might jump

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1 ahead to some of the questions that I deal with.  
 2 **A. We have been on a bit of a journey with organisational**  
 3 **learning, it is not to say that organisational didn't**  
 4 **exist before the database, it certainly did, but as**  
 5 **a result of the Baker public inquiry – sorry, the**  
 6 **Grainger public inquiry, my mistake, we developed the**  
 7 **database to make it more formal and we actually went**  
 8 **back 20 years. In the formation of that database we**  
 9 **went back 20 years and reviewed every police shooting,**  
 10 **it would have been IOPC and PCA, precursors to the IOPC,**  
 11 **investigation recommendations to make sure that we**  
 12 **captured all the learning from everything that had**  
 13 **happened in the previous 20 years. So it brings us bang**  
 14 **up to date in terms of everything that has happened over**  
 15 **the preceding decades.**  
 16 Q. You now hold the database that has all of the  
 17 recommendations made to date?  
 18 **A. Yes.**  
 19 Q. Have you also made arrangements with the IOPC to ensure  
 20 that recommendations they make on individual cases  
 21 filter through at a national level to that database?  
 22 **A. Yes, in fact, I had correspondence with the director**  
 23 **general of the IOPC to make sure that happened. What we**  
 24 **found historically was that often the IOPC would make**  
 25 **a recommendation to an individual police force that had**

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1 Q. Page 2 of tab 1.  
 2 **A. No, I can see, it has been highlighted for me, thank you**  
 3 **very much.**  
 4 **The portfolio meeting is the kind of main meeting,**  
 5 **clearly there are quite a few sub meetings and other**  
 6 **working groups that sit underneath it but I chair the**  
 7 **actual portfolio itself. That sits within the NPCC**  
 8 **operations business area, where people like the leads**  
 9 **for roads policing, aviation, armed policing, we all sit**  
 10 **on the operations business area. But the actual**  
 11 **portfolio for armed policing itself, I chair it, it sits**  
 12 **four monthly, it is attended by all the regional chief**  
 13 **officer leads --**  
 14 Q. Pause there, turn over to page 3, Mr Coates, more for  
 15 everybody following.  
 16 **A. Sorry.**  
 17 Q. It's not a problem. In the middle of the page we see  
 18 "Attendance".  
 19 **A. The key attendance are the regional leads for armed**  
 20 **policing drawn across England and Wales. We also have**  
 21 **representation from the Police Service of Northern**  
 22 **Ireland, Scotland and national forces such as the**  
 23 **National Crime Agency, Ministry of Defence Police,**  
 24 **et cetera.**  
 25 **As I say, the key attendees are those regional chief**

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1 **a national implications and I was concerned as the**  
 2 **national lead that it might cause confusion if**  
 3 **individual forces work on national recommendations and**  
 4 **I wanted to make sure that we grouped it at a national**  
 5 **level to make sure that that learning goes to all 50**  
 6 **agencies that are responsible in some way for armed**  
 7 **policing. So in correspondence with Mr Lockwood we**  
 8 **agreed that where possible the recommendations would be**  
 9 **made to me as the national lead so that I could make**  
 10 **sure that they were promulgated across the entire police**  
 11 **service and not just in an individual force.**  
 12 Q. I am going to ask you some questions in a moment about  
 13 how the organisational learning makes it from  
 14 a recommendation in the database down into actual  
 15 policing.  
 16 Before we do, it might help to just bring out what  
 17 is the NPCC armed policing portfolio meeting and who  
 18 attends those meetings. If it helps I will display  
 19 NPCC1, please, Mr Coates, at page 2. Just for everybody  
 20 following, I am sure you know the answer.  
 21 Thank you we can see in the middle of the page, the  
 22 second paragraph under point 3.  
 23 **A. Okay.**  
 24 **Where is that in my bundle, I would prefer to look**  
 25 **at that.**

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1 **officer leads. The importance of their attendance is**  
 2 **that clearly they are bringing issues to that meeting**  
 3 **that are of interest nationally to make sure we are**  
 4 **solving problems. Equally it works the other way round,**  
 5 **so they are required, off the back of the national**  
 6 **portfolio meeting, to chair regional meetings with the**  
 7 **individual force firearms leads to make sure that that**  
 8 **learning and best practice and consistency, there is**  
 9 **a common thread between each individual force back to**  
 10 **the national level.**  
 11 **Other agencies are represented as well, such as the**  
 12 **Home Office, the defence laboratories, who assist us**  
 13 **with the development of technology. The IOPC are**  
 14 **represented at the meeting as well, as observers. So it**  
 15 **is a good spread of everybody that has an interest in**  
 16 **armed policing.**  
 17 Q. I don't want to paraphrase you inelegantly, but to draw  
 18 out some of the key aspects would you expect therefore  
 19 that developments in armed policing, for example from  
 20 recommendations, would move downwards from the portfolio  
 21 meetings through to the regional officers down to  
 22 individual forces, but also for learning to move back up  
 23 the other way, so individual forces to feed to  
 24 a regional meetings, those regional officers to feed  
 25 into the national meeting?

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<p>1 <b>A. Yes, and there are a number of other mechanisms that</b>  2 <b>support that. For example the annual threat and risk</b>  3 <b>assessments that are produced as well, draw all the</b>  4 <b>learning from those together into a national risk</b>  5 <b>assessment. It is definitely a two-way street.</b>  6 Q. I know these terms are incredibly familiar to you, can  7 you please explain to us what the annual threat and risk  8 assessment is and the national threat and risk ...  9 <b>A. Certainly. Within the Code of Practice every chief</b>  10 <b>constable is responsible for producing an annual</b>  11 <b>strategic threat and risk assessment for armed policing.</b>  12 <b>That will contain issues such as the perceived threats</b>  13 <b>from terrorism, from serious and organised crime,</b>  14 <b>perhaps from the number of licensed firearms holders</b>  15 <b>there are on their area to crowded places, you know,</b>  16 <b>anything that might be a threat or present some kind of</b>  17 <b>risk.</b>  18 <b>So that would go into that, they are individual and</b>  19 <b>they are required within the code to produce those. We</b>  20 <b>coordinate those nationally and produce a national</b>  21 <b>strategic threat and risk assessment that contains those</b>  22 <b>issues of national importance, such as the threat to</b>  23 <b>crowded places from terrorism, or the threat from moving</b>  24 <b>vehicles as a result of terrorism. Those kinds of</b>  25 <b>things.</b></p> <p style="text-align: center;">Page 9</p>	<p>1 <b>We then develop doctrine and make sure we have the</b>  2 <b>right policy, practice, tactics, et cetera in place to</b>  3 <b>make sure the police service can address those.</b>  4 <b>Can I just make one important point, I wouldn't want</b>  5 <b>to give the inquiry the impression that when</b>  6 <b>a recommendation comes out of an inquiry like this we</b>  7 <b>leave it until the next meeting, which is perhaps four</b>  8 <b>months away. We proactively would obviously respond to</b>  9 <b>recommendations with individual forces and I am in</b>  10 <b>weekly correspondence with firearms leads in individual</b>  11 <b>forces through national circulars, et cetera.</b>  12 Q. Thank you.  13 We are going to look in some detail at what you have  14 identified as the relevant recommendations made by other  15 inquiries in a moment.  16 <b>A. Yes.</b>  17 Q. Before we do, the meeting that we are looking at on the  18 screen and organisational learning, do they feed into  19 the development of changes to the APP or to the  20 curriculum?  21 <b>A. Yes, I mean that is quite a strategic level meeting,</b>  22 <b>obviously.</b>  23 Q. Yes.  24 <b>A. Because of its frequency, et cetera, and the people that</b>  25 <b>are in attendance to it, but on every agenda, every</b></p> <p style="text-align: center;">Page 10</p>
<p>1 <b>time -- there is a standard agenda and organisational</b>  2 <b>learning forms part of that meeting, so we would look at</b>  3 <b>any gaps in organisational learning at that level.</b>  4 Q. In addition to organisational learning flagged up by  5 inquiries or inquests, how do you in your national role  6 become aware of emerging issues or difficulties within  7 armed policing? So around specific tactics, or specific  8 weapons or anything like that, how does that get on your  9 desk, so to speak?  10 <b>A. Yes, okay, so I think the first thing to say is just</b>  11 <b>rewinding slightly, in terms of that meeting that we are</b>  12 <b>referring to, there is a sub meeting which</b>  13 <b>an organisational learning group, chaired by the</b>  14 <b>strategic support manager. So the organisational</b>  15 <b>learning is not just done at that strategic level.</b>  16 <b>There is actually an organisational learning group that</b>  17 <b>sits below this group.</b>  18 Q. For everyone following, can we switch to page 4, please  19 and that sets out the second half of that particular  20 page.  21 <b>A. Okay, and then in relation to your question, in relation</b>  22 <b>to how do issues arrive on my desk, sometimes they are</b>  23 <b>flagged up informally, so individual forces, there is</b>  24 <b>a secretariat that supports me with a large team of</b>  25 <b>people in that secretariat. They are in daily contact</b></p> <p style="text-align: center;">Page 11</p>	<p>1 <b>with chief firearms instructors and operational leads in</b>  2 <b>forces, so we would get to know pretty quickly if there</b>  3 <b>was an issue in relation to firearms, probably</b>  4 <b>informally.</b>  5 <b>On a more formal basis, if there is a shooting or</b>  6 <b>a discharge of a firearm, there is a formal notification</b>  7 <b>procedure that would come through and equally, when</b>  8 <b>forces are running operations or training, if there is</b>  9 <b>anything coming out of those in terms of</b>  10 <b>recommendations, they are required within their own</b>  11 <b>organisational learning, and so obviously we have</b>  12 <b>organisational learning at national level, but there are</b>  13 <b>also regional and force-level organisational learning</b>  14 <b>procedures in place. So it would feed in through that</b>  15 <b>and that is where the thread would be up to our</b>  16 <b>organisational learning database.</b>  17 <b>But we would triage everything that comes through to</b>  18 <b>see whether it is of national importance to us, because</b>  19 <b>some issues are best dealt with locally and don't affect</b>  20 <b>all forces.</b>  21 Q. The use of a template or a training document or  22 something similar --  23 <b>A. Yes.</b>  24 Q. -- that would be at a local level?  25 <b>A. It could well be, yes, but we would assess it and then</b></p> <p style="text-align: center;">Page 12</p>

<p>1 <b>decide whether it is something they should fix locally</b></p> <p>2 <b>or something we need to fix across all 50 forces and</b></p> <p>3 <b>agencies engaged in armed policing.</b></p> <p>4 Q. Narrowing it down then, you start with the national</p> <p>5 portfolio meetings. Then we have the organisational</p> <p>6 learning governance group, which you have set out</p> <p>7 briefly and is in some detail in your statement, as we</p> <p>8 can see on the screen.</p> <p>9 If we look over into page 5 of your statement, at</p> <p>10 the bottom, you tell us:</p> <p>11 "All relevant recommendations will be entered onto</p> <p>12 the NPCC policing portfolio organisational learning</p> <p>13 database, including the initial assessment utilising</p> <p>14 a red, amber and green process ..."</p> <p>15 Is that the triage you have just described?</p> <p>16 <b>A. It is, yes.</b></p> <p>17 Q. Again, in brief terms I imagine red is urgent action?</p> <p>18 <b>A. Yes.</b></p> <p>19 Q. Amber would be?</p> <p>20 <b>A. Something that is not as urgent but needs addressing as</b></p> <p>21 <b>a priority.</b></p> <p>22 Q. Green?</p> <p>23 <b>A. Green would more than likely suggest that that</b></p> <p>24 <b>recommendation has already been embedded.</b></p> <p>25 <b>We often find that we are getting upstream of</b></p> <p style="text-align: center;">Page 13</p>	<p>1 <b>problems and by the time a recommendation is made we</b></p> <p>2 <b>have taken action to address it.</b></p> <p>3 Q. Okay, so the recommendation comes in from this inquiry</p> <p>4 or from the Grainger Inquiry, it is allocated red, amber</p> <p>5 or green, and then it is discussed at your four-monthly</p> <p>6 meetings, if not sooner?</p> <p>7 <b>A. It would be discussed sooner, because the other thing</b></p> <p>8 <b>that I do is I have a senior management team, we meet</b></p> <p>9 <b>fortnightly, and so something like that would be brought</b></p> <p>10 <b>up amongst the senior management team and we make</b></p> <p>11 <b>a decision as to what we need to do it about it.</b></p> <p>12 Q. I am looking at page 6, in case it is helping you -- you</p> <p>13 know all of this off the top of your head -- but do you</p> <p>14 also ensure that each recommendation is allocated</p> <p>15 an individual owner?</p> <p>16 <b>A. Yes, we do.</b></p> <p>17 Q. Is that owner someone at the national level?</p> <p>18 <b>A. Yes, I mean generally it is. On occasions it is</b></p> <p>19 <b>a member of my senior management team who will drive it,</b></p> <p>20 <b>depending on their particular area of responsibility.</b></p> <p>21 <b>Sometimes we second people in from individual forces to</b></p> <p>22 <b>come and lead nationally on individual pieces of work,</b></p> <p>23 <b>it would vary according to what needs to be done.</b></p> <p>24 Q. Thank you.</p> <p>25 We have heard, but you can confirm, that Code of</p> <p style="text-align: center;">Page 14</p>
<p>1 Practice on armed policing and the police use of</p> <p>2 less-lethal weapons was revised and reissued in</p> <p>3 January 2020, is that correct?</p> <p>4 <b>A. That's correct, it is.</b></p> <p>5 Q. I would assume from your role that you were involved in</p> <p>6 that particular piece of work?</p> <p>7 <b>A. I was.</b></p> <p>8 Q. Page 6, at the bottom, we can see section 3.2 of that</p> <p>9 code. I don't propose to read all of it out, but one of</p> <p>10 the things it references is:</p> <p>11 "Chief officers should ensure that known and</p> <p>12 reasonably foreseeable threats and risks in their police</p> <p>13 areas which may be relevant to the use of police</p> <p>14 firearms and less-lethal weapons are assessed in</p> <p>15 establishing the required capability and capacity the</p> <p>16 following should be considered ..."</p> <p>17 Over the page, that expressly includes the top two</p> <p>18 bullet points on page 7:</p> <p>19 "Identified good practice and recommendations by</p> <p>20 policing for external bodies."</p> <p>21 <b>A. Yes.</b></p> <p>22 Q. These recommendations, this good practice, should feed</p> <p>23 in at the threat and risk assessment stage, as you</p> <p>24 foreshadowed earlier?</p> <p>25 <b>A. Yes.</b></p> <p style="text-align: center;">Page 15</p>	<p>1 Q. Did you issue a document in October 2019 to every force</p> <p>2 providing direction on the compilation of armed</p> <p>3 policing, strategic threat and risk assessments?</p> <p>4 <b>A. Yes, that was as a result of a review and we reissued</b></p> <p>5 <b>the guidance to forces in terms of the formation of</b></p> <p>6 <b>those strategic threat and risk assessments to try and</b></p> <p>7 <b>make it clearer to them.</b></p> <p>8 Q. Whilst I am sure it was a very complicated document,</p> <p>9 what was the key issue that you wanted the forces to</p> <p>10 take away from issuing that circular?</p> <p>11 <b>A. It was really about national consistency, there was some</b></p> <p>12 <b>inconsistency in terms of the quality of the documents,</b></p> <p>13 <b>we were trying to raise the quality to make sure the</b></p> <p>14 <b>consistency was there across the police service, so that</b></p> <p>15 <b>obviously lessons were learned in all forces</b></p> <p>16 <b>appropriately.</b></p> <p>17 Q. Again, I apologise if for you it seems very obvious but</p> <p>18 why is it important for good practice and</p> <p>19 recommendations to feed into the threat and risk</p> <p>20 assessments?</p> <p>21 <b>A. Okay, putting it simply, obviously armed policing is one</b></p> <p>22 <b>of the most high-risk operational deployments that the</b></p> <p>23 <b>police undertake.</b></p> <p>24 <b>As a sort of non-armed police service, we invest</b></p> <p>25 <b>that skill in probably 5 per cent of our frontline</b></p> <p style="text-align: center;">Page 16</p>

4 (Pages 13 to 16)

1 officers. We are very keen to make sure there is  
 2 operational interoperability across force boundaries,  
 3 national consistency because it is a high-risk area of  
 4 policing, to make sure we minimise the risk to members  
 5 of the public and to officers and the operational  
 6 interoperability is really just words that describe the  
 7 fact that in the main, if you have a serious incident  
 8 such as an active shooter, no one force is capable of  
 9 dealing with that on their own, with perhaps the  
 10 exception of the Metropolitan Police Service.  
 11 So it will be a cross-border response, as it was  
 12 with Derrick Bird in Cumbria, where firearms officers  
 13 from other forces will come cross boundary into that  
 14 force and they will end up having to work with firearms  
 15 officers from the home force.  
 16 If they were not operationally interoperable, and  
 17 they were not trained to the same standards and  
 18 performing the same tactics, using the same terms,  
 19 et cetera, there is a real risk there you would end up  
 20 with either a blue-on-blue conflict or increased risks  
 21 to subject or members of the public. That  
 22 interoperability and consistency of standards is  
 23 absolutely paramount in terms of public and officer  
 24 safety.  
 25 Q. In short terms, if officers are all acting consistently

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1 Q. We have been calling it the curriculum throughout,  
 2 because it is a little bit less of a mouthful.  
 3 A. Yes.  
 4 THE CHAIRMAN: Only a little.  
 5 MS MCNEILL: Appreciating what you said at the outset, that  
 6 that is primarily the responsibility of the College of  
 7 policing but you would feed into any developments.  
 8 A. Correct.  
 9 Q. Is the importance of the NPFTC to provide that  
 10 consistency you have emphasised across forces?  
 11 A. I would suggest it is the most important document,  
 12 because it describes the training standards, the  
 13 resource standards, the equipment, et cetera, that is  
 14 required for each of the role profiles.  
 15 Firearms is split up into role profiles, from  
 16 authorised firearms officer, armed response vehicle  
 17 officer, specialist firearms officers and so on. Each  
 18 of those role profiles is described within the  
 19 curriculum, in some detail, as to what those officers  
 20 need to be trained in, the different modules of  
 21 training. That is then given to forces to develop their  
 22 training plans.  
 23 It provides, if you like, the national umbrella of  
 24 consistency to make sure that all officers are trained  
 25 to the same standards.

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1 across different forces they can more effectively work  
 2 together --  
 3 A. Correct.  
 4 Q. -- and doing that reduces the risk of an operation --  
 5 A. Yes, and not only does it reduce the risk of the  
 6 operation but it also enhances the chances of that  
 7 operation being brought to a successful conclusion,  
 8 because they can, rather than having to delay a tactic,  
 9 so they can work out how they are going to perform it  
 10 together, they know because they perform -- we call it  
 11 the dance steps.  
 12 So if it was moving through a building, for example,  
 13 and entering a room, the last thing you would want is  
 14 officers from different forces falling over each other  
 15 because they are not sure who is going in what order.  
 16 So operational interoperability in terms of tactics is  
 17 absolutely vital, so that it doesn't matter if you are  
 18 from Lancashire or West Midlands you know who is going  
 19 through the door first and the language that is going to  
 20 be used, et cetera.  
 21 Q. If we look at the bottom of that page, you have provided  
 22 bullet points about the NPFTC, that is just the  
 23 curriculum is it?  
 24 A. Yes, it is, it is the National Police Firearms Training  
 25 Curriculum.

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1 Q. Can a force choose to deviate from the curriculum in  
 2 their training?  
 3 A. So two points on that.  
 4 I think if you follow the thread back to the Code of  
 5 Practice, it will say that the chief constable is  
 6 required to have regard to the authorised professional  
 7 practice. Of course, if they are having regard to the  
 8 authorised professional practice, the curriculum is the  
 9 thing that describes the training, to meet the  
 10 authorised professional practice, so they are required  
 11 to have regard to it.  
 12 In the event they want to deviate, then they should  
 13 document their rationale for deviating from it and be  
 14 prepared to justify that in circumstances such as this.  
 15 I think it is important to point out that the  
 16 curriculum, although it describes the modules,  
 17 et cetera, it will be for the chief firearms instructor  
 18 and their team within an individual force to then  
 19 produce the lesson plans for officers, to train them in  
 20 that particular curriculum or in that particular module.  
 21 Of course those training plans can have nuances, they  
 22 can alter slightly around the country depending on the  
 23 circumstances that they are operating in. So you could  
 24 be in a vast rural force or you could be in a very urban  
 25 built-up force, with lots of crowded places. So the

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<p>1 training that officers receive in relation to the</p> <p>2 curriculum might be slightly nuanced but for example if</p> <p>3 they are trained in the module they will all perform the</p> <p>4 same movements, but there might be some local variations</p> <p>5 depending on the environment that they are expected to</p> <p>6 carry out those tactics in. That doesn't mean they are</p> <p>7 inconsistent, they are required to stick to the</p> <p>8 curriculum but the local lesson plans might be</p> <p>9 influenced by the local environment.</p> <p>10 THE CHAIRMAN: If a decision is taken because of, for</p> <p>11 instance, the urban nature of the area covered by</p> <p>12 a particular force as opposed to a rural one, you would</p> <p>13 expect, would you, clear documentation to set out any</p> <p>14 deviations from accepted policy, and the reasons for</p> <p>15 those?</p> <p>16 <b>A. Yes, sir. I think there are two levels to that.</b></p> <p>17 <b>I think if a force is going to deviate from the</b></p> <p>18 <b>curriculum or the APP, you would expect a very clearly</b></p> <p>19 <b>documented rationale for that, so they can justify it.</b></p> <p>20 <b>I think when they are coming up with lesson plans,</b></p> <p>21 <b>et cetera, that is their interpretation of how they want</b></p> <p>22 <b>to implement something locally. They are not</b></p> <p>23 <b>necessarily deviating from the curriculum, they are just</b></p> <p>24 <b>producing the lesson plan that is going to be delivered</b></p> <p>25 <b>to the officers locally. They wouldn't necessarily</b></p> <p style="text-align: center;">Page 21</p>	<p>1 document their rationale for why their lesson plan says</p> <p>2 something slightly different to the next force.</p> <p>3 THE CHAIRMAN: I think you know why I am asking this.</p> <p>4 <b>A. I do, yes.</b></p> <p>5 THE CHAIRMAN: For some reason, and I in due course will</p> <p>6 have to get to grips with it, the Met seem to shun</p> <p>7 contain and call out as an option.</p> <p>8 First of all, does that surprise you?</p> <p>9 Secondly, if, as appears to be the case, that is</p> <p>10 their practice, would you expect there to be a clear</p> <p>11 justification for that approach?</p> <p>12 <b>A. Certainly I would expect there to be clear justification</b></p> <p>13 <b>for that approach.</b></p> <p>14 <b>As you describe it, sir, it is quite stark. In the</b></p> <p>15 <b>planning of an operation such as this, which obviously</b></p> <p>16 <b>are quite common in the larger urban forces --</b></p> <p>17 THE CHAIRMAN: Yes.</p> <p>18 <b>A. -- you would expect the operational planners, the</b></p> <p>19 <b>commanders, the tactical advisers to consider a range of</b></p> <p>20 <b>options to decide what the best option is to bring the</b></p> <p>21 <b>operation to a safe conclusion.</b></p> <p>22 <b>It may well be that the best option is the enforced</b></p> <p>23 <b>stop and extraction.</b></p> <p>24 THE CHAIRMAN: Yes.</p> <p>25 <b>A. It may well be that there are alternatives such as</b></p> <p style="text-align: center;">Page 22</p>
<p>1 contain the vehicle and call the subjects out.</p> <p>2 I anticipate that we are probably going to get into that</p> <p>3 when we talk about MASTS in a moment.</p> <p>4 So --</p> <p>5 THE CHAIRMAN: If I have asked the question at the wrong</p> <p>6 time, feel free to defer it until later.</p> <p>7 It is entirely up to you, Ms McNeill.</p> <p>8 MS MCNEILL: Mr Chesterman, when you answered the chairman's</p> <p>9 question and if there is further detail about it that we</p> <p>10 elicit during MASTS we will come back to it, but there</p> <p>11 is no harm in answering now.</p> <p>12 <b>A. There probably is further detail that I could go into,</b></p> <p>13 <b>but I think the point I am making is that I think if it</b></p> <p>14 <b>was a blanket, "We just don't do that tactic", I would</b></p> <p>15 <b>have a concern about that.</b></p> <p>16 <b>If it was, you know, and I can talk a bit more about</b></p> <p>17 <b>MASTS in a moment, if it is more, "We have considered it</b></p> <p>18 <b>and discounted it because ..." Then I would be</b></p> <p>19 <b>perfectly comfortable with that.</b></p> <p>20 THE CHAIRMAN: Thank you.</p> <p>21 MS MCNEILL: Just to clarify your answer, if we are talking</p> <p>22 about contain and call outs from a vehicle, specifically</p> <p>23 as opposed to a building. If it is not that we never</p> <p>24 use it but there is a clear preference within a force</p> <p>25 for a specific tactic, is that something that ought to</p> <p style="text-align: center;">Page 23</p>	<p>1 be documented? It is a slightly different situation</p> <p>2 than, "We never ..."</p> <p>3 If it was --</p> <p>4 <b>A. Not necessarily. I think if an individual force decided</b></p> <p>5 <b>they were never going to employ that tactic from a MASTS</b></p> <p>6 <b>platform, I would expect them to justify that.</b></p> <p>7 <b>But each individual planning for each individual</b></p> <p>8 <b>operation, you would expect a range of tactics to be</b></p> <p>9 <b>considered and those that had been discounted would be</b></p> <p>10 <b>discounted within the planning of that operation.</b></p> <p>11 <b>I don't think you can sort of have a general, "We would</b></p> <p>12 <b>never employ that tactic", you would expect in the</b></p> <p>13 <b>planning for an operation for them to consider a range</b></p> <p>14 <b>of tactics and settle on the one that is their favoured</b></p> <p>15 <b>option to minimise risk, because contain and call out</b></p> <p>16 <b>may not be the safest option under the circumstances.</b></p> <p>17 <b>THE CHAIRMAN: No.</b></p> <p>18 MS MCNEILL: It is an operation-by-operation decision, or it</p> <p>19 should be?</p> <p>20 <b>A. It should be, yes, because every operation can be</b></p> <p>21 <b>slightly different.</b></p> <p>22 MS MCNEILL: Sir, we are going to look at MASTS in more</p> <p>23 detail once we have looked at the recommendations, so</p> <p>24 I will ensure we pick this back up when we reach that</p> <p>25 and I am sure Chief Constable Chesterman will remind me</p> <p style="text-align: center;">Page 24</p>

1 if we don't.  
 2 THE CHAIRMAN: Thank you very much.  
 3 MS MCNEILL: No, no, sir.  
 4 Before we move on to some of the specific  
 5 recommendations that have been made, I just want to pick  
 6 up on something you said. You said that the curriculum  
 7 was in your view the most important document. Can you  
 8 please tell us how it relates to the APP --  
 9 **A. Certainly.**  
 10 Q. -- and why it is more important then or if it is perhaps  
 11 more just useful than the APP? How the two relate would  
 12 be helpful.  
 13 **A. Okay, so I think when I used the term "important",**  
 14 **I meant from my perspective as the national lead in**  
 15 **terms of driving national consistency, but it is not in**  
 16 **a sort of hierarchy of importance. I guess probably the**  
 17 **defining document is the Code of Practice, because that**  
 18 **has some statutory footing, and as I say it is codified.**  
 19 **Then a range of different police disciplines have their**  
 20 **own authorised professional practice, one of which is**  
 21 **armed policing. So if you like, that is a fairly**  
 22 **strategic description of the things that forces must do**  
 23 **or should do and those two words are quite specific**  
 24 **within the guidance, there are "musts" and there are**  
 25 **"shoulds".**

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1 would probably sit with subject matter experts to try  
 2 and understand what needs to be done as a result of the  
 3 recommendation in terms of delivering that  
 4 recommendation. The draft would be produced and it is  
 5 likely to go out to consultation across the police  
 6 service for several months before it is actually  
 7 changed.  
 8 In the meantime, if I need to pull levers to make  
 9 sure that forces are starting to think differently about  
 10 a certain tactic or they need to understand the learning  
 11 from an operation or an incident, I issue what are  
 12 called national circulars, which are in effect letters,  
 13 but I would write to every individual Chief Constable or  
 14 force firearms lead or their operational leads to say:  
 15 "You need to know that this is happening in the  
 16 background and therefore you need to be cognisant of it  
 17 when you are planning operations."  
 18 We do issue national circulars on a regular basis to  
 19 keep people up to speed with developments and then the  
 20 curriculum and the APP sort of catch up later on,  
 21 because otherwise we would be rewriting the APP and the  
 22 curriculum probably on a fortnightly or three-weekly  
 23 basis, whereas we can issue national circulars in  
 24 interim to start things moving.  
 25 Q. You would expect individual forces to have regard not

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1 **Sitting underneath the APP, which is**  
 2 **a strategic-level document, is the more tactical**  
 3 **curriculum that describes, "... and these are the exact**  
 4 **things that officers need to be able to do to deliver**  
 5 **the APP".**  
 6 Q. The curriculum should be built on the APP --  
 7 **A. Yes --**  
 8 Q. -- generally speaking?  
 9 **A. -- but again it is a two-way thing. It is to deliver**  
 10 **the code, it's to deliver the APP but it is also built**  
 11 **practically from the ground up in terms of these are the**  
 12 **issues that officers are facing and this is what we need**  
 13 **to train them to be able to deliver safely.**  
 14 Q. The reason I ask that is in terms of organisational  
 15 learning and recommendations, if there is  
 16 a recommendation made or some important discovery in  
 17 an inquiry, is the process that you go away and you have  
 18 to think about whether the APP in armed policing has to  
 19 be updated and then based on that the curriculum, both  
 20 at once, or would you update the curriculum immediately  
 21 and look at the APP later? I just want to understand  
 22 that process, right now.  
 23 **A. Certainly the updating of these documents does take**  
 24 **time. There is a certain level of probably helpful**  
 25 **bureaucracy involved in it, whereby a working group**

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1 only to the current curriculum, but also to any recent  
 2 developments circulated in those circulars?  
 3 **A. Yes, so those circulars in a way are my advice and**  
 4 **guidance to forces so I would expect them to be**  
 5 **considering them as they plan armed operations.**  
 6 Q. You set out at the top of page 8 that specifically those  
 7 circulars are sent to force firearm leads, chief  
 8 firearms instructors, operational leads and to the  
 9 national armed policing portfolio and less-lethal  
 10 weapons working groups?  
 11 **A. Correct.**  
 12 Q. Bearing in mind they go to the chief firearms  
 13 instructors, would you expect local training to be  
 14 amended as required, even if the curriculum hasn't yet  
 15 been updated?  
 16 **A. So I would expect them to consider whether there is**  
 17 **anything they need to do locally, based on whatever is**  
 18 **in the circular. Those national circulars vary, you**  
 19 **know, it could be something quite fundamental or it**  
 20 **could be just a simple piece of advice or learning. So**  
 21 **I would expect them to consider them.**  
 22 Q. Understanding that there is a level of bureaucracy, are  
 23 you able to help us understand how regularly the  
 24 curriculum and/or the APP in armed policing have been  
 25 updated since I suppose -- since 2015 and this incident?

