

<p>1 Tuesday, 3 August 2021</p> <p>2 (10.00 am)</p> <p>3 THE CHAIRMAN: Good morning, everybody.</p> <p>4 MS MCNEILL: Good morning, sir.</p> <p>5 Our first witness today is Mr Steve Alexander, can</p> <p>6 he please be sworn?</p> <p>7 THE CHAIRMAN: Yes.</p> <p>8 MR STEVE ALEXANDER (sworn)</p> <p>9 <b>A. Good morning, sir, my name is Steven Alexander.</b></p> <p>10 THE CHAIRMAN: Please sit down.</p> <p>11 MS MCNEILL: Sir, Mr Alexander will be giving evidence today</p> <p>12 about some of the matters from the technical support</p> <p>13 unit that we heard evidence from Mr Brown and Mr Storey</p> <p>14 about.</p> <p>15 THE CHAIRMAN: Yes.</p> <p>16 MS MCNEILL: You will remember some of that evidence was</p> <p>17 heard in an open session and some of it was heard in</p> <p>18 a type 2 hybrid session, with core participants but no</p> <p>19 members of the public present.</p> <p>20 I believe most of Mr Alexander's evidence will be</p> <p>21 open, but I will take stock at the end sir, and see</p> <p>22 whether it is necessary to hear anything further in</p> <p>23 closed.</p> <p>24 THE CHAIRMAN: Very good.</p> <p>25</p> <p style="text-align: center;">Page 1</p>	<p>1 Questions from MS MCNEILL</p> <p>2 MS MCNEILL: I emphasise to you, Mr Alexander, if there are</p> <p>3 any sensitive areas that you feel necessary to explore</p> <p>4 in your answers, please just say so and we have that</p> <p>5 facility available.</p> <p>6 <b>A. Thank you.</b></p> <p>7 Q. In the main I think we will be largely okay, those</p> <p>8 sitting behind me I am sure will nudge me if we get to</p> <p>9 difficult areas.</p> <p>10 Can I confirm, Mr Alexander, that in 2015 you were</p> <p>11 a detective sergeant in the Metropolitan Police?</p> <p>12 <b>A. That's correct, yes.</b></p> <p>13 Q. Have you since retired?</p> <p>14 <b>A. Yes, I retired in 2018.</b></p> <p>15 Q. Thank you.</p> <p>16 Whilst you were in the Metropolitan Police in 2015,</p> <p>17 what was your role in the technical support unit?</p> <p>18 <b>A. I was one of the detective sergeants working on the</b></p> <p>19 <b>intrusive operations team, which is one of the -- what</b></p> <p>20 <b>is called portfolios within the technical support unit</b></p> <p>21 <b>and, as the name suggests, is the one that tends to</b></p> <p>22 <b>service technical requests that require an intrusive</b></p> <p>23 <b>surveillance authority.</b></p> <p>24 Q. Looking at your first witness statement, you have</p> <p>25 provided two to the inquiry. Sir, both of which have</p> <p style="text-align: center;">Page 2</p>
<p>1 been slotted behind tab 1 in my bundle, and</p> <p>2 Mr Alexander, probably in yours, if it will help you.</p> <p>3 But I can take you through any of them in detail.</p> <p>4 <b>A. Yes, I have them.</b></p> <p>5 Q. Thank you, page 2 of your first witness statements, you</p> <p>6 confirm, were you the operational lead in the TSU</p> <p>7 support of Operation Ankaa?</p> <p>8 <b>A. Yes, that's correct. Although we knew it by another</b></p> <p>9 <b>name by then.</b></p> <p>10 Q. What was that name?</p> <p>11 <b>A. Utara.</b></p> <p>12 Q. Yes.</p> <p>13 Were you involved in the broader Operation Utara</p> <p>14 that was running for some time?</p> <p>15 <b>A. No, my involvement was all in connection with one</b></p> <p>16 <b>particular request from our applicants.</b></p> <p>17 Q. In relation to that request then, we know it as</p> <p>18 Operation Ankaa, but it doesn't necessarily matter, what</p> <p>19 are the responsibilities of the operational lead in the</p> <p>20 TSU?</p> <p>21 <b>A. Well, my responsibility as team leader was to in effect</b></p> <p>22 <b>knit the two sides of our response to a request for</b></p> <p>23 <b>support. So the TSU is fairly unusual in that it is</b></p> <p>24 <b>a mixture of police officers and police staff, the staff</b></p> <p>25 <b>being the engineering input and the police officers</b></p> <p style="text-align: center;">Page 3</p>	<p>1 <b>having the operational background and hopefully some</b></p> <p>2 <b>experience in that kind of covert world.</b></p> <p>3 <b>My role was to knit the two sides of that together</b></p> <p>4 <b>to come up with a feasible response to the request for</b></p> <p>5 <b>support and then to plan and initiate that plan.</b></p> <p>6 Q. The evidence we heard from Mr Brown and Mr Storey,</p> <p>7 perhaps 10 days ago, was in essence for the TSU, the</p> <p>8 operational team provides you with an objective, rather</p> <p>9 than a specific request, and you as the TSU would work</p> <p>10 out how best to meet that objective. Would you agree</p> <p>11 with that?</p> <p>12 <b>A. That is exactly right, yes, so they make a broad request</b></p> <p>13 <b>for what they think they need in order to progress their</b></p> <p>14 <b>job and then it is a matter for us to consider how best</b></p> <p>15 <b>we can supply that.</b></p> <p>16 Q. During Operation Ankaa, as we know it, we were aware</p> <p>17 that four Obelisk records were created, that I am going</p> <p>18 to focus on in any event.</p> <p>19 We know there was an application initially to</p> <p>20 install an audio probe in the prison vehicle that didn't</p> <p>21 ultimately go ahead, were you involved in that one?</p> <p>22 <b>A. I was involved in the conversation about it, yes, but it</b></p> <p>23 <b>never went any further than the conversation.</b></p> <p>24 Q. We know that there was a request for a tracker to be</p> <p>25 fitted on the Audi?</p> <p style="text-align: center;">Page 4</p>