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<p>1 <b>A. Well, if you like they are organic documents that are</b>  2 <b>regularly reviewed and regularly updated. Sometimes</b>  3 <b>they are minor amendments and sometimes they are quite</b>  4 <b>significant amendments and the College has a process of</b>  5 <b>putting the amendments out to consultation, but they</b>  6 <b>also have -- they would be able to explain this much</b>  7 <b>better than I would, but they have a gateway review</b>  8 <b>process as well with seniors from the College sitting on</b>  9 <b>it that actually sign the guidance off. So if there is</b>  10 <b>an amendment to the APP, it would go in front of the</b>  11 <b>College committee that would agree that that is now the</b>  12 <b>guidance and it would be signed off.</b></p> <p>13 <b>It does take a little time, but that doesn't mean we</b>  14 <b>cannot communicate what is coming to forces in the</b>  15 <b>meantime.</b></p> <p>16 Q. How much time, how long does that take, that amendment  17 process take in broad terms?</p> <p>18 <b>A. I think it would depend on the level and detail of the</b>  19 <b>amendments, but if I needed to amend the APP today, it</b>  20 <b>would probably take two or three months to actually get</b>  21 <b>it published because of the consultation period. But</b>  22 <b>that doesn't mean I couldn't put national circulars out</b>  23 <b>to influence force thinking on planning, et cetera.</b></p> <p>24 Q. Back to my original question about how many times it has  25 been updated since 2015. I am looking at it the wrong</p> <p style="text-align: center;">Page 29</p>	<p>1 way then, am I? It is not a wholesale revision every  2 two years, it is small sections might be updated ad hoc?</p> <p>3 <b>A. Yes, there is a formal review every year, so every year</b>  4 <b>we would sit down and decide whether there are any</b>  5 <b>issues that, you know, from the organisational learning</b>  6 <b>database or from learning from forces, et cetera, that</b>  7 <b>needs the APP to be reviewed, so there is a formal</b>  8 <b>annual process, but that doesn't mean in the interim, if</b>  9 <b>something comes out of an inquiry like this, we cannot</b>  10 <b>react relatively quickly and make some changes.</b></p> <p>11 Q. Please indicate if you cannot answer this question but  12 in your opinion, as of December 2015, at the time of the  13 operation we have been looking at, was the curriculum up  14 to date with organisational learning and/or good  15 practice as at that stage?</p> <p>16 <b>A. So I can only say to the best of my knowledge it would</b>  17 <b>be, without a conversation with the College and actually</b>  18 <b>looking at the audit trail that is a very difficult</b>  19 <b>question to answer, but to the best of my knowledge it</b>  20 <b>is a good document that is very detailed and is up to</b>  21 <b>date at this moment in time, so I would have to assume</b>  22 <b>it was, but I think the College are much better placed</b>  23 <b>to answer that question.</b></p> <p>24 Q. Okay. As long promised, we are going to move to some of  25 the individual recommendations.</p> <p style="text-align: center;">Page 30</p>
<p>1 <b>A. Okay.</b></p> <p>2 Q. Did you at the request of this inquiry go back to your  3 database of previous recommendations from inquiries,  4 inquests or reviews to identify those that may be  5 relevant for us to look at?</p> <p>6 <b>A. Yes, I did.</b></p> <p>7 Q. Can you please explain to us how you identified which  8 recommendations would be relevant?</p> <p>9 <b>A. It was more about which police shootings would be</b>  10 <b>relevant and obviously over the years there have been</b>  11 <b>a number, so myself and my team, we looked at all of</b>  12 <b>them, and there were some that were obviously not</b>  13 <b>relevant to this inquiry and there were a number that</b>  14 <b>were.</b></p> <p>15 <b>We based the relevance on the nature of the</b>  16 <b>pre-planned, so some police shootings clearly are</b>  17 <b>spontaneous, where, you know, perhaps an armed response</b>  18 <b>vehicle is sent to something as a result of a call from</b>  19 <b>a member of the public and sadly that results in</b>  20 <b>a police shooting, so it is fairly spontaneous without</b>  21 <b>necessarily a long period of planning. Whereas I looked</b>  22 <b>at the sort of pre-planned events that had elements that</b>  23 <b>were in common with the shooting of Mr Baker. For</b>  24 <b>example, where there was sensitive intelligence and</b>  25 <b>where there was an element of pre-planning.</b></p> <p style="text-align: center;">Page 31</p>	<p>1 Q. Can you tell us why it was important to identify those  2 that were pre-planned, should there be significant  3 differences between a pre-planned and a spontaneously  4 arising firearms operation?</p> <p>5 <b>A. Yes, I mean clearly the police are prepared for</b>  6 <b>spontaneous firearms operations but, you know, the --</b>  7 <b>a control room could get a call from a member of the</b>  8 <b>public now saying someone has been sighted in the high</b>  9 <b>street with what appears to be a firearm and we will</b>  10 <b>send an armed response to that. So a shooting could</b>  11 <b>occur as a result of something as relatively simple as</b>  12 <b>that, or it could be something where there is</b>  13 <b>intelligence, there is an ongoing investigation, there</b>  14 <b>is perhaps a covert policing investigation ongoing and</b>  15 <b>it gets to the point where the deployment of armed</b>  16 <b>officers is justified. Yes, I think they are quite</b>  17 <b>distinct.</b></p> <p>18 Q. But both the APP and the curriculum would apply equally  19 to spontaneous and to pre-planned operations?</p> <p>20 <b>A. Absolutely, yes.</b></p> <p>21 Q. Can we go to page 13 of NPCC1 --</p> <p>22 THE CHAIRMAN: Can I just establish that none of the core  23 participants or anyone for that matter is suggesting  24 that the list of incidents which has been identified by  25 the Chief Constable is in any way lacking or that there</p> <p style="text-align: center;">Page 32</p>



<p>1 should have been others included?</p> <p>2 MS MCNEILL: No, sir, no one has. As far as we are aware.</p> <p>3 THE CHAIRMAN: Thank you very much.</p> <p>4 MS MCNEILL: What we have become aware of this morning is</p> <p>5 the Chief Constable prepared a very helpful appendix to</p> <p>6 his statement setting out all the recommendations they</p> <p>7 made, which I imagine is quite lengthy.</p> <p>8 That has not as yet been disclosed, but we thought</p> <p>9 it important to emphasise in his evidence, with the</p> <p>10 Chief Constable, how he had identified which were</p> <p>11 relevant and the criteria set out.</p> <p>12 Can we look, please, at the shootings at the bottom</p> <p>13 of page 13 and we see there, nine different shootings</p> <p>14 that you have flagged up for us?</p> <p>15 <b>A. Yes.</b></p> <p>16 Q. I am not going to go through every recommendation made</p> <p>17 as a result of every one of those shootings, but just</p> <p>18 draw out some key ones if I can.</p> <p>19 At page 14 of your witness statement you looked at</p> <p>20 the recommendations arising from the shooting of</p> <p>21 Azelle Rodney. Can we just follow along page 14,</p> <p>22 please, Mr Coates.</p> <p>23 The shooting was in 2005, but the report was</p> <p>24 published in 2013.</p> <p>25 Recommendation 2 was that the MPS, the IPCC and the</p> <p style="text-align: center;">Page 33</p>	<p>1 Association of Chief Police Officers should endeavour to</p> <p>2 establish a protocol which would allow for debriefing</p> <p>3 for future operations while an IPCC investigation is</p> <p>4 progressing.</p> <p>5 You have, have you not, identified a number of</p> <p>6 themes arising in the recommendations set out and you</p> <p>7 will go back to them at the end?</p> <p>8 <b>A. Yes.</b></p> <p>9 Q. That is not to say, is it, that the recommendations</p> <p>10 themselves did not receive a response immediately?</p> <p>11 <b>A. No, I mean all the recommendations -- I mean I think we</b></p> <p>12 <b>are referring to Azelle Rodney now, all the</b></p> <p>13 <b>recommendations were actively pursued and delivered.</b></p> <p>14 Q. You then looked at the recommendations arising from the</p> <p>15 death of Jean Charles de Menezes?</p> <p>16 <b>A. Yes.</b></p> <p>17 Q. There were several reports, there was an IPCC Stockwell</p> <p>18 report 1, IPCC Stockwell 2 report, a rule 43 report</p> <p>19 prepared by the coroner, the Metropolitan Police</p> <p>20 Authority produced their own scrutiny report and you</p> <p>21 note that many of the recommendations in those reports</p> <p>22 are thematic, cross over with others, many were</p> <p>23 addressed solely to the MPS. You are referring solely</p> <p>24 to the three IPCC recommendations and the 21 critical</p> <p>25 success factors identified by HMIC in the learning</p> <p style="text-align: center;">Page 34</p>
<p>1 lessons report in 2008?</p> <p>2 <b>A. Yes.</b></p> <p>3 Q. Thank you.</p> <p>4 Over on to page 15:</p> <p>5 "HMIC recommended that the police use of firearms</p> <p>6 policy be placed under one ACPO lead, who has a remit to</p> <p>7 pull together all the various strands as they exist in</p> <p>8 other manuals. The resultant unification of policy</p> <p>9 further needs to be placed in the Code of Practice to</p> <p>10 secure appropriate levels of compliance."</p> <p>11 <b>A. That's correct.</b></p> <p>12 Q. What step was taken to address that particular</p> <p>13 recommendation for unification of the guidance?</p> <p>14 <b>A. The APP was strengthened, a national circular was sent</b></p> <p>15 <b>to forces and I raised the issue at the National Police</b></p> <p>16 <b>Chief's Council. The recommendation was made,</b></p> <p>17 <b>I believe, because there were certain other manuals such</b></p> <p>18 <b>as the kidnap and extortion manual, such as the personal</b></p> <p>19 <b>protection manual et cetera, that had elements of armed</b></p> <p>20 <b>policing in them. This was just to make sure that there</b></p> <p>21 <b>were no gaps and to make sure that the armed policing</b></p> <p>22 <b>APP was the overarching doctrine in relation to armed</b></p> <p>23 <b>policing.</b></p> <p>24 Q. Thank you.</p> <p>25 Over on to page 16.</p> <p style="text-align: center;">Page 35</p>	<p>1 Sir, of course if any of them I skip over you would</p> <p>2 like me to go back to, please do stop me.</p> <p>3 CSF3 was a recommendation around training, practice</p> <p>4 and doctrine, reflecting the need for a holistic</p> <p>5 approach to threat assessments and contingency planning.</p> <p>6 You have set out there that that was covered in the</p> <p>7 armed deployment chapter of the 2009 manual of guidance</p> <p>8 on the management, command and deployment of armed</p> <p>9 officers?</p> <p>10 <b>A. Yes.</b></p> <p>11 Q. Can you please explain to us as arising from that</p> <p>12 recommendation the importance of threat and risk</p> <p>13 assessments in operations -- we talked about the</p> <p>14 national ones, but in operations?</p> <p>15 <b>A. Okay, so putting it simply, obviously understanding the</b></p> <p>16 <b>threat and risk posed by the subject of the armed</b></p> <p>17 <b>operation, the type of weapons they might be carrying,</b></p> <p>18 <b>et cetera, is absolutely vital, I think that goes</b></p> <p>19 <b>without saying. This area was more about the</b></p> <p>20 <b>multidimensional requirements in terms of threat and</b></p> <p>21 <b>risk assessments. By that I mean that the risk will</b></p> <p>22 <b>change according to what is happening at the time.</b></p> <p>23 <b>For example, if the subjects of the armed operation</b></p> <p>24 <b>don't know that they are under surveillance, they don't</b></p> <p>25 <b>know there is a covert armed operation running against</b></p> <p style="text-align: center;">Page 36</p>

<p>1 them, the risk at that point might be relatively low.</p> <p>2 <b>Whereas once the police, if you like, become overt,</b></p> <p>3 <b>particularly if there are members of the public in the</b></p> <p>4 <b>vicinity, the risk may go up. This was a guidance to</b></p> <p>5 <b>individual planners and firearms commanders to make sure</b></p> <p>6 <b>that they are considering that the risk changes</b></p> <p>7 <b>according to what is happening at the particular time.</b></p> <p>8 <b>You cannot just assess risk and it stays static, the</b></p> <p>9 <b>risk will change according to what's happening in that</b></p> <p>10 <b>particular operation at that particular time, the</b></p> <p>11 <b>vicinity of victims, whether the firearms are present or</b></p> <p>12 <b>not, whether the police are overt or covert.</b></p> <p>13 <b>So, as I say, it is a multidimensional risk</b></p> <p>14 <b>assessment to make sure it moves with the operation and</b></p> <p>15 <b>is reconsidered on each occasion.</b></p> <p>16 Q. Understanding that it will move and develop through the</p> <p>17 operation, at the beginning or planning stage of</p> <p>18 an operation, does the guidance suggest that</p> <p>19 a multi-level threat assessment is conducted at that</p> <p>20 point, anticipating that it will change?</p> <p>21 <b>A. Yes, so the tactical firearms commander will build</b></p> <p>22 <b>a working strategy and part of that working strategy</b></p> <p>23 <b>will be a threat assessment. They will then brief the</b></p> <p>24 <b>strategic firearms commander on that threat assessment</b></p> <p>25 <b>and that should include things such as the threat to</b></p> <p style="text-align: center;">Page 37</p>	<p>1 <b>members of the public and the threat to officers at</b></p> <p>2 <b>various stages of the operation, depending on whether it</b></p> <p>3 <b>is overt or covert.</b></p> <p>4 Q. Thank you.</p> <p>5 If you go over the page to page 17, looking at CSF7,</p> <p>6 at the very bottom, this is talking about briefings.</p> <p>7 That is another theme we see coming through some of the</p> <p>8 recommendations we will turn to, isn't it?</p> <p>9 <b>A. Yes.</b></p> <p>10 Q. In particular the issue of recording briefings?</p> <p>11 <b>A. Yes.</b></p> <p>12 Q. "All tactical briefings for firearms operations,</p> <p>13 including relevant intelligence summaries should be</p> <p>14 routinely recorded to provide an audit trail between the</p> <p>15 strategies and plans identified and the briefing given</p> <p>16 to those who will achieve them."</p> <p>17 That was the recommendation.</p> <p>18 Over on to page 18 we have an extract from what was</p> <p>19 the 2009 manual of guidance in response to that. Again,</p> <p>20 that was subsequently updated, was it not?</p> <p>21 <b>A. Yes, it was.</b></p> <p>22 Q. And built into the APP.</p> <p>23 Turn over to page 19. The question I have is at the</p> <p>24 top of page 19 we see there are three suggested options</p> <p>25 for the recording of briefings, contemporaneous notes,</p> <p style="text-align: center;">Page 38</p>
<p>1 use of formal briefing documents or audio recording.</p> <p>2 <b>A. Yes.</b></p> <p>3 Q. Does the guidance or did the guidance establish</p> <p>4 a preference for how they are recorded, for example</p> <p>5 audio recording, or did it leave it as a matter of</p> <p>6 discretion on the day?</p> <p>7 <b>A. I think to the best of my knowledge it was left as</b></p> <p>8 <b>a matter of discretion. These are examples of how</b></p> <p>9 <b>a briefing may be recorded. Ultimately it would depend</b></p> <p>10 <b>on the circumstances, and again it is back to the</b></p> <p>11 <b>examples I gave earlier on around a spontaneous or</b></p> <p>12 <b>a pre-planned separation. Time may be of the essence,</b></p> <p>13 <b>if you are sending an armed response vehicle to</b></p> <p>14 <b>an emergency call, you may not have time to do some of</b></p> <p>15 <b>those things. In other words, you may just choose to</b></p> <p>16 <b>record the radio traffic between the tactical commander</b></p> <p>17 <b>and the officers in the vehicle, to make sure there is</b></p> <p>18 <b>a recording what they have been told.</b></p> <p>19 Q. Did the guidance or does the guidance set out any</p> <p>20 preference, "If possible then, if not possible then ..."</p> <p>21 or is it entirely a matter for discretion?</p> <p>22 <b>A. Without looking at the guidance, I am not absolutely</b></p> <p>23 <b>sure.</b></p> <p>24 Q. That is okay.</p> <p>25 <b>A. Initially it was some guidance in terms of these are the</b></p> <p style="text-align: center;">Page 39</p>	<p>1 <b>ways you could consider creating a recording of the</b></p> <p>2 <b>briefing.</b></p> <p>3 Q. Thank you.</p> <p>4 <b>A. If that has been beefed up in terms of a preference then</b></p> <p>5 <b>I would have to look at the guidance to confirm that.</b></p> <p>6 Q. That's absolutely fine.</p> <p>7 At the bottom of that page, CSF9:</p> <p>8 "There is an urgent need to review the firearms</p> <p>9 training curriculum to place an emphasis upon the</p> <p>10 command functions and the development of specialist</p> <p>11 command capability, future training for operational</p> <p>12 command needs to be subject to rigorous assessment and</p> <p>13 should be seen as a specialist function rather than as</p> <p>14 a generic but management responsibility."</p> <p>15 It is set out you explain that the NPIA gold and</p> <p>16 silver firearms courses were designed -- were they</p> <p>17 subsequently replaced by the TFC and the SFC?</p> <p>18 <b>A. That's correct, the terminology changed.</b></p> <p>19 Q. But it was first introduced or at least developed</p> <p>20 further in response to the Azelle Rodney shooting?</p> <p>21 <b>A. Yes, I would say "developed further" as opposed to</b></p> <p>22 <b>"first introduced", yes.</b></p> <p>23 Q. Over to page 21.</p> <p>24 CSF13 on page 21 sets out:</p> <p>25 "The adoption of common language authorising</p> <p style="text-align: center;">Page 40</p>

<p>1 specific activity represents a significant advance and 2 should be adopted by all forces and incorporated into 3 the firearms manual when reviewed and assessed for 4 adequacy." 5 Can you please explain what that recommendation was 6 driving at and how it was answered? 7 <b>A. Yes, so these are recommendations from Stockwell, the 8 shooting of Jean Charles de Menezes. At the time 9 a codeword was used to describe a certain tactic, and 10 the inquiry concluded that that codeword could be 11 misleading, could be misinterpreted and the best way to 12 direct officers to take decisive action was by the use 13 of plain language. So it discouraged the use of 14 codewords and encouraged the use of plain language, but 15 so it was ... that is it.</b> 16 Q. Was that specifically at the point of what we would call 17 state amber or state red or throughout the operation? 18 <b>A. Throughout the operation. However, plain language is 19 obviously very important and actually stipulating what 20 must be said at a particular time is obviously very 21 difficult because circumstances change and operations 22 can be quite unique in their nature.</b> 23 Q. Thank you. 24 I am going to jump ahead to CSF15 and it is at 25 page 25:</p> <p style="text-align: center;">Page 41</p>	<p>1 "There is an urgent need to consolidate existing 2 guidance in relation to armed surveillance and to ensure 3 a consistency in doctrine that allows for effective 4 command and control and full interoperability. This 5 needs to be recognised in training curriculum and course 6 design." 7 You have indicated belief that this is -- we are 8 going to deal with it in a bit of detail we return to 9 the MASTS section, but bearing in mind we are still on 10 the Stockwell shooting can you please tell us what this 11 particular recommendation was driving at and its 12 importance? 13 <b>A. Certainly, it was driving at the fact that there is 14 a surveillance manual. The CSF is driving at the fact 15 that there is a risk of gaps or risk as a result of 16 having a surveillance manual that deals with some 17 aspects of armed policing, and a separate armed policing 18 manual, and that this was driving at making sure there 19 is consistency between the two and that was delivered as 20 a result of the CSF.</b> 21 Q. Thematically it falls within the role of what we now 22 call the MASTS team, and we are going to look in a bit 23 of detail at MASTS guidance. 24 <b>A. Yes.</b> 25 Q. Page 28 you flagged up some recommendations arising from</p> <p style="text-align: center;">Page 42</p>
<p>1 the death of Robert Haines, he was shot in Kent in 2006. 2 Is it right that predominantly the recommendations in 3 that incident were related to cross-border issues? 4 <b>A. Yes.</b> 5 Q. We don't need to look into them at this stage then. 6 Likewise the recommendations in relation to the 7 death of Terry Nicholas, can we look at page 30 of the 8 statement, Mr Coates, formal recommendations were not 9 made but you drew out a number of the conclusions that 10 you thought could feed into organisational learning. Is 11 that right? 12 <b>A. Yes, that's right.</b> 13 Q. One of those is, we see it in the middle of the page: 14 "In relation to the planning, decision making and 15 implementation of the operation, the written risk 16 assessment was comprehensive. However, there was 17 limited mention of the risk to Terry Nicholas, given his 18 potential mindset following the two recent incidents, 19 his possible reaction when confronted was not factored 20 into the written assessment. Our investigation 21 concluded that the written risk assessment should have 22 included a more in-depth assessment of the risk to 23 Terry Nicholas himself." 24 So to the subject himself? 25 <b>A. Yes.</b></p> <p style="text-align: center;">Page 43</p>	<p>1 Q. Can you tell us why you drew that out as important for 2 organisational learning and what steps were taken to 3 address it? 4 <b>A. Because in terms of the hierarchy, in terms of planning, 5 obviously the public come first and the protection of 6 the public is absolutely paramount, but also the safety 7 of the officers concerned. But clearly the subject 8 themselves in terms of minimising risk to the actual 9 subjects themselves is very important.</b> 10 <b>In this particular case, this individual was quite 11 emotionally and mentally disturbed, so it was about 12 officers making sure that they are considering how 13 somebody in that particular mindset may react to being 14 confronted by police officers with guns. It was making 15 sure that within that threat and risk assessment they 16 are very cognisant of how the individual might react and 17 what we know about their mental state.</b> 18 Q. Thank you. 19 Going over the page to page 31, you then set out 20 a little bit of detail that revisions were made about 21 threat and risk assessments to the 2009 manual of 22 guidance. Thank you: 23 "A threat assessment refers to the analysis of 24 potential or actual harm to people, the probability of 25 it occurring and the consequences or impact should it</p> <p style="text-align: center;">Page 44</p>

1 occur."  
 2 Each of those levels:  
 3 "It is based on fact, information and intelligence  
 4 and will vary over time."  
 5 Then you set out some bullet points about what  
 6 a threat assessment should include?  
 7 **A. Yes.**  
 8 Q. Recognising this was in 2009, is the question of threat  
 9 assessment one that we see comes through quite regularly  
 10 in some of the reports and recommendations?  
 11 **A. Yes, I mean --**  
 12 Q. More than once, at least, sorry.  
 13 **A. Yes, more than once. Certainly it is an area of -- in**  
 14 **planning, it is something that has to be central to that**  
 15 **planning. What is the threat? What is the subject**  
 16 **likely to do? What is the sort of, if you like, the**  
 17 **least risky way of resolving the incident for the safety**  
 18 **of all concerned?**  
 19 Q. Is the use of threat and risk assessments one of the  
 20 areas of armed policing that you would say is being  
 21 updated, developed, as best you can?  
 22 **A. Yes, and certainly we constantly upgrade and look to**  
 23 **review the command logs. There are, if you like,**  
 24 **generic command logs that all forces use and within**  
 25 **those command logs will be templates around threat and**

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1 **be used carefully to avoid perhaps noise that might**  
 2 **drown out clear commands, et cetera. There are some**  
 3 **recommendations about how and when it should be used and**  
 4 **to what extent.**  
 5 Q. The current status of that particular aspect, the blue  
 6 lights and the giving of warnings, is that it be used  
 7 and there are certain circumstances where the guidance  
 8 suggests it should be used?  
 9 **A. Yes.**  
 10 Q. Again, it is not hugely relevant to us, so I am not  
 11 going to ask you to go into any detail, but I might well  
 12 be asked to come back to any of these points so I am  
 13 just flagging as I go.  
 14 **A. Thank you.**  
 15 Q. Turning to page 33, you looked at the deaths of  
 16 Mark Nunes and Andrew Markland. You considered the  
 17 coroner's findings, he didn't in that instance make any  
 18 prevention of future death reports, but there were IPCC  
 19 reports which made four recommendations.  
 20 One of those I would like to look at is internal  
 21 recommendation 1, which actually made it into the final  
 22 recommendations as well:  
 23 "In serious or complex operations involving  
 24 investigating officers and firearms officers, the role  
 25 of the silver commander should not be undertaken by the

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1 **risk assessments.**  
 2 Q. On to page 32, again one of the other conclusions you  
 3 have pulled out from this particular report was that --  
 4 page 32, thank you, it's the fifth paragraph down:  
 5 "The Commissioner also observed that firearms  
 6 officers should verbally identify themselves as such and  
 7 give a clear warning of their intent to use firearms,  
 8 unless to do so would place any person at risk or would  
 9 be inappropriate or pointless in the circumstances of  
 10 incident."  
 11 You indicated that you are satisfied that was  
 12 already covered at the time --  
 13 **A. Yes.**  
 14 Q. -- in the manual of guidance?  
 15 **A. Yes.**  
 16 Q. There is a little bit more detail below and it doesn't  
 17 really arise in our case so I am not going to go into it  
 18 in depth.  
 19 Is the question of the use of blue lights and  
 20 identifying features for firearms officers again  
 21 something that has been revisited a couple of times as  
 22 a result of recommendations?  
 23 **A. It has been revisited a number of times and it has been**  
 24 **pointed out to forces that clearly it is an option in**  
 25 **terms of signaling the presence of police, but it has to**

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1 senior investigating officer. The silver commander  
 2 should be a suitably qualified officer from the firearms  
 3 command unit."  
 4 Silver command is TFC now?  
 5 **A. Yes. Yes, that's correct.**  
 6 Q. That made it into the final recommendations, which is on  
 7 page 34:  
 8 "The evidence in this case highlights the potential  
 9 conflict between the role of senior investigating  
 10 officer, gathering evidence of a potential prosecution  
 11 and that of silver firearms commander, whose role would  
 12 be to ensure that the safety of public police and the  
 13 subject overrides all operational considerations. This  
 14 conflict can be addressed by ensuring that these two  
 15 roles are not filled by the same person. We therefore  
 16 recommend that in serious or complex investigations,  
 17 involving the deployment of firearms officers, the role  
 18 of silver firearms commander should not be undertaken by  
 19 the senior investigating officer."  
 20 **A. That's correct.**  
 21 Q. We have used the phrase double hatting throughout this  
 22 inquiry when looking at this particular issue.  
 23 **A. Yes.**  
 24 Q. Can you please tell us what actions were taken in  
 25 response to these particular recommendations, but also

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<p>1 bring us up to date as far as you are able to on the 2 current thought process around double hatting or 3 separation of roles? 4 <b>A. Yes, okay, so in these particular roles, where you have 5 somebody who is responsible for the investigation and 6 the prosecution of the offenders, and somebody who as 7 a firearms commander is responsible for the safe 8 resolution of the incident, there is a potential 9 conflict of interest there. So the person responsible 10 for the gathering of evidence and the securing of 11 prosecutions might be tempted to let the job run 12 further, whereas a firearms commander might be tempted 13 to arrest them slightly earlier, when the evidence may 14 not be sufficient to mount a successful prosecution. 15 There is a bit of a conflict there and if the same 16 person is trying to perform both roles, it puts them in 17 a very, very difficult position. That is why this 18 recommendation was made. 19 This related solely to the role of the senior 20 investigating officer and what we now call the tactical 21 firearms commander. Subsequent recommendations have 22 gone further than that to say that, you know, you should 23 not combine the role of investigating officer with 24 firearms commander, whether that is at operational 25 level, tactical level or strategic level, because there</b></p> <p style="text-align: center;">Page 49</p>	<p>1 <b>is a danger of conflict of interest.</b> 2 <b>The only caveat is that in kidnap and extortion 3 cases often the role is still combined and quite rightly 4 so, because the thrust of that is the safe resolution of 5 the incident and the recovery of the hostage and 6 worrying about prosecutions and everything else comes 7 secondary because of the life at risk issue.</b> 8 THE CHAIRMAN: That is a totally discrete type of offence, 9 isn't it? 10 <b>A. Yes, absolutely.</b> 11 THE CHAIRMAN: Yes. 12 MS MCNEILL: Sir, I don't propose to bring it up, we have 13 seen it a number times now, is it the case that the 14 current APP for armed policing essentially says in so 15 many words that the senior investigating officer should 16 not be the TFC? 17 <b>A. Yes, that's correct.</b> 18 Q. Are you aware of whether or not that is an area that is 19 under current revision or as is? 20 <b>A. No, it is quite clear and as is.</b> 21 Q. Back to page 33, if we can, please, Mr Coates, just to 22 pick up on two shorter recommendations that arose from 23 this. 24 One was interim recommendation 2: 25 "The visual recording of firearms operations should</p> <p style="text-align: center;">Page 50</p>
<p>1 be undertaken wherever and whenever it is possible to do 2 so." 3 We will return, but is one of the thematic issues 4 you had identified the recording of firearms operations 5 and MASTS operations in particular? 6 <b>A. It is, yes.</b> 7 Q. Secondly, then we see again: 8 "The audio recording of briefings should be extended 9 to all serious operational briefings, especially those 10 carried out for firearms operations." 11 That goes a little bit further than the previous 12 recommendation; does it not? 13 <b>A. Yes, because it specifies audio recording.</b> 14 Q. We see beneath it, that was addressed by the 2009 15 version of the manual of guidance on the management, 16 command and deployment of officers? 17 <b>A. Yes.</b> 18 Q. "A record should be maintained of all briefings 19 including persons present and information given, as far 20 as practicable the most comprehensive method of 21 providing an accurate record of the briefing should be 22 used." 23 When I asked you before was there a sort of 24 hierarchy, at that stage is a hierarchy being 25 introduced?</p> <p style="text-align: center;">Page 51</p>	<p>1 <b>A. Yes, I mean clearly that recommendation encourages the 2 audio recording so that there is a clear audio 3 recording.</b> 4 Q. Will that be possible in every instance, to audio 5 record? 6 <b>A. It probably won't, but it will be possible in most 7 circumstances.</b> 8 Q. Thank you. 9 It mentions specifically oral briefing, are you 10 aware of currently whether there is any guidance on 11 which briefings would fall outside that guidance or 12 every briefing of a firearms operation -- 13 <b>A. No, not that I am aware of. I mean think formal 14 briefing where the officers are being deployed, you 15 would expect there to be a recording.</b> 16 Q. Thank you. 17 Again, it's something we are going to come back on, 18 was one of the recommendations in this case about the 19 recording of surveillance or radio channels? 20 <b>A. Okay, yes.</b> 21 Q. Turning to Mark Duggan on page 34, a lot of these are 22 ones we will come back to, again the scene of the 23 shooting was not recorded? 24 <b>A. Yes.</b> 25 Q. Is that picked up in the thematic response to video</p> <p style="text-align: center;">Page 52</p>

<p>1 recording MASTS operations or firearms operations?  2 <b>A. Yes.</b>  3 Q. The armed police operation was not recorded after state  4 red was called. Is that the video recording again or is  5 that audio recording?  6 <b>A. I imagine that is relating to audio recording.</b>  7 Q. Of the radio channels?  8 <b>A. Yes.</b>  9 Q. When we talk about audio recording of the radio  10 channels, does that include as between a control room to  11 the officers on the ground?  12 <b>A. Yes, although I understand that is quite technically</b>  13 <b>difficult in a covert operation because of the nature of</b>  14 <b>the technology. But I am sure we are going to come to</b>  15 <b>it and address it when we talk about body-worn video and</b>  16 <b>recording of MASTS operations.</b>  17 Q. Indeed, and you would say that is where this particular  18 issue is best captured, within the work that is ongoing  19 as part of your portfolio?  20 <b>A. Yes.</b>  21 Q. At page 35, again I am just flagging a couple that we  22 have seen come up before, and that we will come back to,  23 provisional recommendation 2 was that ACPO or its  24 successor organisation, the NPCC, and the College of  25 policing should explore and report on the feasibility of</p> <p style="text-align: center;">Page 53</p>	<p>1 recording all radio communications taking place during  2 firearms, covert firearms operations.  3 Provisional recommendation 4 flags that the NPCC and  4 the College of Policing should explore and report on the  5 feasibility of audio visual recording in covert armed  6 response vehicles.  7 The final IPCC report repeated the recommendation,  8 did it not, about recording radio communications?  9 <b>A. Yes.</b>  10 Q. Then turning then to Anthony Grainger, which I think is  11 our last inquiry before we look at some of the thematic  12 issues.  13 During the Anthony Grainger Inquiry there were  14 a number of reports produced; were there not?  15 <b>A. There were.</b>  16 Q. Including recommendations?  17 <b>A. Yes.</b>  18 Q. As part of which one was produced by Mr Ian Arundale,  19 from whom the chairman heard last week?  20 <b>A. Yes.</b>  21 Q. One of those recommendations he flagged up was that at  22 number 2:  23 "As a matter of training and policy there should be  24 a presumption that the use of MASTS should be kept as  25 confidential as possible in order to preserve the</p> <p style="text-align: center;">Page 54</p>
<p>1 effectiveness of armed surveillance by limiting  2 knowledge of its usage. Alternative arrest strategies  3 and tactics such as disruption and wait should always be  4 considered at the outset and thought a deployment in  5 order to provide an appropriate range of tactical  6 options to minimise as far as possible the need to  7 resort to potentially lethal force."  8 <b>A. Yes.</b>  9 Q. Is that picked up in the MASTS guidance we are going to  10 look at?  11 <b>A. Yes, it is.</b>  12 Q. Number 3, that all documents and training relating to  13 MASTS clearly differentiate between MASTS as  14 an operational method of supporting surveillance and the  15 additional tactical options of intervention and  16 interception that MASTS-trained AFOs can deliver?  17 <b>A. Yes.</b>  18 Q. This one I think we can take briefly.  19 The guidance has at least since the Anthony Grainger  20 Inquiry made clear has it not that MASTS itself is not  21 a tactic?  22 <b>A. No, it is a platform.</b>  23 Q. A platform from which officers deploy and tactics can be  24 used?  25 <b>A. Correct.</b></p> <p style="text-align: center;">Page 55</p>	<p>1 Q. Is that the complete answer to that particular  2 recommendation, so we don't need to come back to it?  3 <b>A. I think so. I think it is widely understood and widely</b>  4 <b>reinforced that MASTS in itself is a platform, from</b>  5 <b>which a variety of tactics can be launched, whether that</b>  6 <b>is by deploying officers on foot from vehicles or</b>  7 <b>various vehicle tactics.</b>  8 Q. What is the importance of drawing that distinction?  9 <b>A. The importance of drawing that distinction is that there</b>  10 <b>is a danger that you could image that certain tactics</b>  11 <b>have been authorised by default because you have</b>  12 <b>authorised a MAST. In other words, and I appreciate</b>  13 <b>what the question is getting at, if for example the</b>  14 <b>mindset was that in deploying a MASTS you have deployed</b>  15 <b>extraction from the vehicle, ie enforced stop and</b>  16 <b>extraction. It was, if you like, to make sure that</b>  17 <b>people understood that the guidance was that MASTS was</b>  18 <b>purely the platform that could lead to enforced stop and</b>  19 <b>extraction, or it could lead to a containment and call</b>  20 <b>out or it could lead to a foot interdiction, for</b>  21 <b>example.</b>  22 Q. In fact we look at number 4, it's at the bottom of this  23 but it's actually the top of page 37. That essentially  24 sets it out:  25 "The authorisation of a MASTS deployment should</p> <p style="text-align: center;">Page 56</p>

14 (Pages 53 to 56)

<p>1 never be considered as a tentative authorisation of the 2 use of vehicle intervention or interception tactics. 3 The working presumption should be that these tactics 4 should only be used when absolutely necessary and when 5 options presenting less risk are clearly inappropriate 6 in the circumstances." 7 <b>A. Yes.</b> 8 Q. You wouldn't disagree with that? 9 <b>A. No.</b> 10 Q. Does the guidance as it now stands, following the 11 Anthony Grainger Inquiry, set that out? 12 <b>A. I believe it to be very clear, yes.</b> 13 Q. Thank you. 14 Again I will skip very quickly through the ones we 15 will come back to. The Anthony Grainger report again 16 mentioned the use of body-worn or vehicle-mounted video 17 during MASTS operations? 18 <b>A. Yes.</b> 19 Q. The need, at number 6, in MASTS deployment, the TFC 20 gives specific directions to the OFC and AFOs in 21 relation to what type of tactic they require and that 22 this direction is based upon both the application of the 23 NDM and, where practicable, tactical advice? 24 <b>A. Yes.</b> 25 Q. Just so we understand that, is that a development of</p> <p style="text-align: center;">Page 57</p>	<p>1 number 4, so that the TFC should specifically say at the 2 point of any intervention or interception, what tactic 3 ought to be employed? 4 <b>A. That would very much depend on the intelligence and very 5 much depend on where the actual tactic is going to be 6 carried out. So there would be a certain amount of 7 flexibility involved, but if it was a static vehicle, as 8 I believe in this case, then they can be quite clear 9 about what type of tactic was going to be employed. 10 But, again, that would depend on things like members of 11 the public in the vicinity.</b> 12 Q. Just to be clear, I am not asking you and will not be at 13 any stage asking what tactic ought to be employed in 14 this instance. My question -- I apologise if it was 15 unclear -- is just: is that what was envisaged in number 16 6 in this recommendation? That specific instructions 17 would be given? 18 <b>A. Yes.</b> 19 Q. Thank you. 20 Is that going to be covered when we return to MASTS? 21 <b>A. I believe so.</b> 22 Q. One of the things it recommended was in number 7: 23 "In protracted, planned armed deployments, a bespoke 24 version control and regularly updated intelligence 25 briefing document is prepared addressing the key issues</p> <p style="text-align: center;">Page 58</p>
<p>1 that enable commanders, tactical advisers and AFOs to 2 properly assess threat and risk, capability and intent, 3 develop appropriate tactical options and brief staff 4 accordingly. The use of the approved grading scale 5 within the document would assist officers to understand 6 the strength and relevance of the intelligence." 7 <b>A. Yes.</b> 8 Q. Can you tell us, please, the importance of this 9 recommendation and how it is addressed? 10 <b>A. Okay, so this relates to command logs. So there would 11 be a command log for the incident that, as I say, is 12 version controlled and is updated throughout the 13 incident as it develops or throughout the planning of 14 the incident. So there is an auditable record of the 15 decisions that were made, why they were made, the sort 16 of perceived threats and risks at the time. Preferred 17 tactics, et cetera.</b> 18 <b>As I said earlier on, there are national templates 19 for command logs and you would expect in line with this 20 recommendation for those to develop as the operation 21 develops, and therefore it is open to scrutiny 22 afterwards.</b> 23 Q. Why do you put this under the category of command logs, 24 where it actually refers to regularly updated 25 intelligence briefing document. Should that be</p> <p style="text-align: center;">Page 59</p>	<p>1 a separate document, or should that be within the 2 command log? 3 <b>A. I think that would depend on the nature of the operation 4 and local procedure, but, having said that, there are 5 nationally mandated command logs that contain command 6 decisions, so in terms of an auditable record of what 7 was planned, what was decided, what the risks were at 8 the time, the command log should contain that.</b> 9 <b>Many forces, and it is good practice to produce 10 briefing documents for officers and they may contain 11 things like pictures of the subjects, maps, et cetera, 12 but again they must be version controlled, auditable and 13 available for scrutiny.</b> 14 <b>You could end up with both. Some operations might 15 just have command logs, others will have command logs 16 and briefing documents. A lot depends on the 17 complexity, the length of the operation, et cetera.</b> 18 Q. For the purposes of organisation learning, which is your 19 main topic, you think that is subsumed within the 20 developments that have been made in command record 21 keeping? 22 <b>A. I do, yes.</b> 23 Q. Thank you. 24 Turning to page 38, most of these we will come back 25 to, but is it right that many of the recommendations</p> <p style="text-align: center;">Page 60</p>

1 arising from the Anthony Grainger report centred around  
 2 special munitions?  
 3 **A. Yes.**  
 4 Q. Specifically were there a lot of them relating to CS  
 5 gas?  
 6 **A. Yes.**  
 7 Q. CS gas was not used in this particular incident, so I am  
 8 not going to ask you any detail about it. Save to  
 9 confirm that is it right that amendments have now been  
 10 made to the Code of Practice on that particular topic?  
 11 **A. There was a root and branch review of all specialist  
 12 munitions in line with the new Code of Practice, or the  
 13 latest version of the Code of Practice. That work is  
 14 now complete, as a result of this recommendation.**  
 15 Q. Page 40 of your statement in the very bottom, one of the  
 16 recommendations made by His Honour Judge Teague QC was  
 17 that a national register of recommendations be set up?  
 18 **A. Yes.**  
 19 Q. You have already set out for us that you have done that?  
 20 **A. Yes.**  
 21 Q. Recommendation 3, on page 41, was:  
 22 "A new Code of Practice on police use of firearms  
 23 and less-lethal weapons contains an express prohibition  
 24 on the use of a new weapon system by the police service  
 25 until the approval process set out in the Code of

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1 **its intended use is or the impact that it might have on  
 2 the person. It has to be scientifically evaluated,  
 3 there would be operational trials and there would be  
 4 medical evaluation as well.**  
 5 **What the new code does, or the latest version of the  
 6 code, is it clarifies that the approval process is that  
 7 the Secretary of State approves, the DSTL, who are the  
 8 scientific advisers to the police, used to be the Home  
 9 Office Scientific Development Branch, now DSTL, they  
 10 would recommend that the item meets the police's  
 11 operational requirement. They would look at the  
 12 operational requirement and say, "That piece of  
 13 equipment meets that operational requirement". They are  
 14 not approving it for use, they are just saying it meets  
 15 the operational requirement, it is the Secretary of  
 16 State that approves it for police use and then it would  
 17 be individual chief constables that would authorise its  
 18 deployment and use. That is how the approval system  
 19 works.**  
 20 **The issue that you raised a moment ago, my  
 21 understanding and I don't know too much about this, was  
 22 that this was part of a sighting system on a weapon.  
 23 The sighting system is part of the weapon, but wouldn't  
 24 necessarily be judged as part of the code, because  
 25 clearly it is an optical sighting system.**

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1 Practice has been completed ..."?  
 2 **A. Yes, that's correct.**  
 3 Q. Again, please do emphasise if this is not a question for  
 4 you. One of the topics that the chairman heard evidence  
 5 on last week was that the addition of a strobe light on  
 6 a weapon was part of a weapons system.  
 7 **A. Hmm.**  
 8 Q. Is the development of the Code of Practice around  
 9 weapons systems something that you could speak to or is  
 10 it better put to the College of Policing?  
 11 **A. I could speak to it.**  
 12 Q. Okay.  
 13 Can you assist us then, please, about following the  
 14 Anthony Grainger, and I know you have set it all out  
 15 here, so feel free to refer to any of the sections on  
 16 your statement, what changes were made about the  
 17 approval process for weapons systems and how that  
 18 applies to additional items on a gun, such as a strobe?  
 19 **A. Okay, so the new code clarifies, as opposed to changes,  
 20 the approval process. Put simply, a new weapon system  
 21 has to be provide for police use by the Secretary of  
 22 State.**  
 23 **That process involves a scientific evaluation of the  
 24 particular item, it involves potentially the medical  
 25 implications of that particular item depending on what**

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1 THE CHAIRMAN: It wouldn't qualify for, of itself, approval  
 2 by the Secretary of State?  
 3 **A. No, it wouldn't, sir, no.**  
 4 **THE CHAIRMAN: No.**  
 5 **A. Ultimately, the only thing that you would do, during the  
 6 scientific evaluation, if you were going to put  
 7 a sighting system onto a weapon, the force would have to  
 8 be satisfied through testing that that hasn't affected  
 9 the balance of the weapon in any way, hasn't affected  
 10 the handling of the weapon. That is the only evaluation  
 11 you would expect.**  
 12 **As far as a strobe light is concerned, that would  
 13 depend on whether the strobe light is likely to have  
 14 an impact on an individual. If it is going to have  
 15 a medical implication. If it is going to have a medical  
 16 implication, then it ought to be medically evaluated.  
 17 However, if it is like a torch for example, if it's just  
 18 an aid to either attract or to help an officer see or  
 19 something like that, it may not.**  
 20 **It would depend on the purpose for which it was  
 21 going to be put to.**  
 22 THE CHAIRMAN: I suspect it might fall into the same  
 23 category as a laser.  
 24 **A. It may well do, sir, yes. Indeed.**  
 25 **I think if the strobe light was such it was likely**

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<p>1 <b>to cause permanent damage to somebody's sight or</b>                  2 <b>something like that, you would expect it to be medically</b>                  3 <b>evaluated but that is not necessarily the case.</b>                  4 MS MCNEILL: Thank you.                  5 Sir, my man is to go quickly but not too quickly                  6 through the Grainger recommendations and then take our                  7 break, so we can return to the thematic issues.                  8 THE CHAIRMAN: Certainly.                  9 MS MCNEILL: Thank you very much.                  10 Turning to page 42 of your statement,                  11 recommendation 5 in the Anthony Grainger Inquiry was                  12 a meaty recommendation that touched on quite                  13 a significant number of issues in armed policing, is                  14 that right?                  15 <b>A. Yes.</b>                  16 Q. I am not going to spend any time looking at the wording                  17 of the recommendation, but what I would like to do is,                  18 over the page on page 43 of your statement, just draw                  19 out the amendments that were made to the SFC                  20 responsibilities/TFC responsibilities as a result and                  21 just ask you to explain those amendments and the reason                  22 for them, if I can.                  23 If you are able to.                  24 <b>A. Okay.</b>                  25 Q. Under the SFC responsibilities, you see what it said in</p> <p style="text-align: center;">Page 65</p>	<p>1 2017, and doing the best that I can, the main change in                  2 the amended version appears to be the very final                  3 sentence, "... must keep the threat and risk assessment                  4 and working strategy under review for the duration of                  5 armed deployment".                  6 <b>A. Yes.</b>                  7 Q. Can you explain to us why that amendment as made and its                  8 significance?                  9 <b>A. Yes, as you can see, the previous version just talked</b>                  10 <b>about keeping the strategy -- setting and reviewing the</b>                  11 <b>strategy based on the threat assessment. Whereas under</b>                  12 <b>the amendment, it is about also making sure that that</b>                  13 <b>threat assessment are continually developed and</b>                  14 <b>reassessed as well. The nuance is that it is not just</b>                  15 <b>basing your strategy on a threat assessment that is just</b>                  16 <b>set and is, if you like, static. It is making sure that</b>                  17 <b>you are making requirements to make sure that threat</b>                  18 <b>assessment and working strategy are updated as things</b>                  19 <b>develop.</b>                  20 Q. For the avoidance of any doubt, in complete fairness,                  21 roughly when was that amendment made?                  22 <b>A. I can't answer that, I am not sure.</b>                  23 Q. It certainly postdates the Jermaine Baker shooting?                  24 <b>A. Yes, it does, yes.</b>                  25 Q. Turning to the TFC responsibilities, again doing the</p> <p style="text-align: center;">Page 66</p>
<p>1 best that I can but correct me if I am wrong, the main                  2 change appears to be at the very end to add:                  3 "... develop an appropriate threat assessment" [as                  4 opposed to 'complete a threat assessment'] and working                  5 strategy for ratification by the SFC where practicable."                  6 <b>A. Yes.</b>                  7 Q. The same questions, can you explain the purpose of that                  8 change? It might well be the same answer.                  9 <b>A. It basically is the same answer, it's just to give a bit</b>                  10 <b>more granularity and to make sure that people are not</b>                  11 <b>just accepting the status quo and they are challenging</b>                  12 <b>things and developing the various different assessments.</b>                  13 Q. Sticking with threat assessments, it has now added that                  14 the tactical adviser has a responsibility to assist the                  15 TFC in developing the threat assessment where                  16 appropriate, so it is bringing that person into this                  17 particular process as well?                  18 <b>A. Yes, and that tactical adviser of course will be</b>                  19 <b>somebody who is operationally competent in the tactics</b>                  20 <b>that they are advising on, so they are a key part of</b>                  21 <b>decision-making process.</b>                  22 Q. Under the heading "Gather information and intelligence",                  23 the new content has added -- can you explain to us,                  24 sorry, the key changes under the "Gather intelligence                  25 and information" heading, because it is a little bit</p> <p style="text-align: center;">Page 67</p>	<p>1 more nuanced than just adding a few extra words.                  2 Could you just tell us the purpose of the amendments                  3 that were made under this particular heading?                  4 <b>A. Yes, so again this is about making sure that rather than</b>                  5 <b>just accepting a threat assessment or a piece of</b>                  6 <b>intelligence, that the commanders are being proactive in</b>                  7 <b>terms of testing the thinking and making intelligence</b>                  8 <b>requirements of officers whose responsibility is to</b>                  9 <b>develop the intelligence. This goes on to make sure</b>                  10 <b>that subject profiles are developed.</b>                  11 <b>So what do we know about the subject of the</b>                  12 <b>operation, and perhaps how they have reacted in the past</b>                  13 <b>to being confronted by the police, et cetera. It is the</b>                  14 <b>profiles of the individual subjects. It is just really</b>                  15 <b>to make sure we are being proactive in terms of</b>                  16 <b>developing the intelligence and not just accepting what</b>                  17 <b>we are told.</b>                  18 Q. Thank you.                  19 At the bottom of page 44, we had the question of                  20 briefings again, it popped up again in this inquiry.                  21 The amendments made at the bottom of that page has                  22 added the specific phrase:                  23 "The TFC is responsible for ensuring that the                  24 briefing is accurate and includes the most current                  25 information and intelligence which supports the threat</p> <p style="text-align: center;">Page 68</p>