1 **A. I am aware of that, yes.**  
 2 Q. Were you involved in that?  
 3 **A. No.**  
 4 Q. We know there was a request to fit a static camera  
 5 overlooking a car park in which the Audi was parked,  
 6 were you involved in that part of the operation?  
 7 **A. No.**  
 8 Q. Finally, we know there was the audio probes placed  
 9 inside the vehicle. Was your involvement limited to  
 10 that aspect of the TSU?  
 11 **A. It was, yes.**  
 12 Q. Thank you.  
 13 Can we look, please, at MPS3996.  
 14 Sir, this is in your bundle, if you would like the  
 15 hard copy, it is at tab 15.  
 16 **A. I have it, yes.**  
 17 Q. Do we see at the top the objective for this request?  
 18 **A. Yes, "To provide live-time and recorded audio products**  
 19 **from a vehicle to be used in crime".**  
 20 Q. It notes a number of other requests.  
 21 **A. Yes, it says it is in conjunction with another request**  
 22 **submitted under another reference.**  
 23 Q. Thank you. Can we skip ahead to page 6 of that  
 24 document.  
 25 The Obelisk record is created on 5 November; is that

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1 another.  
 2 We know there was a strategy meeting on 9 November,  
 3 and we can see just at the bottom of this page an entry  
 4 with SA on the left -- would that be you?  
 5 **A. Yes.**  
 6 Q. Did you attend the strategy meeting on 9 November?  
 7 **A. I did, yes, along with one of my police officers from my**  
 8 **team and two engineers.**  
 9 Q. Is that A199, one of the officers?  
 10 **A. Yes.**  
 11 Q. "Strategy meeting conducted as arranged, details to be  
 12 reported by A199, but the request to the team for live  
 13 audio from the Audi that is believed to be intended to  
 14 be used in an armed attack on a prison van ..."  
 15 Over the page, please. Thank you very much.  
 16 Then we see down at the bottom of this page an entry  
 17 with A199, who the last entry told us was in charge of  
 18 taking the notes for this meeting.  
 19 **A. That's correct, yes.**  
 20 Q. Is it usual practice or was it in 2015 to hold  
 21 a strategy meeting near to the beginning of a TSU  
 22 operation?  
 23 **A. Yes, it was essential. Applicants, as we call the**  
 24 **operation team, would make a request and we would need**  
 25 **to speak to them, meet them as soon as possible, because**

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1 right?  
 2 **A. Yes.**  
 3 Q. You have contact with the applicant, "And I have spoken  
 4 to Andy", is that Andy Sparks?  
 5 **A. That would be Andy Sparks, yes.**  
 6 Q. "... about this request, informed him ..."  
 7 THE CHAIRMAN: Sorry, which page is this?  
 8 MS MCNEILL: Sorry, page 6, sir.  
 9 THE CHAIRMAN: Yes.  
 10 MS MCNEILL: Right at the top, we see 5 November.  
 11 THE CHAIRMAN: Page 6 -- sorry, page 6, not of the document,  
 12 page 6 of MPS30096.  
 13 **A. Yes sir, I am afraid the document prints in sections, so**  
 14 **it will start at 1 all over again.**  
 15 THE CHAIRMAN: I have it, it is fine, page 1 of the actual  
 16 log?  
 17 **A. That's it, yes.**  
 18 THE CHAIRMAN: That is my fault, thank you.  
 19 MS MCNEILL: Then it goes on to say he would like a joint  
 20 strategy where he comes in and to speak to a member of  
 21 the TSU team we know as EG55.  
 22 **A. Yes, that was the request for the static camera.**  
 23 Q. Okay.  
 24 **A. So the two meetings were held on the same day.**  
 25 Q. And they were dealt with in conjunction with one

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1 **we are juggling a workload and we need to assess whether**  
 2 **it is a request that we can actually service, whether**  
 3 **it's a request that is likely to receive the authority**  
 4 **that it requires and to get the ball rolling as early as**  
 5 **possible. So, yes, the very first thing you do is that**  
 6 **strategy meeting.**  
 7 Q. If you go over the page to page 8 then, there is quite  
 8 a long, more detailed note about what was discussed,  
 9 some of it is more sensitive than others. I am going to  
 10 summarise this by saying much of the discussion was  
 11 around access to the vehicle and the practicalities of  
 12 any operation within the Audi vehicle; is that fair?  
 13 **A. Yes. I mean the strategy meeting, as I say, is for them**  
 14 **to lay out what they would like and for to us, by the**  
 15 **end of it, assess whether it is something that we think**  
 16 **technically we can provide to them, and then in effect**  
 17 **give them a shopping list of things that they**  
 18 **potentially need to do to enable us to carry out our**  
 19 **work. So quite a lot of that will be relating to that**  
 20 **shopping list that we gave them.**  
 21 THE CHAIRMAN: Can you give an idea, in an open session, of  
 22 what might be on the shopping list or is it --  
 23 **A. Not in detail but, as you can imagine, if we are going**  
 24 **to deploy into a vehicle, as we were on this occasion,**  
 25 **we need to know literally everything about that vehicle.**