<p>1 and risk assessment and prioritised working strategy."  2 It also has added expressly that all briefings  3 should be appropriately recorded.  4 <b>A. Yes.</b>  5 Q. Which we touched on.  6 <b>A. Yes.</b>  7 Q. Was the intention in making that to make it expressly  8 clear that it is the TFC's responsibility to make sure  9 that the briefing is accurate?  10 <b>A. Yes, and again it is continuing on a theme, so not just</b>  11 <b>accepting the intelligence or information you had been</b>  12 <b>provided with, to actually challenge and make</b>  13 <b>intelligence requirements of people. To, if you like,</b>  14 <b>develop the intelligence so that you are making the</b>  15 <b>right decisions based on the most up-to-date</b>  16 <b>intelligence.</b>  17 Q. Thank you.  18 Page 45. What I would like to ask you on this page  19 is, under the first 2017, the amendment says:  20 "The objectives, tactics and contingencies that have  21 been approved should be clearly explained."  22 What you have done there is you have added in  23 "Contingencies"?  24 <b>A. Yes.</b>  25 Q. Then you have added entirely new content -- sorry for</p> <p style="text-align: center;">Page 69</p>	<p>1 keep saying "you", but I assume you were involved in the  2 process for developing these?  3 <b>A. I would have been, yes.</b>  4 Q. The new content states:  5 "In some circumstances, such as MASTS deployment, it  6 may not be known at the time of briefing whether or how  7 an operation may be tactically concluded."  8 <b>A. Yes.</b>  9 Q. Essentially, it might not be known at briefing stage  10 whether it will be a contain and call out or  11 an extraction or an armed enquiry.  12 Can you please explain why this wholly new content  13 was added, if you are able to, and its significance as  14 well?  15 <b>A. I suppose this is back to something that we discussed</b>  16 <b>slightly earlier on, which is that because a MAST has</b>  17 <b>been authorised, it doesn't mean that the tactic to</b>  18 <b>resolve the operation has necessarily been</b>  19 <b>pre-determined, because circumstances change and, for</b>  20 <b>example, there are a number of options off the back of</b>  21 <b>a MASTS platform such as enforced stop and extraction,</b>  22 <b>contain and call out or maybe the opportunity to</b>  23 <b>intercept a subject on foot.</b>  24 <b>You have to be flexible enough to decide what the</b>  25 <b>appropriate tactic is to safely resolve that incident.</b></p> <p style="text-align: center;">Page 70</p>
<p>1 <b>This is very much about pointing out to people that</b>  2 <b>at the time that you have deployed the MASTS platform,</b>  3 <b>you need some flexibility and you need to be continually</b>  4 <b>reassessing the intelligence, the circumstances and the</b>  5 <b>environment to make sure the right tactic is employed.</b>  6 Q. Thank you.  7 Bottom of page 45, please, Mr Coates,  8 recommendation 6 was a repeat of the earlier  9 recommendation we saw, which is to emphasise that MASTS  10 are a platform, not a tactic?  11 <b>A. Yes.</b>  12 Q. Recommendation 7, again, was back to the topic we  13 already look at, which is body-worn video or similar  14 during MASTS deployments --  15 <b>A. Yes.</b>  16 Q. -- and/or the recording of radio channels?  17 <b>A. Yes.</b>  18 Q. Recommendation was the use of video cameras in MASTS  19 vehicles?  20 <b>A. Yes.</b>  21 Q. We need not trouble you with recommendation 9 and we  22 turn very finally before our break then to page 49 and  23 you have flagged a number of recommendations that were  24 made in the IPCC report arising from the death of  25 Jermaine Baker?</p> <p style="text-align: center;">Page 71</p>	<p>1 <b>A. Yes.</b>  2 Q. Recommendation 1 is a familiar one, the use of body-worn  3 cameras?  4 <b>A. Yes.</b>  5 Q. Recommendation 4 states:  6 "As demonstrated in this report there was  7 an inconsistent use of the CLIO system by commanders and  8 loggists ..."  9 It goes on to talk about the policy. You say that  10 whilst specifically addressed to the  11 Metropolitan Police, wider issues in respect of this  12 recommendation, which is command and recording, is  13 consistent with others. So you have seen similar  14 recommendations around the recording of command  15 decisions?  16 <b>A. Yes.</b>  17 Q. That is dealt with in the thematic section that we are  18 coming to after the break.  19 <b>A. Yes.</b>  20 Q. Likewise recommendation 9:  21 "The NPCC or College of Policing and MPS to review  22 the national SFC and TFC logs or FA4s to prompt and  23 adopt consistent use of multidimensional threat/harm  24 risk assessments."  25 That comes in command decisions?</p> <p style="text-align: center;">Page 72</p>

1 **A. Yes.**  
 2 Q. Then, finally, recommendation 11 is around the use of  
 3 inconsistent or contradictory commands given at the  
 4 point of interception. That is not a thematic one, that  
 5 is specific to this inquiry?  
 6 **A. Yes.**  
 7 Q. Can you tell us, is that something you have seen come up  
 8 before or is it something that has come to your  
 9 attention first in this inquiry?  
 10 **A. I can't recall where it has come from. Obviously it has**  
 11 **come up in this inquiry and I have seen issues such as**  
 12 **this before around things like common glossary.**  
 13 **At a level, a common glossary is useful, common**  
 14 **terminology and I spoke earlier on about operational**  
 15 **interoperability. For example, the words that officers**  
 16 **will use to communicate with each other about who is**  
 17 **going into a room first, things like this, that they are**  
 18 **generally common across the police service and that**  
 19 **serves us well, but when it comes it communicating with**  
 20 **a subject about what you want them to do, as has been**  
 21 **pointed out in my statement, there are some real risks**  
 22 **in that, if you pre-determine exactly what officers have**  
 23 **to say to a subject at any particular time, because it**  
 24 **may be that the subject's first language is not English,**  
 25 **for example. It could well be that circumstances change**

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1 is speak plainly and use plain English to make people  
 2 understand what it is you want them to do.  
 3 Different officers in a MASTS deployment for  
 4 example, have different roles when it comes to  
 5 approaching the subjects, but I think that any further  
 6 work on this, if we get too far into exactly what should  
 7 be said to whom by whom and when, I think we could end  
 8 up causing quite a bit of confusion and increasing risk.  
 9 My personal view is that I can't see that any further  
 10 work is required on this at this stage.  
 11 THE CHAIRMAN: You can see how a problem can arise if one  
 12 person is giving instructions to one and somebody is  
 13 giving instructions to another, the recipient of those  
 14 instructions can be seen to be obeying one set of  
 15 instructions yet disobeying another set of instructions.  
 16 **A. Yes, no, I take your point, sir.**  
 17 **I think the issue for me is that, you know, a police**  
 18 **officer who is responsible for, if you like, detaining**  
 19 **a particular subject, should be communicating with that**  
 20 **subject and everybody else should let that officer**  
 21 **communicate with that subject, as opposed to everybody**  
 22 **be shouting at the same person.**  
 23 THE CHAIRMAN: That is a perfect world scenario, isn't it?  
 24 **A. I know it is, and this is the problem. These incidents**  
 25 **are so fast moving and dynamic, and often, you know,**

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1 **dynamically in front of you and officers need the**  
 2 **flexibility to be able to give clear commands in plain**  
 3 **English to people or to signal to them to make them**  
 4 **understand what it is that the officer wants them to do.**  
 5 **I think to pre-determine what you must say to a subject**  
 6 **to make them comply with your commands could be risky,**  
 7 **it could increase the risk.**  
 8 Q. Is the outcome for this particular recommendation that  
 9 the IOPC, the NPCC and the College of Policing -- a lot  
 10 of Cs -- communicated --  
 11 **A. Yes, we have.**  
 12 Q. -- but ultimately reached the conclusion that it  
 13 wouldn't be appropriate to put in place a specific  
 14 requirement for consistent language?  
 15 **A. Yes, I think we have all agreed that there is a danger**  
 16 **we could in fact increase the risk if we stipulate that,**  
 17 **as oppose to reduce it. We are all in agreement.**  
 18 Q. Is there anything that could be done in terms of  
 19 training, if not stipulating what exactly is said, is  
 20 there anything that could be done in terms of training  
 21 to try to reduce the effect of this inconsistency or  
 22 not?  
 23 **A. I think we have done work in the past around the use of**  
 24 **blues and sirens et cetera, and we have given some**  
 25 **guidance on that. The guidance that we give to officers**

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1 **high risk, that, you know, to say who is going to say**  
 2 **who to what at any particular time is really quite**  
 3 **difficult. As I say, I think that if we stipulate that**  
 4 **and try and agree forms of words, then we could increase**  
 5 **the risk because the circumstances change to quickly.**  
 6 THE CHAIRMAN: People are going to be more confused by the  
 7 instructions that they are trying to remember, than by  
 8 the operation itself?  
 9 **A. Correct.**  
 10 MS MCNEILL: Sir, I wonder whether that is a convenient  
 11 time?  
 12 THE CHAIRMAN: Yes.  
 13 I don't know whether you are going to return to it,  
 14 and it may be not an appropriate time to raise it, I am  
 15 looking at the foot of page 43 --  
 16 **A. Yes.**  
 17 THE CHAIRMAN: -- and the section on the gathering of  
 18 information and intelligence and the conveying of  
 19 intelligence.  
 20 MS MCNEILL: Sir, we can return to it now, would be just as  
 21 easy.  
 22 Thank you, when we looked at the heading of  
 23 "Gathering information and intelligence" earlier, you  
 24 explained that many of amendments made were around  
 25 obtaining the best possible information to inform the

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<p>1 risk assessment and to inform the operational decisions 2 that were being made. What I didn't ask you -- it was 3 my fault and the chairman is quite right to have spotted 4 it -- is the corollary is also about conveying that 5 information and disseminating that information to those 6 involved in the operation; is it not? 7 <b>A. Yes, if at all possible. Obviously the officers need to 8 know if the intelligence has changed, yes.</b> 9 Q. What we see, specifically, in the amendment that have 10 been made -- 11 THE CHAIRMAN: In fact it is not so much an amendment, it is 12 very largely the retention of the status quo, because 13 the same words, that this is conveyed as appropriate to 14 those involved, appears both in the amendment and in the 15 previous. You will be aware, Chief Constable, that in 16 this case there has been a difference of opinion, shall 17 we say, as to the extent of which it was legitimate or 18 not, as the case may be, to keep AFOs in the dark about 19 the state of intelligence. 20 <b>A. Yes.</b> 21 THE CHAIRMAN: I don't know whether that is something to 22 which you want to add your views or whether it is best 23 left to those who have already spoken about it. 24 <b>A. Possibly, sir.</b> 25 <b>I mean I think -- I don't know the specifics of this</b></p> <p style="text-align: center;">Page 77</p>	<p>1 <b>individual case, so I can only talk in generic terms, 2 but there are sometimes obviously depending on the 3 source of that intelligence, sometimes it could be 4 unlawful or inappropriate to pass that --</b> 5 THE CHAIRMAN: Let's assume it is not, in this case. 6 <b>A. Yes, well, sir, you would expect if the intelligence 7 picture changes, then providing there is the opportunity 8 to do so, and it is not unlawful to do so, because of 9 matters you will understand --</b> 10 THE CHAIRMAN: Yes? 11 <b>A. You would expect the officers to be given the most 12 up-to-date intelligence around the threat.</b> 13 THE CHAIRMAN: And trusted to use it as they wish? 14 <b>A. Yes, I mean, but again I am talking in generic terms and 15 I don't know the actual specifics of this case, so --</b> 16 THE CHAIRMAN: It may be that that is something which you 17 can be appraised of during the break and asked about it 18 later or not, as the case may be. 19 MS MCNEILL: Sir, we will look into it during the break to 20 see how far we can go. What I think this witness can be 21 asked is in your role and your responsibilities around 22 organisational learning, is the question of 23 dissemination of intelligence something which has come 24 up before that you have had to undertake any work on or 25 is it a new issue?</p> <p style="text-align: center;">Page 78</p>
<p>1 <b>A. Certainly when it comes to sensitive intelligence 2 I have, yes, but depending on the circumstances at the 3 time, the dynamic nature of incident, and what is 4 happening at the time, if the intelligence picture 5 changes, you would expect the officers to be updated.</b> 6 Q. Thank you. 7 Sir, might we take -- not least so I can just 8 canvass on that particular point -- a break until 11.50, 9 we have no difficulty finishing on time today. 10 THE CHAIRMAN: No, I am not worried about that. If you 11 think we need a little more time, we can resume at 12 12.00. 13 MS BLACKWELL: 11.50 should be fine. 14 THE CHAIRMAN: 11.50 it is, thank you. 15 (11.34 am) 16 (A short adjournment) 17 (11.55 am) 18 MS MCNEILL: Sir, thank you for the time. 19 THE CHAIRMAN: Not at all. 20 MS MCNEILL: Having had the opportunity to look at the 21 evidence the witness has given, I think in terms of the 22 intelligence question we have taken it as far as we are 23 able to with this witness. 24 THE CHAIRMAN: Absolutely. 25 MS MCNEILL: Hopefully for this part of the session, Chief</p> <p style="text-align: center;">Page 79</p>	<p>1 Constable, we are going to hear your voice more than 2 mine and I am going to ask you to turn to page 51 of 3 your witness statement. 4 It is NPCC1, Mr Coates. 5 THE CHAIRMAN: 51? 6 MS MCNEILL: Yes. 7 We have laid the groundwork for a number of the 8 thematic issues that the NPCC have been looking at over 9 the years in response to a number of recommendations of 10 inquests and inquiries. What I am going to do now is 11 take you through those themes, and I would like you in 12 relation to each of them to emphasise for us the work 13 that has been ongoing, and in particular where we are 14 now and what the current situation is. 15 <b>A. Sure.</b> 16 Q. For armed policing on those themes. 17 I will interrupt you as I need to as we go along to 18 draw out particular issues, but broadly speaking that is 19 what we would like to cover. 20 <b>A. Yes.</b> 21 Q. In relation to MASTS, is it right that there was 22 guidance in place in 2005 under the manual of guidance 23 on the police use of firearms, but which did have 24 a section on MASTS -- sorry, did not have section on 25 MASTS?</p> <p style="text-align: center;">Page 80</p>

20 (Pages 77 to 80)

<p>1 <b>A. Yes, that's right.</b></p> <p>2 Q. Can you please describe for us then how the guidance has</p> <p>3 developed and when specific guidance was first put in</p> <p>4 place for the use of a MASTS team?</p> <p>5 <b>A. Yes, I think if you follow the thread back far enough,</b></p> <p>6 <b>if my memory serves me correctly, there had been some</b></p> <p>7 <b>content in the manual of guidance that was actually</b></p> <p>8 <b>removed when the manual of guidance was put into the</b></p> <p>9 <b>public domain. The document, as I say, was made public,</b></p> <p>10 <b>it was published for public consumption. So some of the</b></p> <p>11 <b>more sensitive issues that had previously been in what</b></p> <p>12 <b>was the manual of guidance was removed, because it was</b></p> <p>13 <b>part of the curriculum.</b></p> <p>14 <b>That would explain why it may have been in and then</b></p> <p>15 <b>it disappeared and some of it has gone back in.</b></p> <p>16 Q. At the time of the Azelle Rodney shootings the guidance</p> <p>17 was as we see on pages 51 and 52 understand the heading</p> <p>18 "Other police interceptions"?</p> <p>19 <b>A. Yes, it was, indeed.</b></p> <p>20 Q. It doesn't expressly mention MASTS?</p> <p>21 <b>A. No, it wasn't.</b></p> <p>22 Q. That was amended in 2006, after the deaths of</p> <p>23 Azelle Rodney and Jean Charles de Menezes, is that</p> <p>24 right?</p> <p>25 <b>A. Yes, that's right.</b></p> <p style="text-align: center;">Page 81</p>	<p>1 Q. Published in April 2006?</p> <p>2 <b>A. Okay.</b></p> <p>3 Q. Then following that we see you had the ACPO manual on</p> <p>4 the management, command and deployment of armed</p> <p>5 officers?</p> <p>6 <b>A. That's right.</b></p> <p>7 Q. That was in 2006 but replaced in 2009?</p> <p>8 <b>A. That's it.</b></p> <p>9 Q. It was reviewed in 2011. Following the deaths of --</p> <p>10 sorry it was reviewed in 2011, and then MASTS were</p> <p>11 covered in the section operational issues, carriage of</p> <p>12 firearms and deployment of AFOs, under the subject,</p> <p>13 "Armed support to covert operations"?</p> <p>14 <b>A. Yes.</b></p> <p>15 Q. Can you please then just -- you guide us through, if you</p> <p>16 will, the key aspects of the guidance that were then</p> <p>17 introduced specifically in relation to MASTS?</p> <p>18 <b>A. Okay.</b></p> <p>19 <b>Obviously MASTS is described in detail in the</b></p> <p>20 <b>curriculum, so this is only intended to be, if you like,</b></p> <p>21 <b>more strategic guidance.</b></p> <p>22 <b>What the guidance sought to do was to separate out</b></p> <p>23 <b>and describe what is meant by armed surveillance, as</b></p> <p>24 <b>opposed to mobile armed support to surveillance, and</b></p> <p>25 <b>operations to counter threats to life, which are -- they</b></p> <p style="text-align: center;">Page 82</p>
<p>1 are different.</p> <p>2 <b>If you want me to focus in on MASTS --</b></p> <p>3 Q. Please.</p> <p>4 <b>A. -- clearly as a result of much of the learning from</b></p> <p>5 <b>various different inquiries, inquests and IOPC</b></p> <p>6 <b>investigations, we obviously looked again at the</b></p> <p>7 <b>training standards, the resourcing standards in terms of</b></p> <p>8 <b>the number of officers to be deployed, to make it</b></p> <p>9 <b>absolutely clear about the level of arming within the</b></p> <p>10 <b>MASTS team, the number of officers required, the type of</b></p> <p>11 <b>equipment they should be carrying, et cetera. All of</b></p> <p>12 <b>that was, if you like, brought up to date, reviewed and</b></p> <p>13 <b>put into the APP and to the curriculum to make sure</b></p> <p>14 <b>there was no, if you like, confusion between a basic and</b></p> <p>15 <b>a standard MASTS and its configuration.</b></p> <p>16 <b>Those were the sort of main changes, together with</b></p> <p>17 <b>things like the requirements of the training of the</b></p> <p>18 <b>officers, which modules they should be trained in, their</b></p> <p>19 <b>fitness standards, medical standards --</b></p> <p>20 Q. Is that the role profiles?</p> <p>21 <b>A. Yes, it is. The role profiles were absolutely, as</b></p> <p>22 <b>I say, clarified --</b></p> <p>23 Q. They are on page 55 of the statement.</p> <p>24 <b>A. We also talk about vetting standards. And, as I say, if</b></p> <p>25 <b>you go on to pages 56 and 57, it talks about the role</b></p> <p style="text-align: center;">Page 83</p>	<p>1 <b>profiles as described in module D. The training</b></p> <p>2 <b>standards on 56 and 57 in relation to what we would</b></p> <p>3 <b>expect officers deployed on a MASTS platform to be</b></p> <p>4 <b>trained in, depending on whether they are performing</b></p> <p>5 <b>a basic or a standard MASTS deployment.</b></p> <p>6 Q. I am just going to pause there to look at page 56, if we</p> <p>7 can.</p> <p>8 This is the first detailed description I have seen</p> <p>9 certainly anyway in your statement about a MASTS team</p> <p>10 and what that might entail?</p> <p>11 <b>A. Yes.</b></p> <p>12 Q. If we draw out some of the key parts of it:</p> <p>13 "Surveillance operations requiring armed support for</p> <p>14 a contingency or planned interception need a higher</p> <p>15 level of tactical capability than that required to cover</p> <p>16 armed surveillance. Such operations will require the</p> <p>17 deployment of armed resources in support of armed or</p> <p>18 unarmed surveillance, with the appropriate tactical</p> <p>19 capabilities to offer effective control measures to</p> <p>20 mitigate the assessed threat, this support is called</p> <p>21 MASTS. Officers providing a MASTS capability will</p> <p>22 operate in covert vehicles on foot and be appropriately</p> <p>23 dressed. The minimum standards which must be met are</p> <p>24 listed below."</p> <p>25 <b>A. Yes.</b></p> <p style="text-align: center;">Page 84</p>

<p>1 Q. "Whilst the national resource standards are outlined 2 below, there may be occasions when it is appropriate to 3 provide specialist armed support to covert policing 4 operations where there is no operational intention to 5 conduct any form of interception or intervention and the 6 assessed threat and level of risk does not necessitate 7 the deployment of an entire MASTS team." 8 <b>A. Yes.</b> 9 Q. I pause there, we talked about how it was emphasised 10 following Grainger that MASTS deployment was not 11 a pre-authorisation for an intervention or 12 an interception, necessarily? 13 <b>A. No, that's right.</b> 14 Q. Even as far as back as this guidance, the deployment of 15 a MASTS did not mean necessarily there would be 16 an intervention or an interception? 17 <b>A. No, it didn't. It was often there as an operational 18 contingency in that case that happened.</b> 19 Q. Thank you. 20 Then it goes on to just explain that the size and 21 equipment might vary depending on the operational need? 22 <b>A. Yes, there are basic standard deployments and, as I say, 23 the role profile stipulates how many officers were armed 24 with what within the MASTS team.</b> 25 Q. We might come back to it in your evidence in a minute,</p> <p style="text-align: center;">Page 85</p>	<p>1 but in terms of who is armed with what, can you tell us, 2 does the guidance set out specifically in any MASTS team 3 which items of equipment ought to be carried? 4 <b>A. Yes, it does. That is within the role profile.</b> 5 Q. I am just looking for it now, if you get to it before 6 me, please do flag it. 7 <b>A. On page 57, there are the national resource standards 8 for basic MASTS capability. Then, at the bullet points 9 there, it talks about how many officers, how many 10 vehicles, what each officer should be carrying. That is 11 the resource standard in terms of the resources they 12 must have with them in terms of firearms, door entry 13 equipment, first aid equipment, et cetera.</b> 14 Q. We see on page 58 as well the same list again for 15 national resource standard for standard MASTS 16 capability, so there's a basic and a standard? 17 <b>A. Yes, indeed.</b> 18 Q. The guidance sets out what the MASTS team as a whole 19 should include? 20 <b>A. Yes, it does.</b> 21 Q. Does the guidance specify what each individual officer 22 chooses to carry, or is that a matter of personal -- 23 <b>A. It does both.</b> 24 Q. -- discretion? 25 <b>A. The role profile will say what each individual officer</b></p> <p style="text-align: center;">Page 86</p>
<p>1 <b>must be trained in and what they must be carrying, but 2 over and above what I would describe as those individual 3 responsibilities, there are team responsibilities. For 4 example, within team somewhere there will be somebody 5 who is trained as an example in enhanced first aid. It 6 doesn't necessarily mean that everybody has to be 7 trained in that, it means it is a team capability. For 8 example, carriage of -- an example would be shotgun 9 breaching rounds, the tyre-deflation rounds. It doesn't 10 mean that everybody has to be carrying that and trained 11 in it, it means there has to be that capability within 12 the team.</b> 13 Q. Likewise it says Taser and L104 launcher to be available 14 within the team, so as long as you meet that 15 requirement, team requirement, then -- 16 <b>A. You have met the profile.</b> 17 Q. -- beyond that the officers can decide whether they want 18 to carry any additional Taser or -- 19 <b>A. It probably wouldn't be up to individual officers to 20 decide that, it would just be for the person in charge 21 of the operation to make sure that they have all the 22 individual responsibilities covered off, in terms of 23 equipment and training, et cetera, and that people are 24 accredited to do the role that they are about to 25 perform, and over and above that within the team, there</b></p> <p style="text-align: center;">Page 87</p>	<p>1 <b>are those things -- forgive me, because I may have 2 misled you when I used enhanced first aid as an example, 3 because everybody would be trained in something called 4 D13, which is enhanced first aid. But the issues you 5 see listed on page 38, the additional skills to be 6 provided within the team. As I say, those are the 7 things that are a team compatibility.</b> 8 Q. Okay, sorry just sticking with equipment. There is the 9 basic or the standard team equipment set out in the 10 guidance, and then, as to what individual officers are 11 carrying, that is to be based on the operational needs 12 over and above this? 13 <b>A. Forgive me, I may have misled you.</b> 14 Q. That is okay. 15 <b>A. The individual officer, to be compliant with MASTS role 16 profile, must be carrying sidearm, carbine, et cetera, 17 over and above that there are team capabilities, such as 18 door opening equipment and things, that have to be 19 available within the vehicle convoy.</b> 20 Q. That is set out in the guidance? 21 <b>A. Yes.</b> 22 Q. Once you meet that capability, if you want it take 23 anything additional, that is a matter for the officer? 24 <b>A. Yes, indeed.</b> 25 Q. Turning then to page 59, we reached the introduction of</p> <p style="text-align: center;">Page 88</p>

22 (Pages 85 to 88)

<p>1 the 2011 version of the ACPO manual of guidance. 2 That was replaced by the authorised professional 3 practice armed policing? 4 <b>A. Yes.</b> 5 Q. At the time of Mr Baker's death, it was the 2013 6 version. 7 Is it right that the 2013 version of the APP on 8 armed policing did not specifically cover MASTS? 9 <b>A. No, that is right, it didn't.</b> 10 Q. Do you know why that was? 11 <b>A. I believe that is because, when we moved -- this is the</b> 12 <b>point, that we moved from the manual of guidance, some</b> 13 <b>of the content of which was restricted, so couldn't be</b> 14 <b>put into the public domain. When it became the</b> 15 <b>authorised professional practice under the College of</b> 16 <b>policing, there was a requirement to make the document</b> 17 <b>public and to put it on the College public website.</b> 18 <b>In order to do so, some of the more restricted</b> 19 <b>content, some of which related to MASTS was removed and</b> 20 <b>bolstered in the curriculum.</b> 21 Q. If one in 2013 wanted guidance on MASTS operations, they 22 would look at the armed deployment chapter under the 23 heading "Options and contingencies"? 24 <b>A. Yes, they would, yes. As I say, much of detail was</b> 25 <b>taken out because of its restricted nature.</b></p> <p style="text-align: center;">Page 89</p>	<p>1 Q. Exactly, so the question then would be what of this 2 guidance -- we can see it is set out at the bottom of 59 3 and the top of 60 -- would help somebody in 2015 to 4 understand what the APP was saying about planning or 5 deploying on a MASTS operation? 6 <b>A. Again, I think this obviously talks about overt and</b> 7 <b>covert armed deployments and talks about the importance</b> 8 <b>of risk assessment and minimising harm, et cetera.</b> 9 <b>It is quite generic in terms of its guidance to</b> 10 <b>commanders and planners to say you have to be cognisant</b> 11 <b>of these things, but clearly the detail in terms of what</b> 12 <b>the platform is and what it is carrying will be in the</b> 13 <b>curriculum, but this is very much focused on sort of</b> 14 <b>threat intelligence, et cetera.</b> 15 Q. For completeness, does the APP now have a specific 16 section on MASTS? 17 <b>A. It does. It is much -- again, there is much more of the</b> 18 <b>detail has gone back in as a result of the learning from</b> 19 <b>various different inquiries.</b> 20 Q. We looked at some of that detail earlier as we went 21 through those inquiries. 22 <b>A. Yes. Just to emphasise, the detail is still in the</b> 23 <b>critic column.</b> 24 Q. Was the detail in the curriculum throughout? 25 <b>A. Yes.</b></p> <p style="text-align: center;">Page 90</p>
<p>1 Q. I would like to ask you about the enforced stop tactic. 2 <b>A. Yes.</b> 3 Q. Can you please explain to us why in July 2013 you 4 commissioned a review into the enforced stop tactic and 5 how that review took place? 6 <b>A. Okay, so this was as a result of the learning from the</b> 7 <b>shooting of Azelle Rodney. I commissioned the review</b> 8 <b>with the College of Policing who led on it, and the idea</b> 9 <b>was to look internationally at what other options are</b> 10 <b>available to the police service, perhaps in other</b> 11 <b>jurisdictions, any learning from our colleagues in</b> 12 <b>Europe or the States, or anywhere for that matter, that</b> 13 <b>might help us in relation to developing the tactic.</b> 14 <b>Obviously it is quite a dynamic tactic, requires use</b> 15 <b>of force, and so really in light of the learning from</b> 16 <b>previous shootings, it was what alternatives are open to</b> 17 <b>the police service. That is really why the report was</b> 18 <b>commissioned. That is a very brief and crude summary of</b> 19 <b>the terms of reference, but ultimately that is what the</b> 20 <b>focus was.</b> 21 Q. Mr Coates, can we bring up page 60, bottom half. Before 22 we look at the summary that you provided for us of the 23 conclusions of that report, can you tell us with whom 24 were the results of that report shared and how did it 25 feed into the organisational learning, as you have</p> <p style="text-align: center;">Page 91</p>	<p>1 described it to us this morning? 2 <b>A. So organisational learning was not as sophisticated as</b> 3 <b>it is now, that is not to say there wasn't</b> 4 <b>organisational learning at the time, but that would have</b> 5 <b>been communicated and promulgated down through the</b> 6 <b>national armed policing portfolio working group --</b> 7 Q. So the meetings that we talked about? 8 <b>A. -- to the regional leads, yes.</b> 9 Q. The report was completed on 11 September 2013. In terms 10 of disseminating it down, there would have been meetings 11 at the national level, filtered down to the regional 12 level, to the force level? 13 <b>A. Yes, it would have been shared with relevant people in</b> 14 <b>force, but at the moment I wouldn't be able to swear on</b> 15 <b>how that happened or what date or by what methodology,</b> 16 <b>but certainly the learning that came out of that, there</b> 17 <b>were a number of recommendations that were made, that</b> 18 <b>were delivered against, so my strong assumption is that</b> 19 <b>the national portfolio would have been the vehicle for</b> 20 <b>that to get into individual forces.</b> 21 Q. Okay. 22 To give my voice a rest and hear yours for a change, 23 can you read for us the findings of that review. 24 I might or the chairman might interrupt you occasionally 25 just to ask you to develop on any of it as we go</p> <p style="text-align: center;">Page 92</p>

1 through.