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<p>1 THE CHAIRMAN: It is more about what they need to do, rather 2 than literally things that have to be acquired?</p> <p>3 <b>A. Yes, it is a combination of information that we need 4 from them that we need in order to assess how to carry 5 out the task, but also there may be an element of them 6 obtaining -- items that we need.</b></p> <p>7 THE CHAIRMAN: You are effectively telling them what you 8 need to be in a state of readiness?</p> <p>9 <b>A. Yes, so they go away with what we have asked them to do 10 and we go away and get our heads together about how we 11 think we can service that request.</b></p> <p>12 THE CHAIRMAN: Thank you very much.</p> <p>13 MS MCNEILL: Can we go over the page, Mr Coates, please. 14 I would just like to explain one entry at the end: 15 "We also advised DC Sparks to liaise with the CAU 16 ASAP to make them aware and ensure support for the 17 operational plan. Until we have confirmed that the 18 operational plan is viable and supported, as it appears 19 to pose significant risks." 20 As far as you are able, can you explain that entry 21 to us and in particular what is meant by the significant 22 risks?</p> <p>23 <b>A. Well, from my point of view, there was a significant 24 risk that they wouldn't get an authority to carry out 25 what they wanted to carry out. That was largely based</b></p> <p style="text-align: center;">Page 9</p>	<p>1 <b>on the fact that there was a short timescale to achieve 2 the goal and that it was a very difficult task for us to 3 comply with.</b></p> <p>4 <b>The other flipside to that coin is that we needed to 5 move our workload, stop working on other jobs and commit 6 ourselves fully in order to be able to support that 7 operation, and it was very important to know at an early 8 stage that it would get support and an authority.</b></p> <p>9 <b>I had a responsibility to manage my resources.</b></p> <p>10 Q. It is not necessarily about the risks posed to any 11 individual in this operation, but about greater risks 12 that your unit have to consider?</p> <p>13 <b>A. Well, it is my management of my time and my resources, 14 but it is also the likelihood of an authority being 15 given on an operation that clearly has a lot of facets 16 to it and is one that the authorising officer is going 17 to carefully consider.</b></p> <p>18 Q. I don't propose to take you through the entirety of this 19 log. 20 Sir, we have seen most of it throughout a number of 21 our witnesses --</p> <p>22 THE CHAIRMAN: Yes.</p> <p>23 MS MCNEILL: -- with Mr Brown and Mr Storey not least, but 24 I would like to take to you look at another distinct 25 document, MPS1815, please.</p> <p style="text-align: center;">Page 10</p>
<p>1 Sir, this is in our bundle at tab 7. Can we go to 2 page 2, please, Mr Coates.</p> <p>3 Thank you very much. Can we zoom out the bottom 4 email.</p> <p>5 This is an email from somebody called Danny Gosling, 6 was he within your unit?</p> <p>7 <b>A. He was my line manager.</b></p> <p>8 Q. Thank you. It says: 9 "With regard to the above operation, I would be 10 really grateful if you could please send me a copy of 11 the FA1 along with any associated tactical advice you 12 may have received, if this is yet to be done and it is 13 going to be discussed in conference with SCO19, can we 14 please be invited to attend the meeting." 15 My question is, can you please tell us what use the 16 TSU would make of an FA1, and why it would be requested?</p> <p>17 <b>A. The reason that email was sent, I believe -- you will 18 see I am not copied into it -- is that there was 19 a question, clearly the operation itself was going to be 20 an armed operation. There was a question mark about 21 whether our activity, our deployment onto the vehicle, 22 which was going to be done obviously on a separate 23 occasion, whether that was going to be an armed 24 operation or not. I believe from memory that that is 25 what prompted that email.</b></p> <p style="text-align: center;">Page 11</p>	<p>1 Q. Okay.</p> <p>2 Generally speaking then would you receive a copy of 3 the FA1 or not?</p> <p>4 <b>A. Only if we were operating with the firearms team.</b></p> <p>5 Q. Thank you.</p> <p>6 THE CHAIRMAN: Is there a reply to this?</p> <p>7 MS MCNEILL: Sir, yes. 8 We can look up, if you need to, page 1 might be the 9 most useful to look at, sir, the very bottom email. 10 There is an email in between saying, "Can you deal 11 with this?"</p> <p>12 THE CHAIRMAN: Yes.</p> <p>13 MS MCNEILL: This one is the most useful one. It is from 14 Neil Williams: 15 "Danny, no FA1 has been submitted yet, we are still 16 some three and a half weeks away ..."</p> <p>17 THE CHAIRMAN: Yet?</p> <p>18 MS MCNEILL: Yes, sir. 19 "... we have had preliminary discussion with the 20 SFC, TFC and SCO19. Intelligence remains valid, the 21 intention would be to conduct surveillance ..."</p> <p>22 THE CHAIRMAN: "If the intelligence remains valid ..."</p> <p>23 MS MCNEILL: Sorry, sir: 24 "If the intelligence remains valid the intention 25 would be to conduct surveillance on the mission vehicle,</p> <p style="text-align: center;">Page 12</p>

3 (Pages 9 to 12)

1 supported by SCO19 ..."

2 He goes on to explain by that stage it was intended

3 to run the operation from 3000:

4 "We would like a live feed from the mission vehicle

5 into C3000 to assist the TFC in his decision making.

6 Clearly the more information that I have the better."

7 You are still not copied in on this email,

8 Mr Alexander, so I appreciate there is only so much

9 I can ask you about it.

10 **A. I can only say that our role in this is to provide the**

11 **product from the car and that activity took place on**

12 **a date prior to the day of the operation itself.**

13 **So our concern around having sight of an FA1 or any**

14 **other firearms authority would be limited to when we**

15 **were on the ground working with the firearms team. On**

16 **the day itself my team would have been out on another**

17 **job somewhere and I was in C3000 providing some support.**

18 Q. In particular you are talking about working with the

19 firearms team at the point of deployment, so we know

20 that the TSU officers on 8 December, as it ultimately

21 was, were accompanied by firearms officers for

22 protection, for want of a better word, whilst they were

23 performing the fitting?

24 **A. Yes.**

25 Q. Therefore, is it your focus at this stage in the safety

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1 Going to move then, if I can -- thank you,

2 Mr Coates -- to talk about the equipment, were you

3 involved in the decision to deploy two listening devices

4 in the Audi?

5 **A. Yes.**

6 Q. One as we know was store and retrieve and one was a live

7 feed?

8 **A. That's correct, yes.**

9 Q. It might assist you to look at page 2 of your first

10 witness statement, behind tab 1 in your bundle.

11 All of which I am assured is open, so if it is in

12 this statement, Mr Alexander, there is no difficulty

13 saying it in this session.

14 If there is anything you want to say that again you

15 concerned about, again, please just say so.

16 **A. Okay.**

17 Q. Can you could please explain to the chairman why you

18 decided to deploy two different listening devices in the

19 vehicle and why you selected those that you did?

20 **A. Certainly.**

21 **As we have already heard, the request from our**

22 **applicant was for them to be able to monitor live any**

23 **conversation taking place inside the vehicle.**

24 **When we consider how we are going to assist them**

25 **with that, we take account of all the surrounding**

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1 of your officers?

2 **A. Yes, absolutely.**

3 Q. Can we go back to page 2, it is just a question, please

4 indicate if you cannot answer, I know you didn't write

5 this email. The second paragraph from Danny Gosling

6 says:

7 "I am keen to ensure that the SFC is aware of

8 operating capability of the technical equipment, as this

9 may have an impact on their decision making. Some

10 equipment can be temperamental and therefore may not be

11 suitable in certain operations. I am keen to ensure

12 that we support the operation in whatever way possible,

13 but if the current proposed tactic is not going to be

14 supported by the SFC, I would rather know in advance, so

15 we can save time on a lengthy deployment but also ensure

16 that we are supplying kit that is in keeping with any

17 revised plan."

18 Again repeating I know you didn't write this email.

19 Are you able to help us understand what it is referring

20 to when it describes the fact that the equipment can be

21 temperamental and may not be suitable in certain

22 operations?

23 **A. I'm sorry, but I don't know what he is referring to**

24 **there, no.**

25 Q. That is fine.

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1 **circumstances and on this particular operation, it was**