2 **A. Sure.**

3 **I am now talking from page 62 at the top, where**

4 **there are four recommendations that arose from that**

5 **review --**

6 Q. Sorry, can I go back to page 60 --

7 **A. Certainly.**

8 Q. -- that is where you start the summary of the actual

9 conclusions of that report, if you can start with that,

10 please?

11 **A. You want me to go through the whole thing then?**

12 Q. Yes, please.

13 **A. That is fine.**

14 **I will read it:**

15 **"National guidance in respect of dealing with**

16 **subjects in vehicles is currently documented within the**

17 **APP, armed policing, and has previously included within**

18 **the relevant armed policing manual of guidance from**

19 **which APP AP has evolved. The guidance contains the**

20 **general considerations and implications for commanders**

21 **and AFOs in relation to shooting at or from moving**

22 **vehicles."**

23 **That was a specific thing that we wanted to look at,**

24 **particularly in light of the terrorist threat and the**

25 **emerging use of vehicles as a weapon. Previously we had**

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1 reflects the very limited viable options available when

2 there is a specific requirement to stop a moving vehicle

3 such circumstances and where a combination of risks from

4 the moving vehicle, firearms and the potential of

5 a pursuit have all been considered and minimised.

6 **"The relative status quo suggests that the approved**

7 **tactics currently being utilised are the most effective,**

8 **viable and proportionate at the time."**

9 Q. I am just going to stop you there then. The approved

10 tactics being?

11 **A. Being, we are talking about enforced stop and**

12 **extraction.**

13 Q. No greater detail referred to than that?

14 **A. No, obviously this is a summary of the report, but**

15 **ultimately it was that the conclusion was that that**

16 **tactic is viable and proportionate compared to other**

17 **tactics that might be ...**

18 Q. Thanks, the next two paragraphs focus on the actual

19 mechanics of stopping moving vehicles.

20 **A. Yes.**

21 Q. I would not trouble you with those, but can I ask you to

22 look at the paragraph that begins "The data

23 suggests ..."?

24 **A. Yes:**

25 **"The data suggests that there is an increased**

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1 **said that AFOs should not shoot from or at a moving**

2 **vehicle, that changed as a result of this review.**

3 Q. Thank you.

4 **A. "... and the use of tyre-deflation rounds and other**

5 **specialist munitions, such as CS incapacitants and**

6 **percussion grenades. The guidance has been relatively**

7 **consistent for a number of years. The specific tactics**

8 **approved for use when dealing with subjects in vehicles**

9 **are fully documented within the curriculum. A training**

10 **standardisation curriculum which all police forces in**

11 **England and Wales must comply."**

12 **Do you wish me to continue?**

13 Q. Please.

14 **A. "Both the national guidance and the training curriculum**

15 **are regularly reviewed by strategic and practitioner**

16 **groups in order to ensure that they take account of**

17 **operational learning and the evolution of weaponry and**

18 **equipment.**

19 **"This robust review process, which incorporates**

20 **extensive environmental scanning, has resulted in**

21 **significant changes for many aspects of armed policing.**

22 **Many of those being tactical changes. However, there**

23 **has been very little change to the considerations and**

24 **tactical options relating to stopping and immobilising**

25 **moving vehicles which contain armed subjects. This**

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1 likelihood of the enforced stop followed by the

2 extraction of the subjects tactic being used in the

3 context of a planned MASTS deployment. Whereas in the

4 spontaneous ARV context, that likelihood leans towards

5 a compliant stop, followed by an armed enquiry. This is

6 not surprising given the general differences between the

7 types of deployment."

8 Q. I am going to pause you there again, thank you.

9 Can you please explain to us why that is not

10 surprising, and what it means about the general

11 differences between the types of deployment that explain

12 that. I understand the answers might be in the

13 paragraphs below, but I would rather hear it from you.

14 **A. We touched on this earlier on when I spoke about the**

15 **difference between a pre-planned and a spontaneous**

16 **incident but, for example, in a MASTS operation, for**

17 **a start they are very resource intensive, they are very**

18 **intensive, they are not used lightly, because, as**

19 **I said, they are very resource intensive and they can go**

20 **on for some considerable time as well, and they may need**

21 **to be 24/7, so that involves several teams. As I say,**

22 **they are costly and resource intensive.**

23 Q. The nature of operations that require a MASTS generally

24 are the kinds of operations that require an extraction?

25 **A. Yes, that is exactly right. In other words, if you are**

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<p>1 going to deploy a MASTS, the chances are that the 2 capability of the subjects is such that higher-end 3 tactics are required.</p> <p>4 So it is unsurprising then that that kind of tactic 5 is the result. Whereas in an ARV deployment, where it 6 might be a spontaneous very low level and simple armed 7 enquiry, where there is very little intelligence 8 building up to it, it is just something that happened 9 spontaneously, it is understandable that an ARV may stop 10 a vehicle, approach on foot and do an armed enquiry as 11 opposed to the more dynamic tactic.</p> <p>12 Q. Were there any other factors? I interrupted you before 13 you could tell us.</p> <p>14 A. Not off the top of my head. I think it was mainly about 15 the resource intensive nature of them and also the type 16 of operation or the type of subject you are likely to 17 deploy a MASTS against. Therefore it is more likely 18 that you would see an enforced stop and extraction in an 19 operation such as that when MASTS are exploited, than 20 you would for example when armed response vehicles stop 21 a subject to do an armed enquiry.</p> <p>22 Q. When you say at the end of the paragraph below, "The 23 subjects are those with increased personal jeopardy if 24 detained". Does that just indicate that the seriousness 25 of the operations on which MASTS are generally deployed</p> <p style="text-align: center;">Page 97</p>	<p>1 would indicate that the subjects are likely to what, 2 fight their way out or what does that suggest?</p> <p>3 A. Yes, so without -- I am trying not to sound flippant 4 here, but for example you wouldn't deploy a MASTS 5 deployment against a shoplifter, because it just doesn't 6 warrant that level of deployment and the risk just isn't 7 there.</p> <p>8 The type of operation and the type of subjects that 9 you would authorise a MASTS are the type of people that 10 in the event they get the chance to escape, or if they 11 get captured they are likely to be going to prison for 12 a considerable amount of time. So it is within their 13 interests to try and avoid detection and detention.</p> <p>14 Q. You say, it's at the penultimate paragraph: 15 "The data for both MASTS and ARV vehicle-based 16 deployment suggests a strong tactical preference for the 17 vehicle stop to be initiated by the police. This 18 preference indicates the importance of control in terms 19 of time and location of the stop in order to facilitate 20 tactical flexibility and minimise risk."</p> <p>21 A. Yes.</p> <p>22 Q. Is that another feature of the sort of operations we 23 will see a MASTS team deployed in?</p> <p>24 A. Yes, so I mean clearly the MAST is from a surveillance 25 platform, which means the vehicle should be under the --</p> <p style="text-align: center;">Page 98</p>
<p>1 it should be being watched by surveillance officers. 2 If the vehicle stops in a good place for the 3 intervention to take place, then they may do it there 4 and then.</p> <p>5 But it is easier, and probably safer to try and 6 engineer the vehicle to be in the right place, which 7 means the police take control and decide at a time of 8 their own making when they are going to stop the 9 vehicle, as opposed to allowing the subject to decide 10 when they are going to stop.</p> <p>11 The police want to gain control of the vehicle and 12 its occupants, so generally they would be stopped by the 13 police at a time of the police choosing.</p> <p>14 Q. During this review, did you consider whether the fact 15 that the extraction tactic was most commonly used during 16 a MASTS deployment was also possibly in part to do with 17 a mindset whereby that would become the default? 18 Appreciating that the seriousness of the operation might 19 mean MASTS deployment, but might also mean extraction is 20 suitable --</p> <p>21 A. Yes.</p> <p>22 Q. -- was it a possibility considered at this time that in 23 fact extraction was also considered to be 24 a pre-determined outcome on a MASTS? 25 A. It wasn't considered as part of the review. I think</p> <p style="text-align: center;">Page 99</p>	<p>1 that is part of the reason for having the review, just 2 to make sure that the police service is learning and 3 considering all its options and we are not just 4 authorising a tactic by default.</p> <p>5 That is part of the rationale for having the review 6 in the first places, to try and understand what else is 7 out there to deal with subjects in moving vehicles.</p> <p>8 Q. Could you be satisfied as a result of this review that 9 MASTS were not being used as a default or pre-determined 10 outcome?</p> <p>11 A. I don't think this review gave me that answer, but 12 I think that some of the answers that I have given 13 previously to now is that we have reinforced with forces 14 that MASTS is a platform upon which you launch the right 15 tactic for the right circumstances.</p> <p>16 That could be fully justified as an enforced stop 17 and extraction, but there are other tactics available.</p> <p>18 Q. Of course completely in fairness to you, this was 2013, 19 this predated the Anthony Grainger Inquiry, where we 20 looked at that being a recommendation which had arisen?</p> <p>21 A. Yes.</p> <p>22 Q. You have already taken us through changes made to the 23 APP to emphasise that MASTS does not always mean 24 extraction? 25 A. Yes, that's correct.</p> <p style="text-align: center;">Page 100</p>

25 (Pages 97 to 100)

<p>1 Q. On page 62, you set out the four recommendations that 2 came from that review. Can you just read those for us 3 and tell us what action was taken in response to them?</p> <p>4 <b>A. Yes, okay.</b></p> <p>5 <b>The first one is:</b></p> <p>6 <b>"A review of breaching munitions currently in use by</b> 7 <b>UK police forces. This review to evaluate the</b> 8 <b>suitability of the various munitions for both breaching</b> 9 <b>and tyre deflation and to consider the relevant</b> 10 <b>developments and material used to manufacture tyres and</b> 11 <b>wheels."</b></p> <p>12 <b>This did lead to a review with what is now DSTL, the</b> 13 <b>Defence Science and Technology Laboratory, previously</b> 14 <b>CAST at this time, Centre for Applied Science and</b> 15 <b>Technology. This was because clearly vehicle technology</b> 16 <b>and design has moved on to include things like alloy</b> 17 <b>wheels and run-flat tyres et cetera and we wanted to</b> 18 <b>make sure that we had the right equipment to deflate</b> 19 <b>tyres in the event that that was required tactically.</b> 20 <b>That led to that review and that review is now concluded</b> 21 <b>and we have reviewed all specialist munitions in fact as</b> 22 <b>a result of Grainger and the use of the CS grenade as</b> 23 <b>was used there.</b></p> <p>24 <b>All breaching and tyre-deflation rounds have been</b> 25 <b>reviewed.</b></p> <p style="text-align: center;">Page 101</p>	<p>1 Q. I understand this review was triggered by the 2 Azelle Rodney shooting which of itself occurred during 3 an enforced stop.</p> <p>4 <b>A. Yes.</b></p> <p>5 Q. I understand that, but has a review ever been 6 commissioned or carried out in relation to the use of 7 contain and call out by the police, either during 8 a MASTS operation or otherwise?</p> <p>9 <b>A. Not to my knowledge, no.</b></p> <p>10 Q. The answer might be obvious, but do you know why?</p> <p>11 <b>A. I suspect that is because obviously contain and call out</b> 12 <b>is a fairly standard and lower-risk tactic, because</b> 13 <b>clearly the vehicle is contained by officers and they,</b> 14 <b>as it says on tin, the occupants of the vehicle are</b> 15 <b>called out of the vehicle, with various contingencies in</b> 16 <b>place to stop them getting away.</b></p> <p>17 <b>Obviously extraction from a vehicle is a more</b> 18 <b>dynamic and more high use of force and there was always</b> 19 <b>the risk that it becomes the default, as we have</b> 20 <b>discussed already during my evidence.</b></p> <p>21 <b>That is why that was particularly singled out as</b> 22 <b>something that needed to be reviewed to look at our</b> 23 <b>options, whereas we are quite happy with the contain and</b> 24 <b>call out tactic, and various other tactics that are open</b> 25 <b>to us, so it has never been necessary to review whether</b></p> <p style="text-align: center;">Page 102</p>
<p>1 <b>that tactic is a good tactic or not. It has its place</b> 2 <b>and it should be considered.</b></p> <p>3 Q. Understanding how these reviews arise, generally 4 speaking, big changes, big recommendations, big 5 inquiries, follow the death of an individual?</p> <p>6 <b>A. Yes.</b></p> <p>7 Q. The extraction is a higher risk tactic, is it not?</p> <p>8 <b>A. Yes.</b></p> <p>9 Q. Therefore, a number of the inquiries or inquests that we 10 have been through this morning resulted from 11 an extraction or an enforced stop or both?</p> <p>12 <b>A. Yes, they did, yes.</b></p> <p>13 Q. Is there the risk therefore that lower-risk tactics, 14 which might not be, or which might not result in 15 a fatality, are not receiving as much focus as those 16 higher risk tactics which tend to result in an inquiry, 17 a review or similar?</p> <p>18 <b>A. Yes, I think that is correct.</b></p> <p>19 <b>I think it is important to emphasise that, you know,</b> 20 <b>contain and call out will not be appropriate in many</b> 21 <b>circumstances because of the threat. So where the</b> 22 <b>police need to gain immediate control, and overwhelm the</b> 23 <b>occupants of a vehicle, enforced stop with extraction is</b> 24 <b>a viable and proportionate tactic to be used under the</b> 25 <b>right circumstances, but I would expect the planners to</b></p> <p style="text-align: center;">Page 103</p>	<p>1 <b>have considered other options and discounted them and be</b> 2 <b>able to explain why.</b></p> <p>3 Q. For the avoidance of any doubt, I am not asking nor am 4 I going to ask you what the correct tactic was in this 5 particular case.</p> <p>6 <b>A. Yes.</b></p> <p>7 Q. Nor am I putting to you or will suggest to you that 8 extraction is not a valid or useful technique.</p> <p>9 <b>My question, and the purpose of my questions, is to</b> 10 <b>understand wouldn't it assist to have a better</b> 11 <b>understanding of the less risky tactics available, how</b> 12 <b>they are being used, whether they could be used better</b> 13 <b>and whether or not the training or the guidance could be</b> 14 <b>improved to facilitate them being used better or more</b> 15 <b>often?</b></p> <p>16 <b>A. I am not going to say no, because I suppose the answer</b> 17 <b>to that is possibly. From my perspective, I think this</b> 18 <b>is down to the intelligence and the planning of</b> 19 <b>an operation. We have spoken about multidimensional</b> 20 <b>threat assessments and making intelligence requirements</b> 21 <b>to make sure that the intelligence is being developed,</b> 22 <b>but leaving this case to one side for a moment, if you</b> 23 <b>think that the people in a vehicle, a moving vehicle,</b> 24 <b>there is an immediate threat to life or you think that</b> 25 <b>they are armed with viable firearms for example, then</b></p> <p style="text-align: center;">Page 104</p>

26 (Pages 101 to 104)

<p>1 containing them and calling them out from that vehicle 2 may not be a safe option. It might be that you have to 3 use an enforced stop and extraction to use overwhelming 4 force to get them under control as quickly as possible. 5 I make no comment about this case, because I have 6 not reviewed this case and this is obviously for the 7 inquiry to do, but my view is that reviewing whether 8 containment and call out is a viable tactic or not may 9 not be particularly helpful, because I think what it is 10 going to do is tell us what we already know, that it is 11 a good tactic, that if the intelligence and the 12 circumstances and the risk assessment are right, then it 13 works perfectly well. 14 I think this tactic, again, I think it is a viable 15 tactic, it is a proportionate tactic, it is a lawful use 16 of force under the right circumstances, but because we 17 have had a number of adverse incidents that have arisen 18 from its use, it is only right it gets this level of 19 scrutiny, but that doesn't necessarily mean it is a bad 20 thing. 21 Q. Again I repeat my earlier caveat, in no way am 22 I suggesting that it is not a good tactic, nor that 23 contain and call out should have been used here, that is 24 not the purpose of my question. 25 The question -- I am not sure you have completely</p> <p style="text-align: center;">Page 105</p>	<p>1 answered it, so I am going to ask it again -- is: would 2 there not be a benefit in having a greater understanding 3 around how and where contain and call out or other less 4 risky options are being used, and whether they could be 5 improved or used more often? 6 A. Obviously we learn as we go along. A straight answer to 7 that question, I sound a bit hesitant, I know, because 8 a straight answer would be I can't see the benefit at 9 the time. I think it might be a lot of work to tell us 10 what we already know. 11 That doesn't mean we shouldn't consider it and that 12 doesn't mean that of course we wouldn't do it if we were 13 required to do it, but I think reviewing every single or 14 reviewing a number of operations that have been resolved 15 with a contain and call out would only tell us what we 16 already know. I think if the intelligence was there to 17 suggest that it was not an appropriate tactic to use, 18 then we wouldn't use it. 19 THE CHAIRMAN: Are you saying that, as long as the option of 20 contain and call out is considered, and presumably 21 considered ahead of the more dynamic option of 22 extraction, as long as it is properly considered, 23 reasoned and documented, then, as far as you are 24 concerned, a justified and justifiable decision will be 25 reached?</p> <p style="text-align: center;">Page 106</p>
<p>1 A. That is exactly what I am saying, sir, yes. 2 THE CHAIRMAN: What cannot happen or should not happen, is 3 that mere lip service is paid to the existence of -- 4 A. Other options. 5 THE CHAIRMAN: -- of contain and call out. 6 A. Exactly right, sir, yes. 7 THE CHAIRMAN: Thank you. 8 MS MCNEILL: My questions around this are about: how do you 9 discover or understand whether forces underneath your 10 work are genuinely considering options or performing lip 11 service to those options? 12 A. So, yes, no, I think that is right. Obviously they will 13 conduct their own debriefs, to make sure that the 14 operation has been run as well as possible to see if 15 there is any learning in it. We are back into the 16 organisational learning thread again, so some learning 17 will come from operational debriefs. The College also 18 have a licensing process, that I am sure they will be 19 able to go into a lot more detail than I would, but that 20 does involve looking at a number of command logs to make 21 sure things have been dealt with appropriately. 22 As I say, I think that ... I am not sure a review of 23 contain and call out would be particularly helpful, if 24 I am honest with you. I think it doesn't address the 25 central issue, which is around that enforced stop and</p> <p style="text-align: center;">Page 107</p>	<p>1 extraction should not be the default. 2 THE CHAIRMAN: You don't have a debrief in a fatality, do 3 you, where there has been a fatality? 4 A. We have an agreement with the IOPC, sir, whereby for 5 safety critical issues they will permit us to have 6 a debrief which is recorded, so that we are not 7 undermining the investigation in any way. Of course 8 what the IOPC don't want is officers conferring about 9 their evidence, but if there is a safety critical issue, 10 arising from an incident, then that would be debriefed. 11 THE CHAIRMAN: Who would decide, following an incident such 12 as this, whether a debrief should take place? 13 A. That would be for the officer in charge of the armed 14 operation, so probably the specialists -- sorry, the 15 strategic firearms commander, but they would have to 16 have a discussion with the IOPC investigator to make 17 sure that the IOPC were in agreement that -- that, if 18 you like, a hot debrief on safety critical issues was 19 required. It would have to just concentrate on those 20 issues that were deemed to be safety critical, it 21 couldn't go into the evidence. 22 THE CHAIRMAN: No. 23 A. That is covered actually in the authorised professional 24 practice -- 25 THE CHAIRMAN: Thank you.</p> <p style="text-align: center;">Page 108</p>

27 (Pages 105 to 108)

<p>1 <b>A. -- in terms of safety critical debrief.</b></p> <p>2 MS MCNEILL: Moving on then to the Atlas review, you</p> <p>3 described at page 62 of your statement, what is Atlas?</p> <p>4 <b>A. Atlas is a group of more specialist firearms officers,</b></p> <p>5 <b>so the Metropolitan Police represent us on Atlas and it</b></p> <p>6 <b>covers Europe, so the different countries within Europe</b></p> <p>7 <b>take part in Atlas to learn from each other in terms of</b></p> <p>8 <b>tactics, training, et cetera.</b></p> <p>9 Q. Why does the Metropolitan Police represent the UK?</p> <p>10 <b>A. To be fair, it is a historic arrangement. So the Met</b></p> <p>11 <b>have always represented us at Atlas, so it is historic</b></p> <p>12 <b>but of course they are a significantly large force and</b></p> <p>13 <b>have the resources and the kind of probably the most</b></p> <p>14 <b>experience, bearing in mind the threats and risks that</b></p> <p>15 <b>they face on a daily basis, to represent the UK at</b></p> <p>16 <b>Atlas.</b></p> <p>17 Q. Can you please explain when the review you have</p> <p>18 described at page 62 was commissioned and why?</p> <p>19 <b>A. Yes, I mean I didn't commission the Atlas review --</b></p> <p>20 Q. If you cannot answer, do just say so. It is not in your</p> <p>21 statement.</p> <p>22 <b>A. No, as I say, I didn't commission it. I have seen it</b></p> <p>23 <b>and I am aware of it but this was an attempt as I say to</b></p> <p>24 <b>look across Europe to see whether anybody had any better</b></p> <p>25 <b>ideas than we have in terms of vehicle interdiction.</b></p> <p style="text-align: center;">Page 109</p>	<p>1 THE CHAIRMAN: What does the acronym stand for?</p> <p>2 <b>A. I am not sure, sir. There is one that I don't know.</b></p> <p>3 MS MCNEILL: I am sure Mr Moss will be frantically googling.</p> <p>4 THE CHAIRMAN: If you don't know, we have no chance.</p> <p>5 Thank you.</p> <p>6 MS MCNEILL: You set out the purpose of the report at</p> <p>7 page 62:</p> <p>8 "To document the findings of European-wide research</p> <p>9 that we have carried out on how police units carry out</p> <p>10 armed vehicle interceptions.</p> <p>11 "The primary aim of Atlas is to share good working</p> <p>12 practices through training, exercising and meeting with</p> <p>13 similar units."</p> <p>14 At the bottom of page 62 it says:</p> <p>15 "It must be remembered that SCO19 are unique as</p> <p>16 an Atlas member, as they are the only unit who provide</p> <p>17 specialist armed support to an unarmed police service,</p> <p>18 elsewhere throughout Europe the police are almost</p> <p>19 entirely armed and as such many of their working</p> <p>20 practices are different."</p> <p>21 <b>A. Yes, that's right.</b></p> <p>22 Q. Then it explains at the second paragraph on page 63 that</p> <p>23 a scenario and questionnaire was circulated to the</p> <p>24 members, with 15 responses. They were setting out the</p> <p>25 tactics used to intercept a mobile subject and the</p> <p style="text-align: center;">Page 110</p>
<p>1 result was that all of the responding units carry out</p> <p>2 a similar vehicle interception tactic to SCO19, with an</p> <p>3 enforced vehicle stop and extraction being the common</p> <p>4 tactic?</p> <p>5 <b>A. Yes.</b></p> <p>6 Q. There are some minor differences in some units,</p> <p>7 particularly PSNI, which is the Police Service of</p> <p>8 Northern Ireland.</p> <p>9 <b>A. Yes.</b></p> <p>10 Q. I know that one.</p> <p>11 Who due to their particular operating environment</p> <p>12 favour a smaller intervention team, and it explains why:</p> <p>13 "Most units will prefer to use the element of</p> <p>14 surprise when carrying out an interception, so as not to</p> <p>15 give the subject early warning of police intent. In</p> <p>16 lower-threat scenarios they consider signaling for the</p> <p>17 subject vehicle to stop."</p> <p>18 That is about the use of lights and sirens we</p> <p>19 touched on earlier?</p> <p>20 <b>A. Yes.</b></p> <p>21 Q. "In some occasions deliberate vehicle contacts are</p> <p>22 initiated if interception is an option."</p> <p>23 So ramming:</p> <p>24 "Most units have access to aerial</p> <p>25 surveillance-gathering capabilities."</p> <p style="text-align: center;">Page 111</p>	<p>1 Then it turns to operational resourcing:</p> <p>2 "Most units resource the operation in a similar</p> <p>3 manner to SCO19. A minimum of three cars containing the</p> <p>4 interception team, possibly supported by additional</p> <p>5 resources based on the operational threat.</p> <p>6 "Firearms teams does generally not carry out the</p> <p>7 surveillance part of the operation, a small number of</p> <p>8 responders have a dual role."</p> <p>9 It goes on to explain that covert configuration is</p> <p>10 the preferred option.</p> <p>11 Page 64, "Command and control of operations":</p> <p>12 "Only 2 out of 15 respondents stated they controlled</p> <p>13 all such operations from a command centre."</p> <p>14 Neither of which were the UK --</p> <p>15 <b>A. No.</b></p> <p>16 Q. -- the MPS:</p> <p>17 "The majority stated that they always made use of</p> <p>18 a ground command vehicle and the remaining five units</p> <p>19 stated they had the ability to control the operation</p> <p>20 from the ground or an ops room, depending on the scale</p> <p>21 and threat level."</p> <p>22 <b>A. Yes.</b></p> <p>23 Q. So I can take a drink of water and rest my throat, can</p> <p>24 you tell us the conclusion of that report?</p> <p>25 <b>A. In conclusion:</b></p> <p style="text-align: center;">Page 112</p>