2 **clearly expected that there would be a -- it was all**

3 **going to happen on a given day at a given time or within**

4 **a framework of time. It wasn't going to be one of those**

5 **jobs where quite often we set up audio probes and people**

6 **monitor them every second Tuesday or they might monitor**

7 **it for a month or something, it was very much a crime in**

8 **action and it was clearly going to form part of the**

9 **decision-making process, so we wanted to provide the**

10 **very best service that we could.**

11 **Providing the live audio was the first request, and**

12 **we were confident that we could do that. But we also**

13 **wanted to supply a back-up system, which was the store**

14 **and retrieve system.**

15 **There were two reasons for that, really. The first**

16 **reason was that if there was a failure of the live feed,**

17 **although that would be very, very regrettable in the**

18 **circumstances, there would be another copy of what had**

19 **been said that could be reviewed subsequently, but also**

20 **the store and retrieve devices were of a better quality**

21 **of sound recording, which meant that at a later date if**

22 **there was any issue about voice recognition or anything**

23 **of that nature, the product from the store and retrieve**

24 **was likely to be more useful or potentially would be**

25 **more useful than the live feed.**

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<p>1 Q. We know that not all of the audio was ultimately 2 captured by the live feed? 3 <b>A. No, that's right.</b> 4 MS MCNEILL: Sir, we heard in closed session more about the 5 technical limitations of a live feed device. 6 THE CHAIRMAN: Yes. 7 MS MCNEILL: I am not necessarily going to ask you to go 8 into those details for us at the moment, but was one of 9 the reasons that the store and retrieve device was 10 selected was because it would be voice activated, so it 11 wouldn't be constantly recording? 12 <b>A. So it wasn't the reason we decided to have a store and 13 retrieve function, but the voice activation of it was 14 a conscious decision that related to the timeframe in 15 which we wanted to deploy on the vehicle, the drain on 16 the battery of the vehicle, potential drain on the 17 battery of the vehicle which would leave a sign for the 18 offenders, and, you know, a number of other factors but 19 it was a conscious decision to use that activation on 20 that system.</b> 21 Q. You have two options, you can either put a device in 22 that remained recording at all times and that relies on 23 the vehicle's battery, or might, and run it down, or you 24 use a voice activation, so that the battery is only 25 coming on and off, as and when someone is in the car and</p> <p style="text-align: center;">Page 17</p>	<p>1 speaking? 2 <b>A. Yes, both systems were running off the battery, so both 3 systems when they are active would drain the car 4 battery, but the voice activation was the option that 5 allowed us to minimise that. The other reason for voice 6 activation was that although the anticipated activity 7 was on that particular day, offenders quite often will 8 come and check a car, move a car, make sure it is going 9 to start, that sort of thing and with the voice 10 activation, it gave us the ability to capture that 11 audio, which may have been extremely valuable to the 12 team prior to that day and may even have given them some 13 other options. Whereas if you were going to switch it 14 on and off consciously, we wouldn't know when to do 15 that, so we would be limited to only switching it on on 16 the day of the event and we would potentially lose that 17 intelligence or evidence.</b> 18 Q. Understanding that, but even then the probe was deployed 19 on 8 December? 20 <b>A. Yes.</b> 21 Q. It was fitted. You knew that the planned breakout was 22 to be on 11 December? 23 <b>A. Yes.</b> 24 Q. So we are still talking about a three-day window? 25 <b>A. Yes.</b></p> <p style="text-align: center;">Page 18</p>
<p>1 Q. The evidence that the chairman heard from the subject 2 matter adviser was that with a window as small as that, 3 the battery life or the capabilities of the store and 4 retrieve device meant that voice activation wasn't 5 required, because you would have had enough space and 6 enough battery life within that unit without requiring 7 the voice activation to turn it on and off. 8 Can you provide an explanation then as to why the 9 voice activation was nonetheless considered to be 10 necessary within such a short window? 11 <b>A. Well, only by explaining that within our team, different 12 people have different roles to play, so the police 13 officers are involved in how do we get in and out of 14 this vehicle without anyone ever knowing we have been 15 here. This is just broadly speaking, sir, and the 16 engineers are concerned with how do we obtain the 17 product that we have been tasked to obtain.</b> 18 <b>As the person with the overarching control of the 19 team, I can't explain to you in technical detail how 20 that equipment worked. I take the advice of the 21 engineers that worked on it. The voice activation 22 I have come across on numerous occasions. My 23 understanding of the rationale for it was exactly as 24 I have just explained. We don't know the condition that 25 that car battery was in. That car had been there for</b></p> <p style="text-align: center;">Page 19</p>	<p>1 <b>some period of time. It may well be right that we could 2 have left it on and that would have left no sign on the 3 car, but I don't think that was a chance that I would 4 have been willing to take because if they came to the 5 car on the day and the car didn't start, then the 6 operational team were back to their starting point again 7 with no control over what is going to happen and how 8 they can safely manage that situation.</b> 9 MS MCNEILL: Sir, on that particular slightly trickier 10 aspect, I don't think this witness can take us much 11 further, so I was going to move on if I might. 12 THE CHAIRMAN: Well the principle is clear. 13 MS MCNEILL: Thank you sir. 14 THE CHAIRMAN: Thank you. 15 MS MCNEILL: Can we move back to planning. The chairman has 16 heard that there was a planning meeting on 17 3 December 2015. 18 <b>A. Yes.</b> 19 Q. It is not covered in your witness statements, 20 unfortunately I cannot take you to something to help 21 you. 22 Sir, to perhaps jog your memory and mine, if we can 23 just look at IPC532, and look at page 2, please. 24 Sir, you will remember this is a planning meeting 25 where the only note that we had to date to review was</p> <p style="text-align: center;">Page 20</p>