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<p>1        <b>"This brief report is based upon the findings from</b>  2        <b>research carried out with 15 different countries within</b>  3        <b>the Atlas network. All of the respondents operate in</b>  4        <b>a very similar manner to SCO19. No single unit has any</b>  5        <b>wildly different tactical option that they use to</b>  6        <b>intercept an armed subject in the vehicle. The</b>  7        <b>preferred tactic is that of enforced stop with</b>  8        <b>extraction. There are minor tactical differences with</b>  9        <b>some units, but this is left open due to their differing</b>  10       <b>operational environment or legal framework issues. Most</b>  11       <b>of the equipment, weaponry and vehicles used by the</b>  12       <b>respondents are similar to that used by SCO19. Further</b>  13       <b>research would be carried out in relation to the</b>  14       <b>different pieces of equipment used by other units."</b></p> <p>15 Q. Thank you.</p> <p>16        Can you tell us, has that work resulted in any  17        organisational learning steps taken by you or at your  18        direction?</p> <p>19 <b>A. So I didn't commission the Atlas report.</b></p> <p>20 Q. Of course.</p> <p>21 <b>A. I commissioned the College of Policing review of the</b>  22       <b>enforced stop tactic. But, taken together, they are</b>  23       <b>both useful because clearly what we were looking for, is</b>  24       <b>there any best practice that we are missing,</b>  25       <b>particularly across the network, across Europe? It</b></p> <p style="text-align: center;">Page 113</p>	<p>1        <b>transpired there wasn't, so it was quite helpful to read</b>  2        <b>this in conjunction with the College of Policing report.</b>  3        <b>The Atlas report didn't lead me to do anything specific,</b>  4        <b>apart from conclude that I can't go anywhere for any</b>  5        <b>particularly bright ideas at that particular time.</b></p> <p>6 Q. Turning then to the amendments to the APP arising from  7        the deaths of Mark Duggan and Anthony Grainger, is it  8        right that the APP for armed policing was subject to  9        routine review and reissue in 2016 and 2017?</p> <p>10 <b>A. Yes.</b></p> <p>11 Q. But that following the Anthony Grainger public inquiry  12        report, you instigated a fundamental review of the APP  13        on armed policing, including the sections relevant to  14        MASTS?</p> <p>15 <b>A. That's right.</b></p> <p>16 Q. What is the outcome of that review?</p> <p>17 <b>A. Again, that has resulted in some amendments, minor</b>  18       <b>amendments to the authorised professional practice and</b>  19       <b>they are going through the College process as we speak,</b>  20       <b>so they are not finally ratified by the College of</b>  21       <b>policing but we have, if you like, draft authorised</b>  22       <b>professional practice content ready to be released.</b></p> <p>23 Q. From July 2019, we are now two years on from  24        Anthony Grainger?</p> <p>25 <b>A. Yes.</b></p> <p style="text-align: center;">Page 114</p>
<p>1 Q. Is it common for it to take two years for that review  2        and redraft or is that particularly long --</p> <p>3 <b>A. I think that is quite a long time. But as I say, we</b>  4       <b>have not been static, there have been some amendments to</b>  5       <b>the APP in between, but this is specific to the Grainger</b>  6       <b>Inquiry.</b></p> <p>7 Q. I will not take you through every change that has been  8        made. You flagged a lot of them for us on pages 64 to  9        66, but can we look at page 65, please.</p> <p>10 <b>A. Yes.</b></p> <p>11 Q. We see under the heading "Mobile armed support to  12        surveillance", the final paragraph, the new content has  13        been added to emphasise that MASTS is not a tactic?</p> <p>14 <b>A. Yes.</b></p> <p>15 Q. We have covered that.</p> <p>16        There are some amendments on vehicle stopping and  17        immobilisation, I don't propose to go through that or  18        through non-uniformed AFOs. Can I ask you to turn to  19        page 66 and look at the "Commander responsibilities".</p> <p>20        Under TFC responsibilities, the new content has been  21        had added, "Should ensure that an operational risk  22        assessment has been undertaken prior to deployment".</p> <p>23 <b>A. Yes.</b></p> <p>24 Q. When it says "operational risk assessment", does that  25        mean the multi-level, multidimensional risk assessment</p> <p style="text-align: center;">Page 115</p>	<p>1        you described earlier, talking about all stages of the  2        operation?</p> <p>3 <b>A. Yes.</b></p> <p>4 Q. Can I ask why it doesn't set that out explicitly?</p> <p>5 <b>A. Without actually going back into the previous version,</b>  6       <b>it would be very difficult for me to answer that</b>  7       <b>question, because I am sure that the role of the TFC,</b>  8       <b>particularly in the curriculum would involve risk</b>  9       <b>assessment, and obviously this relates to the APP, but</b>  10       <b>without going through the documents, I can't answer that</b>  11       <b>question.</b></p> <p>12 Q. Okay, but would you expect a TFC now with the benefit of  13        that additional content and all of the other material  14        and training they receive to know that an "operational  15        risk assessment" means a multidimensional risk  16        assessment at various stages throughout the operation?</p> <p>17 <b>A. Yes.</b></p> <p>18 THE CHAIRMAN: Has that changed?</p> <p>19 <b>A. No, I don't think it has changed.</b></p> <p>20 <b>THE CHAIRMAN: No.</b></p> <p>21 <b>A. I think just it is an emphasis, sir. I think it was</b>  22       <b>always the expectation --</b></p> <p>23 THE CHAIRMAN: Yes.</p> <p>24 <b>A. -- and I would be very surprised if that was not in the</b>  25       <b>curriculum, but I would need to check to answer that</b></p> <p style="text-align: center;">Page 116</p>

29 (Pages 113 to 116)

<p>1 <b>question properly.</b></p> <p>2 THE CHAIRMAN: Thank you.</p> <p>3 MS MCNEILL: The same has been added to the OFC, so I don't</p> <p>4 need to worry about that.</p> <p>5 At the bottom of page 66, "Identify options and</p> <p>6 contingencies". I am going to summarise this, I am sure</p> <p>7 inelegant, so correct me if I am wrong. Is the effect</p> <p>8 of these passages to say that at the beginning of</p> <p>9 an operation, or the planning of an operation, generic</p> <p>10 tactical options must be considered, but as further</p> <p>11 information comes in, they must be constantly</p> <p>12 reconsidered and ultimately generic tactical options are</p> <p>13 chosen based on the ability to achieve the operational</p> <p>14 objective and minimise risk and harm?</p> <p>15 <b>A. That's right, and of course they may change as the</b></p> <p>16 <b>operation develops.</b></p> <p>17 Q. Thanks.</p> <p>18 <b>A. I think that is what that is about, it's by saying you</b></p> <p>19 <b>don't just arrive at a tactical option and then that is</b></p> <p>20 <b>going to be the option regards. If the circumstances</b></p> <p>21 <b>change, you may need to change tactics.</b></p> <p>22 Q. Is that true of the original and of the amended version,</p> <p>23 albeit the wording is slightly different?</p> <p>24 <b>A. Yes, it's tried to make it clearer.</b></p> <p>25 Q. Sustained public protection is a topic we have heard</p> <p style="text-align: center;">Page 117</p>	<p>1 quite a lot of evidence about. Again, I am not in any</p> <p>2 way asking you to comment on that evidence or this</p> <p>3 operation, but to explain the guidance in the APP, as it</p> <p>4 was in 2015, that we have looked at on sustained public</p> <p>5 protection, was that included as a result of the</p> <p>6 Azelle Rodney shooting?</p> <p>7 <b>A. I believe so. The genesis of this was in the fact that</b></p> <p>8 <b>we wanted the roles or the recommendations from the IOPC</b></p> <p>9 <b>in particular around the separation of the role of the</b></p> <p>10 <b>senior investigating officer and the firearms</b></p> <p>11 <b>commanders, because, as I explained earlier on, we were</b></p> <p>12 <b>concerned about the pressure that put that individual on</b></p> <p>13 <b>in terms of their conflicting priorities between</b></p> <p>14 <b>gathering enough evidence and successfully resolving the</b></p> <p>15 <b>firearms element of the operation.</b></p> <p>16 That is the genesis of sustained public protection,</p> <p>17 which is to emphasise that there may be occasions on</p> <p>18 which it is appropriate to let a job run to the point</p> <p>19 where you have sufficient evidence to, if you like,</p> <p>20 hopefully put people in front of the court and convict</p> <p>21 them, whereas there may be occasions where you have got</p> <p>22 to react earlier and you may not have enough evidence to</p> <p>23 convict them at that point, but in the interests of</p> <p>24 public protection the commanders might say, "We have got</p> <p>25 to resolve the incident early on", further upstream, if</p> <p style="text-align: center;">Page 118</p>
<p>1 <b>you like.</b></p> <p>2 <b>That is what sustained public protection is all</b></p> <p>3 <b>about, making sure that people have the option and there</b></p> <p>4 <b>is that balance between the investigation and public</b></p> <p>5 <b>safety as a result of the deployment of firearms, so it</b></p> <p>6 <b>is quite a complex thing to have to consider.</b></p> <p>7 Q. You tie together or at least -- the importance of</p> <p>8 separation of roles with the question of sustained</p> <p>9 public protection.</p> <p>10 I just want to make sure I understand your evidence.</p> <p>11 You explained earlier that the importance of separating</p> <p>12 the roles is that as a default, or generally speaking,</p> <p>13 an SIO is driven by the need for evidence, and the</p> <p>14 desire to seek a conviction --</p> <p>15 <b>A. Yes.</b></p> <p>16 Q. -- and the TFC has a slightly different focus, which is</p> <p>17 on the running of the operation, public safety, the</p> <p>18 risks of the operation?</p> <p>19 <b>A. Yes.</b></p> <p>20 Q. I am sure many other things that I am not flagging.</p> <p>21 <b>A. Yes.</b></p> <p>22 Q. Does the inclusion of sustained public protection in the</p> <p>23 APP AP guidance mean that to some extent the sustained</p> <p>24 public protection and the need to obtain a conviction</p> <p>25 moves into the list of things that the TFC is also</p> <p style="text-align: center;">Page 119</p>	<p>1 considering as well as the SIO?</p> <p>2 <b>A. Yes.</b></p> <p>3 <b>I think the key, I guess, is that if you intervene</b></p> <p>4 <b>too early into an operation where there is insufficient</b></p> <p>5 <b>evidence to convict the subjects of that operation, what</b></p> <p>6 <b>you could be doing is merely deflecting the risk to</b></p> <p>7 <b>another day, where the police don't have control.</b></p> <p>8 <b>You know, you may decide to let a robbery get to the</b></p> <p>9 <b>point of where you need to actually carry out</b></p> <p>10 <b>an intervention, as opposed to an interception at</b></p> <p>11 <b>an earlier stage, in order to ensure that you can</b></p> <p>12 <b>sustain the longer term public protection by properly</b></p> <p>13 <b>convicting the individuals, as opposed to blowing the</b></p> <p>14 <b>job out, which we sometimes call it. I mean if it is</b></p> <p>15 <b>a bank, you could just put a police car outside so they</b></p> <p>16 <b>go away and come back another day, but of course we may</b></p> <p>17 <b>have no control over what they do next or when they</b></p> <p>18 <b>decide to commit a further crime, the intelligence might</b></p> <p>19 <b>not be there.</b></p> <p>20 <b>Some of these people are habitual criminals, they</b></p> <p>21 <b>are dangerous criminals and the opportunity to lock them</b></p> <p>22 <b>up may not come that often, so you may decide that it is</b></p> <p>23 <b>appropriate under this guidance to let the job run to</b></p> <p>24 <b>point where there is sufficient evidence for the police</b></p> <p>25 <b>to gain a conviction.</b></p> <p style="text-align: center;">Page 120</p>

30 (Pages 117 to 120)

<p>1 Q. Does the effect of this guidance mean that sustained 2 public protection would be considered more important 3 than the immediate risk of running an operation? 4 <b>A. No, it doesn't. I mean clearly paramount to this is 5 public protection, protecting the public. 6 I think the issue, I will re-emphasise this, that if 7 you blow the job out, if you interdict too early, what 8 you could be doing is merely shifting the risk to 9 another day and another place that the police have no 10 control over.</b> 11 Q. Did the effect of this guidance be to put sustained 12 public protection of the long-term risk on the list of 13 factors that a TFC is going to be considering? 14 <b>A. It is the longer-term protection of the public and 15 I have known of operations where the interdiction was 16 too early, there was insufficient evidence and armed 17 robbers for example go on to commit other armed 18 robberies because they were not convicted for -- so it 19 is about the longer-term protection of the public and it 20 is difficult to explain and it is a delicate balance. 21 Having said that, you have to look at public 22 protection in the long term to make sure that you are 23 properly protecting the public, not just deflecting the 24 risk to another time and date.</b> 25 THE CHAIRMAN: Given that it is the TFC who will have the</p> <p style="text-align: center;">Page 121</p>	<p>1 task of assessing whether there is sufficient evidence, 2 to make a charge stick, it is very important that he or 3 she is well equipped and experienced to make that 4 decision. 5 <b>A. Yes, sir, so to be clear, the person who is likely -- it 6 is a team effort between the senior investigating 7 officer and the firearms commander.</b> 8 THE CHAIRMAN: Yes. 9 <b>A. The person who will be assessing to say whether they 10 have sufficient evidence to mount a successful 11 prosecution is the senior investigating officer.</b> 12 THE CHAIRMAN: Yes. 13 <b>A. They will be agreeing that with the TFC about how far 14 the job needs to run.</b> 15 THE CHAIRMAN: It follows, does it not, that there must be 16 significant and continuing discussion during the running 17 of an operation in order to determine when the point of 18 sufficiency of evidence has been reached? 19 <b>A. Yes.</b> 20 THE CHAIRMAN: Thank you. 21 MS MCNEILL: The advice in relation to sustained public 22 protection on screen, was that amended in either the 23 2016 or 2017 revisions you told us were considered? 24 <b>A. I don't believe it was. I remember we took legal advice 25 from Richard Horwell, as it says in here, who helped us</b></p> <p style="text-align: center;">Page 122</p>
<p>1 <b>to frame this wording that we put into the APP, 2 obviously we do revisit it from time to time but we have 3 not seen any requirement to actually change the wording. 4 So this is extant.</b> 5 Q. In terms of the ongoing revision that is going through 6 consultation at the moment, do you know whether it is 7 proposed to amend this section in that? 8 <b>A. No, it is not. It is not proposed to do that.</b> 9 Q. A slight side topic, but one discrete question to ask 10 you. If you don't know, please just say so. 11 In the ongoing revisions, do you know whether there 12 is any proposal to alter the definitions or the guidance 13 around intervention and interception? 14 <b>A. To the best of my knowledge, there isn't.</b> 15 Q. Moving to specialist munitions, I think I can take it 16 briefly. 17 Can it be summarised that the Anthony Grainger 18 Inquiry raised a significant issue around the use of CS 19 gas? 20 <b>A. Yes.</b> 21 Q. As a result, did you send a circular to all police 22 forces providing advice on specialist munitions? 23 <b>A. I did, yes.</b> 24 Q. Did you undertake a full review of all of the specialist 25 munitions held by forces?</p> <p style="text-align: center;">Page 123</p>	<p>1 <b>A. Yes.</b> 2 Q. Did the new January 2020 Code of Practice provide 3 specific -- not even guidance -- requirements around the 4 authorisation procedures for specialist munitions? 5 <b>A. Yes, it did and arguably those arguments had already 6 been there, but the required code I think makes it a lot 7 clearer.</b> 8 Q. Thank you. 9 Moving to the thematic response on post-incident 10 procedures, it is something which has come up in 11 a number of inquiries, has it not, how the post-incident 12 procedures are carried out? 13 <b>A. Yes.</b> 14 Q. I need not trouble you with the details of the changes, 15 but is it right that the new amendments to the APP have 16 very significant and lengthy guidance within them on how 17 post-incident procedures should be carried out? 18 <b>A. Yes, it is very robust guidance and it has been 19 influenced by the IOPC's own review of post-incident 20 procedures.</b> 21 Q. That is largely or almost completely new, and wasn't in 22 a previous iteration? 23 <b>A. No.</b> 24 Q. Thank you. 25 Moving forward then, I am at page 74, sir, if you</p> <p style="text-align: center;">Page 124</p>

<p>1 are following my whistlestop tour.</p> <p>2 The thematic response on recording of command</p> <p>3 decisions. We saw, did we not, that in some of the</p> <p>4 earlier inquiries and inquests in police shootings the</p> <p>5 recording of command decisions came up in a number of</p> <p>6 different ways at a number of different stages in the</p> <p>7 operations?</p> <p>8 <b>A. Yes.</b></p> <p>9 Q. Most recently, you flagged that it came up in the report</p> <p>10 into the Anthony Grainger death, and also the IPCC, as</p> <p>11 it then was, report into the death of Mr Baker?</p> <p>12 <b>A. Yes.</b></p> <p>13 Q. New content has been drafted, has it not, for the APP in</p> <p>14 relation to recording commanders' decisions?</p> <p>15 <b>A. Yes, it has. There is some ongoing work as well to look</b></p> <p>16 <b>at different software solutions to try and enhance it</b></p> <p>17 <b>further. There is a trial going on as we speak.</b></p> <p>18 Q. I am going to take you through a little bit of detail.</p> <p>19 Can we look at the middle of 74, Mr Coates, thank</p> <p>20 you.</p> <p>21 The new paragraph on record keeping in the APP will</p> <p>22 say:</p> <p>23 "Commanders have a responsibility to record their</p> <p>24 decisions, actions and supporting rationale as</p> <p>25 accurately and fully as is practicable, using the NDM as</p> <p style="text-align: center;">Page 125</p>	<p>1 the structure. This should be done contemporaneously if</p> <p>2 possible and the extent to which this can be achieved</p> <p>3 will depend on the circumstances and the nature of the</p> <p>4 incident or operation. Where it has not been possible</p> <p>5 to make a record contemporaneously or soon after the</p> <p>6 events, the record should reflect this, the reason why</p> <p>7 and when it was made."</p> <p>8 <b>A. Yes.</b></p> <p>9 Q. Is that new or is that an explanation of previously</p> <p>10 considered good practice?</p> <p>11 <b>A. I would say that is clarification of previous good</b></p> <p>12 <b>practice.</b></p> <p>13 Q. Thank you.</p> <p>14 You have set out beneath there, I think you can</p> <p>15 summarise for us, perhaps, is it right that initially,</p> <p>16 or at least some time ago, it was predominantly done on</p> <p>17 paper?</p> <p>18 <b>A. Yes, there was a national paper template for a command</b></p> <p>19 <b>log, which we also made available electronically for</b></p> <p>20 <b>those forces that had the right mobile equipment to use</b></p> <p>21 <b>it.</b></p> <p>22 Q. You said there is a trial ongoing. What proposals are</p> <p>23 in place or possibilities?</p> <p>24 <b>A. We are looking at the CLIO system, which has been used</b></p> <p>25 <b>in kidnap and extortion for many years, it was effective</b></p> <p style="text-align: center;">Page 126</p>
<p>1 system and we believe that it might enhance the way in</p> <p>2 which we record decision making in armed policing, so we</p> <p>3 are trialling it across a number of forces, but we have</p> <p>4 been hampered a little bit by the Covid restrictions.</p> <p>5 Q. That is the CLIO log, we have seen some extracts from</p> <p>6 the CLIO log?</p> <p>7 <b>A. Yes.</b></p> <p>8 Q. Can you tell us as part of that trial how it is expected</p> <p>9 or considered the CLIO log might act as the means by</p> <p>10 which command decisions are recorded?</p> <p>11 <b>A. Because it is a contemporaneous electronic record that</b></p> <p>12 <b>can be shared and seen within the control room or on</b></p> <p>13 <b>handheld devices, so people can see what decisions are</b></p> <p>14 <b>being made as they are being made. It is a very useful</b></p> <p>15 <b>electronic tool that enables everybody to see the</b></p> <p>16 <b>direction of travel in terms of decision making</b></p> <p>17 <b>et cetera, it can be shared and updated.</b></p> <p>18 Q. As part of the trial, is it considered or is the</p> <p>19 guidance in that trial to be that all decisions are</p> <p>20 logged throughout the operation?</p> <p>21 <b>A. All key decisions, yes.</b></p> <p>22 Q. All key decisions?</p> <p>23 <b>A. Yes.</b></p> <p>24 Q. Would the guidance describe what amounts to a key</p> <p>25 decision for recording?</p> <p style="text-align: center;">Page 127</p>	<p>1 <b>A. Yes, it would. I mean really, it is all decisions but</b></p> <p>2 <b>I can imagine there might be some very minor decisions</b></p> <p>3 <b>about certain things, about refreshment breaks or</b></p> <p>4 <b>something like that, you would think, "I don't need to</b></p> <p>5 <b>record that within the CLIO log".</b></p> <p>6 Q. Thank you.</p> <p>7 Page 75 of your witness statement, the next thematic</p> <p>8 area was around audio recording. Is it right that in</p> <p>9 terms of the recommendations made to date fall into two</p> <p>10 categories.</p> <p>11 The first is the recording of radio communications</p> <p>12 solely between armed officers.</p> <p>13 The second is the recording of communications by</p> <p>14 surveillance officers?</p> <p>15 <b>A. Yes.</b></p> <p>16 Q. Is it right that the former is within your remit, but</p> <p>17 the latter is with the NPCC lead for surveillance?</p> <p>18 <b>A. Yes.</b></p> <p>19 Q. I am only going to ask you about the one within your</p> <p>20 remit.</p> <p>21 Can you tell us the work that has been carried out</p> <p>22 and the current position in relation to audio recording,</p> <p>23 radio communications between armed officers?</p> <p>24 <b>A. Yes, I mean -- so this is actually technically quite</b></p> <p>25 <b>difficult, because of the variety of radio channels that</b></p> <p style="text-align: center;">Page 128</p>

32 (Pages 125 to 128)



<p>1 are available, and obviously the technological issues in 2 relation to recording the variety of channels where 3 officers could be moving between channels for example. 4 Of course there are other methods of communication as 5 well other than just radio traffic. 6 The work we have been doing on this is to look at 7 the feasibility of recording radio traffic, when perhaps 8 there is not even a control room involved, it might just 9 be the officers talking back to back on radios. 10 We feel that certainly the work I have been involved 11 in is very much around the audio and video recording and 12 as we touched on earlier on, there has been a lot of 13 recommendations in relation to this from previous 14 incidents. The audio and visual recording of MASTS 15 operations, particularly as you get towards the point of 16 some kind of intervention, so that answers an awful lot 17 of the issues in relation to recording, because it is 18 ambient recording within the vehicle or on the officer, 19 so everything is getting captured. 20 Q. We are about to move on to the use of video recording. 21 Is your evidence then that the focus then has been 22 on the use of video recording, rather than the radio 23 channels because actually that is more useful? 24 A. Yes -- so yes and no. 25 There has been some work done on the bulk recording</p> <p style="text-align: center;">Page 129</p>	<p>1 of the radio channels. That is technologically quite 2 difficult in terms of the sheer volume of it, but my 3 understanding is that radio channels can be recorded, 4 but there has to be some prioritisation of which 5 channels are recorded and when. That is for capacity 6 issues I believe within the technology. It is not 7 an area of expertise for me, so I am not going to dig 8 myself a hole by going too far into that. The area that 9 I have been focused on more recently is around the video 10 and audio recording of MASTS operations -- 11 Q. Which leads me on perfectly to my next question. 12 Again, that is something that has come up in 13 a number of recommendations that we have seen throughout 14 the rather long chronology I took us through this 15 morning. 16 Has the work around the use of video recording 17 likewise been ongoing throughout or something that has 18 come to a head more recently? 19 A. This has been going on for many years, actually, and it 20 links to a broader piece of work around body-worn video 21 in armed policing, so overt and covert. We cracked the 22 overt element of this years ago, and all forces ... 23 armed officers now carry overt body-worn video. 24 Q. Uniformed armed officers would carry it? 25 A. Yes, and that has been carried for some time.</p> <p style="text-align: center;">Page 130</p>
<p>1 The more difficult issue to address has been 2 body-worn video in covert armed policing, because we 3 needed something that was truly covert and wouldn't, if 4 you like, compromise the security of the operation. Not 5 just for us but clearly at the sort of more higher-end 6 type deployments, we are often or we can be deployed 7 with other agencies, so it is not just about police, so 8 we may be deployed with security services or other 9 agencies and clearly the secrecy and the security of 10 those operations is absolutely paramount. 11 Of course we don't want to breach any operational 12 security in terms of some of the tactics that may be 13 used as well, in terms of surveillance in particular. 14 There is a lot of sensitivity around recording 15 surveillance operations. As I say, that is a matter for 16 the surveillance community. 17 As far as the armed policing community is concerned, 18 we are generally very supportive of body-worn video. It 19 has proved its worth in overt armed policing and we have 20 been very keen for some time to roll it out in covert 21 armed policing. The restriction that we have had is 22 that everybody feels they have the answer in terms of 23 equipment, but when we trial it, it is either 24 ineffective or it is not truly covert. 25 We think we are at a point thousand -- do you want</p> <p style="text-align: center;">Page 131</p>	<p>1 me to continue by the way? 2 Q. Yes, we do. I think we are about to get to -- the point 3 now is you have proposed some possible technological 4 ways through this? 5 A. Yes, we have. There is one bit that I need to explain 6 and you may need to remind me about at the moment is why 7 we don't record everything or the whole operation. 8 The technology now has moved on dramatically, to 9 point whereby we have a number of solutions that will 10 cover hopefully what we need. 11 The first is that clearly there are some very high 12 tech now cameras that can be fitted to vehicles, that 13 give you an almost 360-degree view of what is happening 14 outside the vehicle. 15 Which is obviously very useful and that has been 16 introduced in many forces and that is available. I will 17 come back to what has been mandated in a moment. 18 The issue with those vehicle mounts is that often 19 interventions take place away from the vehicle, so the 20 subject of the armed operation may park the vehicle and 21 get out and walk off down the street, which is sometimes 22 an ideal opportunity for officers to interdict. In 23 which case they would be away from the vehicle and it 24 becomes redundant. 25 What we have settled upon is a discrete option, as</p> <p style="text-align: center;">Page 132</p>

<p>1 <b>opposed to a covert option, where we would expect</b></p> <p>2 <b>officers to be able to done some kind of equipment to</b></p> <p>3 <b>identify themselves as police officers at the point of</b></p> <p>4 <b>intervention.</b></p> <p>5 Q. We heard about the caps in this case.</p> <p>6 <b>A. Historically that has been generally chequered banded</b></p> <p>7 <b>caps, so the technology is a very discrete camera on the</b></p> <p>8 <b>cap that can be donned at the point of intervention.</b></p> <p>9 <b>because it doesn't matter then whether it is covert or</b></p> <p>10 <b>not, if the officer is going to interdict at the last</b></p> <p>11 <b>minute if they put caps on, that is fine.</b></p> <p>12 <b>We describe the efforts to do that as best efforts,</b></p> <p>13 <b>because if we mandate that they have to get the cap on,</b></p> <p>14 <b>I can think of lots of circumstances in which, you know,</b></p> <p>15 <b>making sure the weapon is ready and there are other</b></p> <p>16 <b>things in a -- you know in a fast-moving adrenaline type</b></p> <p>17 <b>environment that might mean that they cannot get them on</b></p> <p>18 <b>in time, but certainly because of the number of officers</b></p> <p>19 <b>involved and the fact that some of them will be on more</b></p> <p>20 <b>of a containment stance, you should have sufficient</b></p> <p>21 <b>coverage and in fact we have trialled it and it works.</b></p> <p>22 Q. That is the current proposal in place?</p> <p>23 <b>A. It is in place. What happened was I took a paper to</b></p> <p>24 <b>Chiefs' Council a while ago now, basically saying that</b></p> <p>25 <b>I wanted Chiefs' Council to not just approve but to</b></p> <p style="text-align: center;">Page 133</p>	<p>1 <b>mandate that in MASTS operations at the point of</b></p> <p>2 <b>interdiction there should best efforts to don these caps</b></p> <p>3 <b>with cameras. Chief constables agreed with me and it</b></p> <p>4 <b>has been mandated so that has been rolled out across</b></p> <p>5 <b>forces delivering MASTS deployments now.</b></p> <p>6 <b>The minimum standard is you must have the baseball</b></p> <p>7 <b>caps, you must make best efforts to put them on, that is</b></p> <p>8 <b>mandated by the Chiefs' Council. Over and above that,</b></p> <p>9 <b>many forces have gone above and beyond that and they are</b></p> <p>10 <b>fitting cameras to the vehicles as well, which is quite</b></p> <p>11 <b>an expensive option. Of course it doesn't cover</b></p> <p>12 <b>anything that happens away from the vehicle, but between</b></p> <p>13 <b>the vehicle fits and the hats, we have a solution that</b></p> <p>14 <b>takes us miles forward and we are continuing to look at</b></p> <p>15 <b>the technology as it develops to see if there is</b></p> <p>16 <b>anything else we can do in future.</b></p> <p>17 Q. You asked me to remind you to come back why we cannot</p> <p>18 record everything, but I think I am going to guess the</p> <p>19 answer.</p> <p>20 <b>A. Okay.</b></p> <p>21 Q. I imagine that there is a lot of sensitivities around</p> <p>22 a MASTS deployment, both on the intelligence coming</p> <p>23 through, the surveillance operation --</p> <p>24 <b>A. That's part of it, yes.</b></p> <p>25 Q. -- and also the tactics?</p> <p style="text-align: center;">Page 134</p>
<p>1 <b>A. That is part of the answer. Probably the more important</b></p> <p>2 <b>point is that a MASTS operation might run for weeks --</b></p> <p>3 Q. Right.</p> <p>4 <b>A. -- and it might be 24/7, so to absolutely record</b></p> <p>5 <b>everything from the point they drive out the yard to the</b></p> <p>6 <b>point where they interdict with somebody, is pretty much</b></p> <p>7 <b>impossible. It could be done, but the volume of footage</b></p> <p>8 <b>that you will recover. Some experimentation was done</b></p> <p>9 <b>a while ago, it shows that 1 minute of recording takes</b></p> <p>10 <b>I think it was 88 minutes to transcribe, so imagine if</b></p> <p>11 <b>you had several months, it would just grind us to</b></p> <p>12 <b>a halt. So at state green, where there is very little</b></p> <p>13 <b>happening, we could argue there is no requirement for</b></p> <p>14 <b>body-worn video to be switched on at that point.</b></p> <p>15 Q. At what stage is the current proposal?</p> <p>16 <b>A. The current proposal is that when the decision is to go</b></p> <p>17 <b>to state red, that is when the cameras are activated and</b></p> <p>18 <b>that is when -- and as they go to interdict against the</b></p> <p>19 <b>subject they would don the cameras.</b></p> <p>20 Q. Cap goes on as you get out of the car?</p> <p>21 <b>A. So you would capture the intervention.</b></p> <p>22 MS MCNEILL: Sir, that concludes my questions, I know it is</p> <p>23 1.00. Do you have questions for this witness?</p> <p>24</p> <p>25</p> <p style="text-align: center;">Page 135</p>	<p>1 Questions from THE CHAIRMAN</p> <p>2 THE CHAIRMAN: Yes.</p> <p>3 I will ask this question now whilst others are</p> <p>4 considering whether there are any matters that they want</p> <p>5 to raise.</p> <p>6 It relates to the question of the grading of threat</p> <p>7 or risk assessments.</p> <p>8 <b>A. Yes.</b></p> <p>9 THE CHAIRMAN: What is the purpose of a threat or risk</p> <p>10 assessment of low, when those to whom the risk or threat</p> <p>11 relates are in positions of complete safety?</p> <p>12 <b>A. Yes, no, I think --</b></p> <p>13 THE CHAIRMAN: The phrase stating the bleeding obvious comes</p> <p>14 to mind.</p> <p>15 <b>A. Yes.</b></p> <p>16 THE CHAIRMAN: How can it be of assistance?</p> <p>17 <b>A. I suppose it shows that you have considered it and if</b></p> <p>18 <b>they are in a place of complete safety, there is no risk</b></p> <p>19 <b>to them. That is the best answer I can give, sir, you</b></p> <p>20 <b>are right --</b></p> <p>21 THE CHAIRMAN: It doesn't serve any useful purpose at all,</p> <p>22 does it?</p> <p>23 <b>A. No, it is stating the obvious.</b></p> <p>24 THE CHAIRMAN: Thank you.</p> <p>25 MS MCNEILL: Sir, there is one topic I am asked to just</p> <p style="text-align: center;">Page 136</p>