5 (Pages 17 to 20)

<p>1 that of S48.</p> <p>2 THE CHAIRMAN: Yes.</p> <p>3 MS MCNEILL: Mr Alexander, you are not featured on this, as</p> <p>4 far as I can see.</p> <p>5 Did you attend the planning meeting on 3 December?</p> <p>6 <b>A. Yes, I think there is a reference to it in the Obelisk</b></p> <p>7 <b>entry, the TSU record of --</b></p> <p>8 Q. Let us go back to that then.</p> <p>9 Whilst I look for that, if you have any independent</p> <p>10 recollection, can you please explain to us the purpose</p> <p>11 of the planning meeting on 3 December and the TSU</p> <p>12 contribution to it?</p> <p>13 These notes will not help you at all, Mr Alexander.</p> <p>14 We have been through them --</p> <p>15 <b>A. I believe the meeting was -- I believe the purpose of</b></p> <p>16 <b>the meeting was to decide whether the TSU deployment, as</b></p> <p>17 <b>opposed to the actual operation, but our deployment of</b></p> <p>18 <b>equipment into the car was going to be an armed</b></p> <p>19 <b>operation or not.</b></p> <p>20 Q. Yes. I have been through the Obelisk record. There is</p> <p>21 no detailed record in the Obelisk log of the discussion,</p> <p>22 is there?</p> <p>23 <b>A. No, I think it just says I was there and who else was</b></p> <p>24 <b>there.</b></p> <p>25 Q. That is why I hadn't brought it up.</p> <p style="text-align: center;">Page 21</p>	<p>1 Can you help us, and it is a gap we have been trying</p> <p>2 to fill, was this meeting on 3 December solely related</p> <p>3 to the planning for the deployment on 8 December to fit</p> <p>4 the equipment or was it a planning meeting for the</p> <p>5 broader operation, including 11 December?</p> <p>6 Can you help us with that?</p> <p>7 <b>A. My recollection is the purpose of the meeting was to</b></p> <p>8 <b>deal with whether the TSU deployment of the audio</b></p> <p>9 <b>equipment into the car was going to be an armed</b></p> <p>10 <b>operation or not.</b></p> <p>11 Q. Do you remember whether or not you were asked to provide</p> <p>12 any advice on that date relating to 11 December, and in</p> <p>13 particular about the use of the Covert Monitoring Post</p> <p>14 on 11 December?</p> <p>15 <b>A. No, not at all. That was not the purpose of it at all.</b></p> <p>16 Q. Before I move on from that date then, because it is one</p> <p>17 we have visited a lot, albeit you have not, is there</p> <p>18 anything else about 3 December that you can assist us</p> <p>19 with to understand that meeting a little better?</p> <p>20 <b>A. No, as I say, my only recollection is that was the</b></p> <p>21 <b>purpose of it and clearly the decision that was made was</b></p> <p>22 <b>that it would be an armed operation.</b></p> <p>23 Q. Thank you.</p> <p>24 Sir, my junior Ms Blackwell has kindly checked the</p> <p>25 Obelisk record for me again and it is all redacted --</p> <p style="text-align: center;">Page 22</p>
<p>1 THE CHAIRMAN: She is coming on, you know, apace,</p> <p>2 Ms McNeill.</p> <p>3 MS MCNEILL: I know.</p> <p>4 Save for that the meeting occurred --</p> <p>5 THE CHAIRMAN: You must allow her, sooner or later, to ask</p> <p>6 questions of a witness.</p> <p>7 MS MCNEILL: Perhaps, sir.</p> <p>8 Can I move forward then, Mr Alexander, to</p> <p>9 10 December.</p> <p>10 We again know and there is nothing in the Obelisk</p> <p>11 record for this, I have checked that too, that there was</p> <p>12 a briefing at New Scotland Yard on 10 December.</p> <p>13 <b>A. Yes.</b></p> <p>14 Q. Can you assist us as to whether anybody from the TSU</p> <p>15 attended that meeting?