1 quickly revisit, from Mr Butt, who has indicated he is  
 2 happy for me to cover this. Then I understand there is  
 3 a question that Ms Kaufmann would like to ask for  
 4 herself and we have had advanced notice and there  
 5 doesn't seem to be difficulties with it, but it is  
 6 obviously a matter for you.  
 7 THE CHAIRMAN: Well, I don't know what it is yet.  
 8 MS MCNEILL: I will ask Mr Butt's question first and then  
 9 invite Ms Kaufmann to turn on her camera and microphone.  
 10 THE CHAIRMAN: Thank you.  
 11 Further questions from MS MCNEILL  
 12 MS MCNEILL: Returning, if we can, to the topic we covered  
 13 before lunch, and that was about intelligence and  
 14 disseminating during an operation.  
 15 THE CHAIRMAN: Before the break?  
 16 MS MCNEILL: Sorry, before the break. We haven't had lunch  
 17 yet.  
 18 What you said was that it would be, is it operation  
 19 by operation, and circumstance by circumstance, what is  
 20 disseminated and to whom?  
 21 **A. Yes. Again, it would depend on the range of**  
 22 **circumstances, including the nature of the intelligence.**  
 23 Q. Would one of the factors be how consistent the  
 24 intelligence was or whether there was other information  
 25 that contradicted it, for example?

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1 **A. Yes, that's right, it would.**  
 2 Q. Is there a hard and fast rule or can there be in the  
 3 guidance that says that everything must be disseminated,  
 4 or is it a matter of judgment in any given operation?  
 5 **A. It has to be a matter of judgment, because the**  
 6 **intelligence, as I say, it might not add anything, so**  
 7 **no, I think -- quite correct, it is a matter of judgment**  
 8 **as to what gets disseminated.**  
 9 Q. Thank you.  
 10 Sir, Ms Kaufmann I hope is on the line and able to  
 11 turn on her camera and microphone.  
 12 I don't know if Ms Kaufmann is happy to ask for your  
 13 permission on this with the witness present?  
 14 MS KAUFMANN: I am very happy to do so, sir.  
 15 THE CHAIRMAN: Yes.  
 16 MS KAUFMANN: It is a very, very short topic, but I just  
 17 thought it might be quicker if I asked it directly, just  
 18 to explore a little bit further the possibility of  
 19 minimising the prospect of confusion from inconsistent  
 20 instructions at the point of interception.  
 21 THE CHAIRMAN: If you deal with it briefly, I am sure it  
 22 will be of assistance, thank you.  
 23 MS KAUFMANN: Thank you, sir.  
 24  
 25

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1 Questions from MS KAUFMANN  
 2 MS KAUFMANN: Mr Chesterman, this is a problem that  
 3 particularly arises in cases such as that of  
 4 Jermaine Baker, where you are dealing with interception  
 5 involving multiple subjects.  
 6 If you could just specifically focus on that, if you  
 7 would, we know from the training guidance that we have  
 8 been provided with that whether one is dealing with  
 9 dynamic interceptions, whether one is dealing with  
 10 containment and call out, there is a common theme  
 11 running through all that guidance, which is that  
 12 officers should be encouraged, and very strongly  
 13 encouraged, to use very short sharp phrases by way of  
 14 instruction. Would you agree with that?  
 15 **A. Yes, I would.**  
 16 Q. Would you also agree that what one sees coming up  
 17 repeatedly, and again whether it be instructions in  
 18 training relating to a dynamic intervention or  
 19 interception or whether it be in relation to contain and  
 20 call out, that what is repeatedly used by way of  
 21 an instruction to officers to secure their own safety is  
 22 "Show me your hands"?  
 23 **A. Yes, that is --**  
 24 Q. You agree?  
 25 **A. I would agree that is a common term that is used, yes.**

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1 Q. Accepting that the officers who are involved in the  
 2 interception must of course be able to react to whatever  
 3 particular circumstances they confront when they  
 4 approach the vehicle, is there any reason why officers  
 5 cannot be trained that absent some particular reason  
 6 that confronts them when they intercept, they should all  
 7 try to use a common language, such as "Show me your  
 8 hands"?  
 9 **A. I think I covered this in my evidence earlier on.**  
 10 **I mean I can see point you are making, and it has some**  
 11 **validity. I think the issue I have is that if we have**  
 12 **a glossary that says, "This is what you say to people**  
 13 **under these circumstances", the circumstances change so**  
 14 **rapidly that quite often, we could be saying things that**  
 15 **have no relevance to what is happening in front of the**  
 16 **officers. Generally, and this goes back to -- I alluded**  
 17 **to it earlier on, Kratos and things like this, codewords**  
 18 **and things are now discouraged and plain English is**  
 19 **encouraged. So you are quite right.**  
 20 **Do I think it would be helpful if everybody shouted**  
 21 **show me ... I think generally they do, I think that is**  
 22 **something that has happened through training and**  
 23 **exercising and through experience of operations. That**  
 24 **is a commonly used term.**  
 25 **Whether we would want to put it in the guidance is**

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<p>1 <b>a different matter, because as I say it does constrain</b>  2 <b>them to particular words, which I think would be</b>  3 <b>unhelpful.</b>  4 Q. Do you not agree that firstly as you say there is  5 emerging in guidance a common instruction that officers  6 are encouraged to give, which is "Show me your hands".  7 That is clear from the training manual, isn't it?  8 <b>A. Yes.</b>  9 Q. So what is missing, and this is my question, is that  10 officers are not instructed that in multi-subject  11 extractions there is a real risk that multiple different  12 instructions to the occupants can lead to confusion.  13 <b>A. Yes, I would agree with that.</b>  14 Q. Would you agree?  15 <b>A. I agree, it could lead to confusion, I get that.</b>  16 Q. Yes, and that one very, very simple way of avoiding that  17 confusion, which doesn't cut across what you say is very  18 important, and of course which the inquiry will accept  19 is very important, that an officer should nonetheless be  20 able to react to the problem he faces when he confronts  21 that vehicle --  22 <b>A. Yes.</b>  23 Q. -- if they are told to use that phrase, that they are  24 already encouraged to use, unless they are confronted by  25 something that dictates otherwise?</p> <p style="text-align: center;">Page 141</p>	<p>1 <b>A. I can see the benefits in that.</b>  2 Q. Could you see any reasons why they cannot be told to do  3 that?  4 <b>A. No. I mean I think -- so, as I have said, I believe</b>  5 <b>that that is what they are doing, because that is what</b>  6 <b>the training encourages them to do. But as I say, the</b>  7 <b>guidance is not necessarily explicit in the</b>  8 <b>circumstances you have just described to me.</b>  9 Q. Would you agree with me that there is absolutely nothing  10 in the training, certainly in the training I have seen,  11 that specifically focuses on multi-subject extractions  12 and the particular problem that they give rise to in  13 relation to the issuing of different instructions?  14 <b>A. Not that I am aware of. I would have to look at the</b>  15 <b>guidance. This is probably a level of detail that you</b>  16 <b>may want to get into with Mr Nicholson when he appears</b>  17 <b>before the inquiry next week, because he is actively</b>  18 <b>involved in writing the curriculum. It is a level of</b>  19 <b>detail that I don't feel comfortable going into, because</b>  20 <b>I don't have the guidance in front of me, for example.</b>  21 <b>But, in principle, what you are describing to me makes</b>  22 <b>sense.</b>  23 MS KAUFMANN: Thank you, I will certainly take it up with  24 him if I am allowed.  25 Thank you very much, Mr Chesterman?</p> <p style="text-align: center;">Page 142</p>
<p>1 MS MCNEILL: Sir, thank you for sitting --  2 Further questions from THE CHAIRMAN  3 THE CHAIRMAN: I would like to clarify one matter and it  4 arises out of the last matter that you raised,  5 Ms McNeill.  6 MS MCNEILL: Thank you.  7 THE CHAIRMAN: Would it be fair in relation to the  8 dissemination of information that there is a rebuttable  9 presumption in favour of it, unless to do so will  10 confuse rather than inform?  11 <b>A. I would agree, sir, yes.</b>  12 THE CHAIRMAN: Thank you.  13 MS MCNEILL: Thank you, sir.  14 I think that concludes this witness's evidence.  15 THE CHAIRMAN: It does, indeed.  16 <b>A. Okay.</b>  17 THE CHAIRMAN: Thank you very much indeed.  18 <b>A. Thank you, sir.</b>  19 THE CHAIRMAN: You tell me? How long is Mr Williams going  20 to take?  21 MS MCNEILL: If we could return at 2.00, I understand  22 Mr Williams is relatively short.  23 THE CHAIRMAN: 2.00 it is. Thank you very much.  24 (1.12 pm)  25 (The Luncheon Adjournment)</p> <p style="text-align: center;">Page 143</p>	<p>1 (2.00 pm)  2 MS BLACKWELL: Good afternoon, sir, may the witness be  3 sworn, please?  4 THE CHAIRMAN: Certainly.  5 MR MARK WILLIAMS (affirmed)  6 Questions from MS BLACKWELL  7 THE CHAIRMAN: Thank you.  8 MS BLACKWELL: Is your full name Mark Williams.  9 <b>A. Mark Emlyn Williams.</b>  10 Q. Thank you. You have held the position of head of the  11 police powers unit at the Home Office from October 2018  12 until the present day, is that right?  13 <b>A. Yes.</b>  14 Q. You have been a senior civil servant working in central  15 Government for six years and have worked in the Home  16 Office department since 1999?  17 <b>A. Seven years now.</b>  18 Q. Seven years, thank you.  19 In your current role you oversee police powers  20 policy, including police use of firearms, liaising with  21 stakeholders and providing advice to ministers?  22 <b>A. Yes.</b>  23 Q. You also oversee policy relating to public order, core  24 police powers and roads policing?  25 <b>A. That's right.</b></p> <p style="text-align: center;">Page 144</p>

36 (Pages 141 to 144)

<p>1 Q. Mr Williams, you were kind enough to provide a witness 2 statement to the inquiry, dated 19 January of this year, 3 and you should have before you -- I see that you do -- 4 a bundle of documents.</p> <p>5 Sir, the witness statement lies behind tab 1 in our 6 bundle, and is accompanied by a series of documents, 7 some of which we will take Mr Williams to during the 8 course of his evidence.</p> <p>9 THE CHAIRMAN: Yes.</p> <p>10 MS BLACKWELL: Mr Williams, I am turning to paragraph 2 of 11 your witness statement, at page 1.</p> <p>12 Which confirms that your statement was provided to 13 assist this inquiry in response to a Rule 9 letter dated 14 9 November 2020. The content of your statement consists 15 of both direct evidence from your own knowledge, but 16 also from records or corporate knowledge, and the facts 17 and matters set out in your statement within your own 18 direct knowledge are true and the facts and matters 19 derived from other sources and information supplied to 20 you by others are true to the best of your knowledge and 21 belief?</p> <p>22 <b>A. That is correct, yes.</b></p> <p>23 Q. Thank you.</p> <p>24 Turning to paragraph 4, please, can you confirm that 25 the vast majority of armed policing operations in the UK</p> <p style="text-align: center;">Page 145</p>	<p>1 are carried out safely and the policy in the UK has long 2 been that the police should not generally be armed?</p> <p>3 <b>A. Yes, that is the case. The overarching policy is that 4 police use of force should be the minimum required and 5 a last resort. The statistics I referred to in my 6 statement were recently updated, so new statistics were 7 published last week. They report there were 18,262 8 armed operations and four discharges of weapons.</b></p> <p>9 Q. Within the last 12 months?</p> <p>10 <b>A. That was up to March 2021.</b></p> <p>11 Q. Right. Indeed the statistics that you provided at 12 paragraph 5 of your witness statement for the previous 13 year confirmed that there were 19,732 police firearms 14 operations during that period, with five incidents in 15 which police firearms were discharged. So similar 16 numbers really, one year on to the next.</p> <p>17 In terms of the period April 2019 to March 2020, and 18 taking into account the five incidents in which police 19 firearms were discharged, are you also able to confirm 20 that there were three fatal police shootings between 21 those dates?</p> <p>22 <b>A. Three fatal shootings, yes.</b></p> <p>23 Q. Are you able to provide that figure for the more recent 24 period of time?</p> <p>25 <b>A. No, the Home Office doesn't publish this data, but the</b></p> <p style="text-align: center;">Page 146</p>
<p>1 <b>IOPC does, and I understand they will be publishing 2 updated figures soon.</b></p> <p>3 Q. Thank you.</p> <p>4 In terms of the Government policy that police should 5 not generally be armed, is it your view that the policy 6 is vital in promoting good relations with the public and 7 the community, ensuring a safe environment for both 8 officers and members of the public?</p> <p>9 <b>A. Yes, this goes back to the Peelian principles that 10 policing in this country is done by consent, and a key 11 to that is that the police are not armed.</b></p> <p>12 Q. For the purposes of your witness statement, and the 13 evidence that you are going to provide to the inquiry 14 today, you have focused on firearms inquests and 15 inquiries relating to three particular individuals, 16 Azelle Rodney, Mark Duggan and Anthony Grainger, as was 17 suggested to you in your Rule 9 letter?</p> <p>18 <b>A. Yes.</b></p> <p>19 Q. Before we go to deal with those, in the order in which 20 they occurred, I would just like you to confirm that 21 which appears at paragraph 7 of your witness statement, 22 that there are 43 independent Home Office police forces 23 in England and Wales, with decisions around policing 24 devolved in Scotland and Northern Ireland, and that 25 police forces are overseen by Policing and Crime</p> <p style="text-align: center;">Page 147</p>	<p>1 Commissioners, except for the Metropolitan Police 2 Service, which is overseen by the Mayor of London, and 3 that it is the responsibility of the PCC, and, in the 4 case of London, the Mayor, to hold the police to account 5 on behalf of the public?</p> <p>6 <b>A. Yes. That sets out the policing landscape. There are 7 probably other cities, I think Manchester which also has 8 a mayor, where the functions of the PCC are actually 9 carried out by the mayor.</b></p> <p>10 Q. Thank you.</p> <p>11 Under that framework, are the police operationally 12 independent of the Government and of the Home Office?</p> <p>13 <b>A. Yes.</b></p> <p>14 Q. You confirm at paragraph 8 that operational decisions 15 fall to individual forces' chief constables and in the 16 case of the Metropolitan Police the commissioner, who 17 are responsible for maintaining the Queen's peace and 18 have direction and control over their forces, officers 19 and staff.</p> <p>20 You go on to say that the relevant chief constable 21 is accountable to the law for the exercise of their 22 force's police powers and to the PCC for delivery of 23 efficient and effective policing, management of 24 resources and expenditure by their force.</p> <p>25 And at all times the chief constable, their</p> <p style="text-align: center;">Page 148</p>

37 (Pages 145 to 148)

<p>1 constables and staff, remain operationally independent 2 of Government in serving their communities and this 3 operational independence is a fundamental principle of 4 British policing.</p> <p>5 <b>A. Yes, that's right.</b></p> <p>6 Q. Thank you.</p> <p>7 In addition, you say:</p> <p>8 "Four further organisations are relevant to police 9 use of firearms: the College of Policing, which helps to 10 identify and promulgate best practice, primarily through 11 training and guidance; the IOPC, formally the IPCC, 12 which investigates all firearms incidents; Her Majesty's 13 Inspectorate of Constabulary and Fire and Rescue 14 Services, who inspect forces on their use of firearms; 15 and the National Police Chiefs' Council, which helps 16 coordinate approaches for all areas of police activity 17 and operations across the forces, often through the 18 appointment of a senior officer to act as the lead for 19 specific areas of law enforcement."</p> <p>20 <b>A. That's right.</b></p> <p>21 Q. Thank you.</p> <p>22 I am going to invite you to look towards the end of 23 your witness statement as we turn to consider the Home 24 Office's response to the recommendations coming from the 25 Azelle Rodney case.</p> <p style="text-align: center;">Page 149</p>	<p>1 At paragraph 37, at page 10, you confirm what you 2 knew by way of summary of the case itself, and I will 3 simply read this into the record:</p> <p>4 "On 30 April 2005 Azelle Rodney was fatally shot by 5 officers from the MPS specialist firearms command. The 6 incident occurred while officers were engaged in 7 an operation to interdict a gang of criminals. 8 Background intelligence suggested that the subjects 9 would be in possession of automatic weapons. Following 10 a public inquiry in July 2013, Sir Christopher Holland 11 published a report on the inquiry and the report 12 contained criticism of both the overall operation and 13 the actions of officer E7, concluding that E7 had used 14 disproportionate force."</p> <p>15 Indeed, sir, those reflect the details I think that 16 were set out to the inquiry this morning during 17 Mr Chesterman's evidence:</p> <p>18 "The policy officials in the department's 19 transparency unit, which has now been replaced by the 20 police integrity unit, and the department's firearms 21 policy leads carefully considered the findings of the 22 report and subsequently provided advice to ministers on 23 the findings of the Azelle Rodney public inquiry."</p> <p>24 Can you tell us, please, Mr Williams, of the 25 recommendations with which the Home Office became</p> <p style="text-align: center;">Page 150</p>
<p>1 involved?</p> <p>2 <b>A. All the recommendations were aimed at policing, 3 directly. So the role of the Home Office in this, in 4 relation to the Azelle Rodney Inquiry, was to inform 5 ministers of what those were, rather than to get 6 involved, if you like, with trying to fix them or 7 implement them.</b></p> <p>8 Q. Thank you.</p> <p>9 I think we can display these at HOM1, Mr Coates. 10 You very helpfully provided at annex A to your 11 witness statement the full list of recommendations to 12 the three cases. Can we go to page 16, please.</p> <p>13 Could we also display, next to it, page 17. Thank 14 you.</p> <p>15 You say at paragraph 41 in your statement: 16 "The Home Secretary wrote to Sir Christopher, 17 providing reassurance that recommendations were being 18 taken seriously and those to whom recommendations were 19 addressed were driving them forward and that they had 20 taken note of the lessons learned. This included 21 an outline of the work taken forward by 22 Simon Chesterman, from whom the inquiry heard this 23 morning, on conducting a review of Operation Tayport in 24 response to recommendation 1."</p> <p>25 We can see there the first recommendation under the</p> <p style="text-align: center;">Page 151</p>	<p>1 heading "Azelle Rodney" was:</p> <p>2 "As soon as is reasonably practicable the 3 Metropolitan Police Service do undertake by way of 4 a senior officer as appointed by the commissioner, 5 a full thorough review of all operational aspects of 6 Operation Tayport."</p> <p>7 Was that the work that was undertaken and taken 8 forward by Simon Chesterman?</p> <p>9 <b>A. That is, yes.</b></p> <p>10 Q. Thank you:</p> <p>11 "The letter from the Home Secretary to 12 Simon Chesterman mentioned the recommendations reached 13 by the Chesterman review and a police update which had 14 been provided to Sir Christopher separately. The then 15 Home Secretary, the Right Honourable Amber Rudd MP, 16 outlined her support for the use of camera technology to 17 protect the public and support the police, referring to 18 the then recent provision of funding to select forces 19 for the purchase of body-worn cameras. The use and 20 supply of body-worn cameras within forces is an 21 operational decision."</p> <p>22 Did you confirm that at paragraph 41?</p> <p>23 <b>A. There is a slight mistake in there, that should refer, 24 the letter from the Home Secretary to Sir Christopher, 25 rather than to Simon Chesterman.</b></p> <p style="text-align: center;">Page 152</p>

<p>1 Q. Right. Thank you.</p> <p>2 <b>A. But, yes, it's, other than that, accurate.</b></p> <p>3 Q. "The second recommendation was that as soon as is</p> <p>4 reasonably practicable, the Metropolitan Police Service,</p> <p>5 the Independent Police Complaints Commission and the</p> <p>6 Association of Chief Police Officers do liaise with</p> <p>7 a view to establishing a protocol for future conduct in</p> <p>8 the event of a shooting by a police officer of early</p> <p>9 operational debriefing as an obligation equal and</p> <p>10 complementary to that of investigation by the</p> <p>11 commission."</p> <p>12 What was the response from the Home Office in</p> <p>13 relation to the second recommendation?</p> <p>14 <b>A. In relation to this recommendation, the Home Office was</b></p> <p>15 <b>involved in discussing obviously with the police, with</b></p> <p>16 <b>the IPCC, how that was going to be taken forward. The</b></p> <p>17 <b>IPCC preference was to issue its own guidelines,</b></p> <p>18 <b>subsequently issued in January 2019, about preserving</b></p> <p>19 <b>evidence. So it was about finding out what those</b></p> <p>20 <b>organisations intended to do and reporting that to the</b></p> <p>21 <b>Home Secretary.</b></p> <p>22 Q. Thank you.</p> <p>23 Then, finally, the third recommendation:</p> <p>24 "In the event of a shooting by a Metropolitan Police</p> <p>25 Service officer that results in death or serious injury,</p> <p style="text-align: center;">Page 153</p>	<p>1 the commissioner should thereupon appoint a senior</p> <p>2 officer to conduct an early full operational</p> <p>3 debriefing."</p> <p>4 What did the Home Office do in relation to that</p> <p>5 third recommendation, please?</p> <p>6 <b>A. Similarly, find out from the Metropolitan Police exactly</b></p> <p>7 <b>how they intended to implement that recommendation,</b></p> <p>8 <b>which I understand was to introduce a safety critical</b></p> <p>9 <b>debriefing process.</b></p> <p>10 Q. Thank you.</p> <p>11 As you have already set out, Mr Williams, these</p> <p>12 recommendations were the responsibility of the MPS, the</p> <p>13 IPCC and the COP, who were best placed to update on any</p> <p>14 further developments for the purposes of this inquiry?</p> <p>15 <b>A. Yes.</b></p> <p>16 Q. What you have covered relates only to the response from</p> <p>17 the Home Office?</p> <p>18 <b>A. Yes.</b></p> <p>19 Q. Then, finally, at paragraph 45, do you confirm the</p> <p>20 following:</p> <p>21 "The Home Secretary, at the time, also received</p> <p>22 a request from Azelle Rodney's mother for a meeting</p> <p>23 which subsequently took place on 15 July 2013.</p> <p>24 Following that meeting, the department agreed to pursue</p> <p>25 three actions, some of which linked to the</p> <p style="text-align: center;">Page 154</p>
<p>1 recommendations made as part of the inquiry."</p> <p>2 What were those three actions, please?</p> <p>3 <b>A. It is true the Home Secretary met Mrs Rodney. As you</b></p> <p>4 <b>say, three actions committed to be undertaken. But</b></p> <p>5 <b>they, as described in my statement, probably sound</b></p> <p>6 <b>bigger than they were.</b></p> <p>7 <b>Review the policy around closed material, actually</b></p> <p>8 <b>related to a concern or a question raised by</b></p> <p>9 <b>Mrs Rodney's solicitor about whether it really was</b></p> <p>10 <b>necessary to covert that original inquest into</b></p> <p>11 <b>an inquiry.</b></p> <p>12 Q. Yes.</p> <p>13 <b>A. The IPCC issue was, as I understand it, around delays to</b></p> <p>14 <b>their investigation.</b></p> <p>15 <b>Reviewing concerns raised over the NPCC review was</b></p> <p>16 <b>about the decision to share only a summary of</b></p> <p>17 <b>Simon Chesterman's review with the family.</b></p> <p>18 Q. With the family.</p> <p>19 Can you confirm that those three issues raised by</p> <p>20 the family were passed on and picked up by the relevant</p> <p>21 policy leads in the department?</p> <p>22 <b>A. Yes.</b></p> <p>23 Q. Thank you.</p> <p>24 Let's turn to the case of Mark Duggan, please.</p> <p>25 You deal with this beginning at paragraph 24 in your</p> <p style="text-align: center;">Page 155</p>	<p>1 statement.</p> <p>2 Mark Duggan was shot and killed by MPS officers</p> <p>3 during a pre-planned operation on 4 August 2011. The</p> <p>4 MPS were attempting to arrest Mr Duggan, believing that</p> <p>5 he was in possession of a handgun. He died from</p> <p>6 a gunshot wound to his chest and his death resulted in</p> <p>7 public protest in Tottenham, which led to conflict with</p> <p>8 the police and escalated into a riot.</p> <p>9 "Following an inquest, the coroner,</p> <p>10 Judge Keith Cutler, published a prevention of future</p> <p>11 deaths report on 29 May 2014 and the Home Office [you</p> <p>12 confirm] carefully considered the recommendations made."</p> <p>13 If we look to page 16 of annex A to your report that</p> <p>14 we see on the left-hand side of our screen, we can see</p> <p>15 that they are expressed as concerns, but they are 1, 2,</p> <p>16 3, 4, 5, 6, 7 and 8. In the right-hand column we can</p> <p>17 see the letters "HO", for Home Office, sit decide</p> <p>18 concerns 3 and 8. Concern 3 being:</p> <p>19 "The IPCC had primacy at the scene but did not have</p> <p>20 the resources to conduct all relevant activities there."</p> <p>21 Concern 8 was:</p> <p>22 "The IPCC and counsel to an inquest do not have</p> <p>23 access to all intelligence."</p> <p>24 I am going to ask you about the Home Office reaction</p> <p>25 to those two concerns, but, first, to confirm with you</p> <p style="text-align: center;">Page 156</p>

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<p>1 that other recommendations, as we see set out in the</p> <p>2 concerns, were addressed by the MPS, the IPCC, the</p> <p>3 National Crime Agency, the Crown Prosecution Service,</p> <p>4 the Association of Chief Police Officers and the chief</p> <p>5 coroner, who took a lead on those?</p> <p>6 <b>A. Yes. That's right.</b></p> <p>7 Q. Thank you.</p> <p>8 Can you take us through, please, the Home Office</p> <p>9 department's response to those two formal</p> <p>10 recommendations which we have identified?</p> <p>11 <b>A. Yes.</b></p> <p>12 <b>As I say, initially the process is to try and gather</b></p> <p>13 <b>information about what has been recommended, the views</b></p> <p>14 <b>of all those who may be affected. In these situations,</b></p> <p>15 <b>clearly -- in relation to concern 3, the IPCC. In</b></p> <p>16 <b>relation to concern 8 the Ministry of Justice, which has</b></p> <p>17 <b>responsibility for judicial proceedings.</b></p> <p>18 Q. Yes.</p> <p>19 <b>A. We provided advice to the Home Secretary on those</b></p> <p>20 <b>recommendations.</b></p> <p>21 <b>In relation to concern 3, you will see in the Home</b></p> <p>22 <b>Secretary's letter that we first set out the</b></p> <p>23 <b>responsibility on the police chief to maintain and</b></p> <p>24 <b>preserve evidence following a death.</b></p> <p>25 <b>We set out that there may be some practical concerns</b></p> <p style="text-align: center;">Page 157</p>	<p>1 <b>or considerations around handing over responsibility</b></p> <p>2 <b>initially to the IPCC, so, for example, if they are</b></p> <p>3 <b>directing the investigation remotely.</b></p> <p>4 <b>We further referred to the IOPC effort to create its</b></p> <p>5 <b>own guidance for handling post-incident procedures.</b></p> <p>6 Q. Thank you.</p> <p>7 Let's take a look at the letter to which you have</p> <p>8 referred, it sits behind our tab 6.</p> <p>9 I think if we continue through this same document,</p> <p>10 please, Mr Coates, to pages 19 and 20, and display them</p> <p>11 side by side. That's right, these are first two pages</p> <p>12 of the letter.</p> <p>13 Can we momentarily put up page 21, please, instead</p> <p>14 of page 20, and then we will go back to page 20.</p> <p>15 You can see it is signed by the Right Honourable</p> <p>16 Theresa May MP as Home Secretary. Can we go back to</p> <p>17 page 20, please.</p> <p>18 This was sent by Home Secretary back to the coroner,</p> <p>19 Judge Keith Cutler, on 24 July 2014, and in it she says,</p> <p>20 having thanked the judge for conducting the inquest, she</p> <p>21 goes to deal with concern 3, which, as we have</p> <p>22 established, is:</p> <p>23 "The IPCC had primacy at the scene but did not have</p> <p>24 the resources to conduct all relevant activities there."</p> <p>25 She says as follows:</p> <p style="text-align: center;">Page 158</p>
<p>1 "I understand that you made this point because of</p> <p>2 concerns that there was a period after the shooting when</p> <p>3 no crime manager was present at the scene and the</p> <p>4 management of the scene was unsatisfactory. As you</p> <p>5 pointed out in your report, the fact that the box said</p> <p>6 to have contained the gun, the minicab furniture and the</p> <p>7 minicab were all moved risked compromising evidence. As</p> <p>8 you will be aware, the Police Reform Act 2002 makes</p> <p>9 clear that the duty to preserve evidence at the scene of</p> <p>10 a death or serious injury is the responsibility of the</p> <p>11 chief officer. In paragraph 73 you refer to the IPCC</p> <p>12 obligation to investigate independently. The</p> <p>13 overarching duty to investigate under Article 2 is</p> <p>14 a duty on the state and it arises in broad terms where</p> <p>15 a person has died as a result of actions or omissions by</p> <p>16 state actors, eg the police. The IPCC framework in</p> <p>17 schedule 3, part 2A, paragraph 14B of the Police Reform</p> <p>18 Act 2002 was established to ensure that there is</p> <p>19 an independent means of investigating deaths resulting</p> <p>20 from police action, and is intended to satisfy the</p> <p>21 state's Article 2 obligations in relation to the police.</p> <p>22 Therefore the ECHR does not necessarily require the IPCC</p> <p>23 to investigate each and every death, provided it</p> <p>24 determines the mode of the investigation and has</p> <p>25 oversight over it.</p> <p style="text-align: center;">Page 159</p>	<p>1 "In the report you suggested that there should be</p> <p>2 a formal handover of responsibility from police back to</p> <p>3 the IPCC once the police duty to preserve evidence and</p> <p>4 secure the scene has been discharged.</p> <p>5 "This a question of practicality rather than</p> <p>6 resources. The IPCC does not have its own crime scene</p> <p>7 managers and therefore relies on police forces to supply</p> <p>8 trained staff to attend the scene and conduct much of</p> <p>9 the searching, seizure and exhibiting of evidence. If</p> <p>10 the IPCC were to take primacy in the crucial minutes and</p> <p>11 hours after such an incident, which occurs rarely, its</p> <p>12 staff would need the capability to deploy with the</p> <p>13 necessary expertise to any location within minutes of</p> <p>14 being notified. The Home Office has committed to</p> <p>15 increasing the resources of the IPCC to enable it to</p> <p>16 deal with all serious and sensitive cases involving the</p> <p>17 police. However, it is clear that for practical reasons</p> <p>18 the IPCC will continue to require at times the support</p> <p>19 of police forces, given their specialist skills and</p> <p>20 coverage. A formal transfer of responsibility may not</p> <p>21 be a solution, as there is a need to take account of the</p> <p>22 fact that the IPCC investigations will often be remotely</p> <p>23 directing the manner in which the police at the scene</p> <p>24 obtain and preserve evidence prior to the physical</p> <p>25 arrival of IPCC investigators. Besides this, the police</p> <p style="text-align: center;">Page 160</p>

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<p>1 and the IPCC are likely to continue to work alongside 2 each other at the crime scene. There may not be a clear 3 divide between securing the scene and gathering the 4 relevant evidence and in complex investigations there is 5 a possibility of evidence being relevant to linked 6 criminal trials or inquests. 7 "The College of Policing is responsible for managing 8 the code of conduct for the authorised professional 9 practice which deals with post-incident procedure. The 10 APP is kept under continual review by the College, and 11 Home Office and firearms leads will work with them and 12 the IPCC to incorporate any necessary changes regarding 13 firearms policy. 14 "As you are aware, the IPCC has consulted on its 15 draft statutory guidance in achieving best evidence in 16 death and serious injury incidents. The draft guidance 17 sets out that whilst the police must act to preserve and 18 control evidence, they must not take other actions 19 without the express agreement of the IPCC. It also says 20 that the police may act without prior approval where 21 there is an immediate danger that the evidence may be 22 lost or deteriorate or there is a need to protect the 23 public, for example to remove a firearm. When finalised 24 this should add clarity to post-incident procedures." 25 Was that done?</p> <p style="text-align: center;">Page 161</p>	<p>1 <b>A. Yes, that was done -- the IOPC published its guidance in</b> 2 <b>January 2019, having been approved by the Home Secretary</b> 3 <b>at the time.</b> 4 Q. Do we see that guidance behind tab 8? 5 <b>A. Tab 8, yes.</b> 6 Q. Thank you. 7 Sir, I don't know if you have had an opportunity to 8 considerate guidance behind tab 8. I am just going to 9 display it momentarily, Mr Coates, it is INQ44. 10 Thank you. 11 This document runs to 10 pages, 34 paragraphs in 12 total. As you have confirmed, Mr Williams, this was 13 drafted and brought into force in 2019? 14 THE CHAIRMAN: Is it dated January 2019? 15 <b>A. That is the one.</b> 16 MS BLACKWELL: Thank you. 17 Right, could we go back to the letter, please, which 18 is HOM1, pages 20 and 21, please, Mr Coates. 19 Just to summarise, in relation to concern 3 that was 20 raised by the coroner, the letter confirms that there 21 was careful consideration of that concern, but that in 22 the event, although the guidance that we have just 23 looked at was drafted and brought into force, there was 24 no additional change made or recommended? 25 <b>A. Yeah, but it is worth saying as well the Government was</b></p> <p style="text-align: center;">Page 162</p>
<p>1 <b>also trying to improve the operation of the IPCC, so</b> 2 <b>there was more resources given to that organisation,</b> 3 <b>governance reforms, et cetera, et cetera, but not</b> 4 <b>mentioned in this letter.</b> 5 Q. Thank you. 6 Let's then turn to concern 8, which was the IPCC and 7 counsel to an inquest do not have access to all 8 intelligence. 9 Sensitive information and the IPCC: 10 "Section 137 of the Antisocial Behaviour Crime and 11 Policing Act 2014 contains additional powers for the 12 IPCC that it has requested in order to strengthen its 13 ability to improve public confidence in the police 14 complaints system. The ASBC&amp;P Act 2014 has strengthened 15 the IPCC's power to obtain data from third parties. The 16 new third party data provision provides the IPCC with 17 the power to serve an information notice on a person, 18 where it reasonably requires information for the 19 purposes of an investigation it is carrying out. These 20 information notices are subject to restrictions on 21 onward disclosure that would have to be agreed with the 22 security and intelligence agencies, the Cabinet Office 23 and the FCO. The Act contains a framework under which 24 the IPCC may not disclose intelligence service 25 information, intercept information or information</p> <p style="text-align: center;">Page 163</p>	<p>1 received from a Government department which, in the 2 opinion of the relevant Secretary of State, would damage 3 national security or the economic interests of the 4 United Kingdom or any part of it to a third party, 5 without consent of the authority that provided the 6 information. 7 "Neither can it disclose that it has received the 8 information without such consent. These additional 9 safeguards are intended to enable the IPCC to continue 10 to exercise its statutory functions, whilst at the same 11 time safeguarding matters such as national security 12 where this is necessary." 13 In relation to sensitive information and inquests 14 the Home Secretary confirmed: 15 "The Government is committed to ensuring the 16 effectiveness of the coronial system and allowing as 17 much information as possible to be made available to the 18 public, where it is appropriate to do so. However, 19 there is a statutory duty on Government to protect 20 sensitive national security information in circumstances 21 where it may be against the law or the public interest 22 to make such information available publicly. 23 "The 2011 justice and security green paper 24 considered the introduction of closed material 25 proceedings for inquests and the Government, in response</p> <p style="text-align: center;">Page 164</p>

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<p>1 to the public consultation, which was firmly against 2 such an extension, decided not to propose the mechanism 3 for inquests. 4 "In inquests where intelligence evidence cannot be 5 disclosed without risk to national security and public 6 safety, the government is able to apply for public 7 interest immunity (PII) certificates to exempt that 8 material from proceedings or, in extremis, to covert 9 inquests into inquiries under the Inquiries Act 2005." 10 In relation to the first paragraph, under sensitive 11 information and the IPCC, what was the Home Secretary 12 there setting out? 13 <b>A. The Home Secretary was setting out that, you know, she 14 is under a responsibility to both protect sensitive 15 information but also to ensure that serious incidents, 16 deaths caused by the police, can be properly 17 investigated, and so through the Antisocial Behaviour 18 Crime and Policing Act, the IOPC had been given more 19 powers but within a framework which set out what they 20 could and couldn't do with any information obtained.</b> 21 Q. In relation to the second paragraph, there is 22 a reference there to the justice and security green 23 paper, which had been commissioned to consider the 24 introduction of closed material proceedings in inquests. 25 Is it apparent from this letter that that green</p> <p style="text-align: center;">Page 165</p>	<p>1 paper had firmly advised against such an extension and 2 that advice was accepted by the Home Secretary? 3 <b>A. I don't know what the green paper itself advised, but my 4 understanding is that the response to that consultation 5 led the Government to conclude not to proceed with 6 providing closed material to coroners.</b> 7 Q. For the reasons which are set out in the penultimate 8 paragraph? 9 <b>A. Yes.</b> 10 Q. Yes, thank you. We can take that down, please. 11 Coming finally, please, Mr Williams, to the 12 information which you have provided in relation to the 13 Anthony Grainger case, confirming at paragraph 16 the 14 summary that you understand of the case. 15 Anthony Grainger was shot dead on 3 March 2012 by 16 an armed officer of Greater Manchester Police, as part 17 of a covert investigation named Operation Shire, and 18 following a public inquiry His Honour Judge Teague 19 Queen's Counsel, now chief coroner of England and Wales, 20 published a report in July 2019 concluding that overall 21 Mr Grainger died because Greater Manchester Police 22 failed to authorise, plan or conduct the mobile armed 23 support to surveillance operation on 3 March in such 24 a way as to minimise to the greatest extent possible 25 recourse to the use of lethal force."</p> <p style="text-align: center;">Page 166</p>
<p>1 He made nine open recommendations, chiefly relating 2 to armed deployments by the police, and you confirm that 3 recommendation 3 was specifically addressed to the Home 4 Office, relating to the authorisation of munitions. 5 Can you confirm, please, Mr Williams, that the Home 6 Office studied the findings of the Anthony Grainger 7 report, and worked with policy leads, in the 8 department's policy integrity and office for security 9 and counter terrorism firearms units, as well as the 10 NPCC and the COP, in order to inform advice and the 11 Government's response. 12 <b>A. Yes, that is true. We also spoke to GMP.</b> 13 Q. Right, and policy advice was provided to ministers 14 informing them of the case and suggested next steps, and 15 was that advice focused on recommendations for the 16 department rather than those addressed to the police 17 force? 18 <b>A. Yes.</b> 19 Q. In formally responding to the recommendation for the 20 Home Office, did the department liaise with the police 21 and with HMICFRS and the College of Policing to take 22 actions forward and to understand the broader context to 23 ensure a comprehensive approach? 24 <b>A. Yes.</b> 25 Q. We don't need to go back to your annex A, which is the</p> <p style="text-align: center;">Page 167</p>	<p>1 series of recommendations. I am simply going to read 2 the recommendation which related to the Home Office: 3 "A national policing body should manage a national 4 register of recommendations relating to armed policing 5 and the response to such recommendations arising from 6 IOPC reports, prevention of future death reports, made 7 in the course of inquests and statutory inquiries 8 concerning fatal police shootings." 9 At paragraph 19, do you confirm that there was 10 a document created as part of the department's 11 Government response? 12 <b>A. Yes.</b> 13 Q. Is that the document that we see behind tab 3 in our 14 bundle, that was taken forward by today's previous 15 witness, Simon Chesterman? 16 <b>A. This is the Government response to the Grainger public 17 inquiry, yes.</b> 18 Q. Yes, and if we put up, please, Mr Coates, INQ43, and we 19 can see that this is the Home Office Government response 20 to the Anthony Grainger public inquiry, dated May 2020. 21 If we scroll through to page 3, please, we can see 22 that the contents include an executive summary, 23 background as to why the inquiry was set up and ongoing 24 investigations and then deals with each of the 25 recommendations and the Government's response to each of</p> <p style="text-align: center;">Page 168</p>

42 (Pages 165 to 168)

<p>1 them.</p> <p>2 I am not going to take us through them in detail,</p> <p>3 but I am going to ask us just to pause and focus on</p> <p>4 paragraph 41, which comes within the conclusions at</p> <p>5 page 19, please:</p> <p>6 "The Anthony Grainger Inquiry has identified</p> <p>7 important lessons to be learnt. The recommendations for</p> <p>8 policing and the effectiveness and safety of armed apply</p> <p>9 policing in particular are welcome. Following</p> <p>10 consideration of the information it has received, the</p> <p>11 Government can report that good progress has been made</p> <p>12 on fulfilling the nine recommendations. However, given</p> <p>13 the seriousness of the findings of the Anthony Grainger</p> <p>14 Inquiry, we cannot afford to be complacent but will</p> <p>15 continue to work with the police and with the HMICFRS to</p> <p>16 ensure that further progress is made to reduce the risk</p> <p>17 of Operation Shire's mistakes being repeated. The</p> <p>18 assurance of armed policing arrangements are</p> <p>19 independent, operational policing matters and as such</p> <p>20 will rightly remain the responsibility of chief</p> <p>21 officers, HMICFRS and the College of Policing rather</p> <p>22 than the Government. The Anthony Grainger Inquiry</p> <p>23 report established the facts and made a valuable</p> <p>24 contribution to improving the effectiveness of the</p> <p>25 police."</p> <p style="text-align: center;">Page 169</p>	<p>1 Just returning to your witness statement, please,</p> <p>2 Mr Williams, paragraph 19, do you confirm that</p> <p>3 Simon Chesterman introduced a structured organisational</p> <p>4 learning process, incorporating: lessons identified from</p> <p>5 IOPC reports; inquests, including any prevention of</p> <p>6 future deaths reports; statutory inquiries concerning</p> <p>7 fatal police shootings; and, where relevant, operational</p> <p>8 debriefs; reviews; and exercises?</p> <p>9 <b>A. I do.</b></p> <p>10 Q. The process links to joint emergency services</p> <p>11 interoperabilities principles, or JESIP, and</p> <p>12 counter-terrorism operational learning processes and</p> <p>13 revised guidance for armed policing and strategic threat</p> <p>14 and risk assessments includes the requirement for chief</p> <p>15 officers to be accountable for organisational learning</p> <p>16 processes?</p> <p>17 <b>A. That's right, it is also set out in the Code of</b></p> <p>18 <b>Practice.</b></p> <p>19 Q. Thank you.</p> <p>20 If we look behind tab 5, and to the Code of Practice</p> <p>21 on armed policing and police use of less-lethal weapons,</p> <p>22 which we can see at COP22, please. Do you confirm,</p> <p>23 Mr Williams, that the Home Office accepted the</p> <p>24 recommendation addressed to it and, with the College of</p> <p>25 Policing, and following stakeholder consultation,</p> <p style="text-align: center;">Page 170</p>
<p>1 a revised Code of Practice was published by the College</p> <p>2 of Policing as we see here, on 14 January 2020.</p> <p>3 Do you confirm that the new Code of Practice</p> <p>4 strengthens the process for the approval of less-lethal</p> <p>5 weapons and brings certain specialist munitions which</p> <p>6 have a direct physical impact on an individual into the</p> <p>7 process. The new code makes clear all less-lethal</p> <p>8 weapons and specialist munitions for use by police</p> <p>9 forces in England and Wales and all significant changes</p> <p>10 to those weapons must be approved by the Home Secretary?</p> <p>11 <b>A. Yes.</b></p> <p>12 Q. If we turn, please, Mr Coates, to page 16, and could we</p> <p>13 display this together with page 17, section 4 of the</p> <p>14 Code of Practice, is headed "Procedures for the</p> <p>15 selection and acquisition of firearms, ammunition and</p> <p>16 special munitions".</p> <p>17 Do we see at the bottom of page 17, at</p> <p>18 paragraph 4.5:</p> <p>19 "The approval of specialist munitions.</p> <p>20 "Where specialist munitions achieve their intended</p> <p>21 purpose through a physical effect on an individual, they</p> <p>22 will also require appropriate medical evaluation and</p> <p>23 must be considered for approval by the Home Office.</p> <p>24 Where this is the case, the approval process will be</p> <p>25 aligned with the approval process for less-lethal</p> <p style="text-align: center;">Page 171</p>	<p>1 weapons, refer to section 5 for detail of the approval</p> <p>2 process."</p> <p>3 <b>A. Yes.</b></p> <p>4 MS BLACKWELL: If we can now, please, display pages 18 and</p> <p>5 19 together, we can see that section 5 of the Code of</p> <p>6 Practice is headed "Development and the approval of</p> <p>7 less-lethal weapons by the Home Office". If we look</p> <p>8 towards the bottom of page 19, at paragraph 5.2, the</p> <p>9 process for Home Office approval of less-lethal weapons</p> <p>10 systems is set out. Could we please display the next</p> <p>11 page, page 20, alongside page 19. Could we swap those</p> <p>12 around, please?</p> <p>13 Thank you.</p> <p>14 I am not going to read through it, but we can see</p> <p>15 there the process for the approval and also the</p> <p>16 acquisition and use of less-lethal weapons. Thank you.</p> <p>17 Yes, thank you very much.</p> <p>18 Sir, those are all the questions I have of</p> <p>19 Mr Williams.</p> <p>20 Do you have any questions, sir?</p> <p>21 Questions from THE CHAIRMAN</p> <p>22 THE CHAIRMAN: Yes, I wonder if you could look at</p> <p>23 paragraph 40 of the conclusions on page 17, behind</p> <p>24 tab 3.</p> <p>25 MS BLACKWELL: INQ43, page 19.</p> <p style="text-align: center;">Page 172</p>

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<p>1 <b>A. Got it.</b></p> <p>2 THE CHAIRMAN: Yes.</p> <p>3 The fourth and fifth lines of which read:</p> <p>4 "When things go wrong, it is essential that the full</p> <p>5 facts are established. Any proven misconduct is dealt</p> <p>6 with appropriately and lessons are learnt."</p> <p>7 This inquiry has heard yet again about the sensitive</p> <p>8 issue of an officer resigning in circumstances in which</p> <p>9 it might look as though he or she is seeking to avoid</p> <p>10 the consequences of misconduct.</p> <p>11 I am not expressing a view as to whether that is or</p> <p>12 is not a justified view in this case. Now regulations,</p> <p>13 as you will know, have now been brought into effect</p> <p>14 which enable those charged by the IOPC with gross</p> <p>15 misconduct from resigning to avoid the consequences of</p> <p>16 such misconduct.</p> <p>17 I was going to ask, but I understand that now you</p> <p>18 have been appraised of my concern in this regard the</p> <p>19 Home Office intends to publish a statement on this</p> <p>20 important issue within the next seven days. Is that</p> <p>21 right?</p> <p>22 <b>A. That's right. I think if we write to you with full</b></p> <p>23 <b>details. As I understand the position, the regulations</b></p> <p>24 <b>have been changed to ensure that if someone retires or</b></p> <p>25 <b>resigns, that doesn't mean the end of disciplinary</b></p> <p style="text-align: center;">Page 173</p>	<p>1 <b>proceedings, but it is not my area of policy expertise.</b></p> <p>2 <b>So the Home Office -- I will talk to my colleagues in</b></p> <p>3 <b>the police integrity unit and get you a more precise</b></p> <p>4 <b>statement.</b></p> <p>5 THE CHAIRMAN: You see, as I understand it, there is</p> <p>6 a distinction drawn in the new statutory provisions</p> <p>7 between gross misconduct and misconduct which is not</p> <p>8 categorised as gross.</p> <p>9 <b>A. Yes.</b></p> <p>10 THE CHAIRMAN: It might be thought that there is a public</p> <p>11 interest in ensuring that those who have committed acts</p> <p>12 of misconduct in such circumstances are just as</p> <p>13 accountable as those who have committed acts of gross</p> <p>14 misconduct --</p> <p>15 <b>A. Yes.</b></p> <p>16 THE CHAIRMAN: -- because of course it can have implications</p> <p>17 of a very far-reaching nature.</p> <p>18 <b>A. Yes.</b></p> <p>19 THE CHAIRMAN: I will look forward to receiving your</p> <p>20 communication in that regard, and I understand that you</p> <p>21 appreciate that that will be for public consumption.</p> <p>22 <b>A. Yes.</b></p> <p>23 THE CHAIRMAN: Very good.</p> <p>24 MS BLACKWELL: Sir, there is one question which I am invited</p> <p>25 to ask on behalf of the family, I think, but I need to</p> <p style="text-align: center;">Page 174</p>
<p>1 just give it a moment's thought. Please could I invite</p> <p>2 to you rise just very briefly.</p> <p>3 THE CHAIRMAN: Would you tell me how long you would like me</p> <p>4 to rise for?</p> <p>5 MS BLACKWELL: Five minutes.</p> <p>6 THE CHAIRMAN: Fine, thank you.</p> <p>7 (2.47 pm)</p> <p>8 (A short adjournment)</p> <p>9 (2.57 pm)</p> <p>10 MS BLACKWELL: Sir, thank you for the opportunity of</p> <p>11 speaking to Ms Murphy and also to Mr Williams.</p> <p>12 There will be no further questions.</p> <p>13 THE CHAIRMAN: Thank you very much.</p> <p>14 Thank you, Mr Williams, for your time in attending</p> <p>15 today.</p> <p>16 <b>A. Thank you.</b></p> <p>17 THE CHAIRMAN: Yes.</p> <p>18 MS BLACKWELL: We do have some reading, it is very brief.</p> <p>19 It can be done now or first thing in the morning, sir.</p> <p>20 THE CHAIRMAN: I am entirely in your hands, or Mr Moss's</p> <p>21 perhaps, who is going to be doing it, I don't know.</p> <p>22 MS BLACKWELL: May I invite to you adjourn today then,</p> <p>23 please, until 10.00 tomorrow?</p> <p>24</p> <p>25</p> <p style="text-align: center;">Page 175</p>	<p>1 Housekeeping</p> <p>2 THE CHAIRMAN: Yes.</p> <p>3 Tomorrow, as far as the timetable is concerned?</p> <p>4 MS BLACKWELL: We have a witness in closed session in the</p> <p>5 morning --</p> <p>6 THE CHAIRMAN: That's a witness whose name is in the public</p> <p>7 domain?</p> <p>8 MS BLACKWELL: It is, it is Stephen Smart. He is going to</p> <p>9 be assisting you in terms of the NCA and the policies</p> <p>10 and improvements that have taken place over the course</p> <p>11 of time.</p> <p>12 THE CHAIRMAN: Right.</p> <p>13 Then Taylor major and Taylor minor?</p> <p>14 MS BLACKWELL: Yes.</p> <p>15 THE CHAIRMAN: And a little evidence to be read?</p> <p>16 MS BLACKWELL: Yes.</p> <p>17 THE CHAIRMAN: Right.</p> <p>18 Looking ahead to next week, I know that on Tuesday,</p> <p>19 we have Superintendent McKibbin, Mr Nicholson and</p> <p>20 Detective Sergeant Alexander.</p> <p>21 MS BLACKWELL: Yes.</p> <p>22 THE CHAIRMAN: Which leaves Commander Williams.</p> <p>23 MS BLACKWELL: For Monday.</p> <p>24 THE CHAIRMAN: Well, on the face of it.</p> <p>25 MS BLACKWELL: Yes. I think -- I think her evidence is</p> <p style="text-align: center;">Page 176</p>

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1 going to be agreed in some format and she will be  
 2 de-warned --  
 3 THE CHAIRMAN: She will not be retired?  
 4 MS BLACKWELL: She will not be required.  
 5 THE CHAIRMAN: Just so that those who wish to do so can make  
 6 arrangements for their own whereabouts next week, is it  
 7 thought that we will be sitting any day other than  
 8 Tuesday?  
 9 MS BLACKWELL: No.  
 10 THE CHAIRMAN: Right.  
 11 But of course with the options of sitting Wednesday  
 12 and Thursday if need arises?  
 13 MS BLACKWELL: Yes.  
 14 THE CHAIRMAN: Very good.  
 15 Thank you very much.  
 16 (3.00 pm)  
 17 (The Inquiry adjourned until 10.00 am the following day)  
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