</p> <p>16 <b>A. No, they didn't. That briefing, it's the flipside of</b></p> <p>17 <b>what we have just been talking about. That briefing was</b></p> <p>18 <b>the briefing for the armed operation on the 11th.</b></p> <p>19 THE CHAIRMAN: You had already done your job by then?</p> <p>20 <b>A. We had done our job, we were not any part of that.</b></p> <p>21 THE CHAIRMAN: Yes.</p> <p>22 MS MCNEILL: On 11 December, was it the plan for you to be</p> <p>23 present for or available to the Covert Monitoring Post?</p> <p>24 <b>A. Yes, we offered to, we don't normally but again in the</b></p> <p>25 <b>circumstances of such a fast-moving operation, we</b></p> <p style="text-align: center;">Page 23</p>	<p>1 <b>offered to have a presence there.</b></p> <p>2 Q. So you were going to be in C3000 on 10 December --</p> <p>3 11 December?</p> <p>4 <b>A. On 11 December, yes.</b></p> <p>5 THE CHAIRMAN: What determines whether you would be present?</p> <p>6 You say you wouldn't normally be or was this</p> <p>7 an exception or was it --</p> <p>8 <b>A. It was my choice to offer, sir ... fully aware of all</b></p> <p>9 <b>the intelligence and the circumstances and what was</b></p> <p>10 <b>expected to happen on the day, the TSU has many</b></p> <p>11 <b>portfolios that provide an awful lot of support for all</b></p> <p>12 <b>sorts of things, including hostage situations, threat to</b></p> <p>13 <b>life and imminent threat to life situations.</b></p> <p>14 <b>Those kinds of assets were not appropriate for this</b></p> <p>15 <b>job, but looking at all the various possibilities that</b></p> <p>16 <b>could have happened on the day, I thought it was</b></p> <p>17 <b>appropriate for us to be there so that --</b></p> <p>18 THE CHAIRMAN: It was judgment call on your part?</p> <p>19 <b>A. Yes, if something unforeseen happened, we might have</b></p> <p>20 <b>been able to assist and if we were there actually in</b></p> <p>21 <b>C3000, it is quicker than to pick up the phone and ring</b></p> <p>22 <b>us.</b></p> <p>23 THE CHAIRMAN: It was a judgment call?</p> <p>24 <b>A. It was my choice to do that, yes.</b></p> <p>25 THE CHAIRMAN: Thank you.</p> <p style="text-align: center;">Page 24</p>

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<p>1 MS MCNEILL: Before I move on, given that you were going to 2 be present in C3000 on 11 December, would it not have 3 assisted to have been invited to attend the briefing on 4 the 10th to understand all the moving parts on that day 5 and in particular the role of the covert monitoring 6 post in that broader operation on the day? 7 <b>A. I don't think so. I don't mean to sound flippant, but 8 you can almost know too much sometimes, if you have 9 a specific role. We knew the background intelligence, 10 being in C3000 we would be aware of how the operation 11 was developing on the day. I don't think there was any 12 requirement for us to know the operational briefing as 13 to who was going to be deployed where and when. 14 I think we were in the right place at the right 15 time.</b> 16 THE CHAIRMAN: Yes. 17 MS MCNEILL: We have moved on then to the Covert Monitoring 18 Post, which is the last topic I really want to cover 19 with you. 20 Is it right that a Covert Monitoring Post used in 21 this operation was a temporary post set up purely for 22 this operation? 23 <b>A. Yes, it was, but it was in a designated room in C3000 24 that is used as a Covert Monitoring Post, but equipment 25 is put in as and when it's required generally.</b></p> <p style="text-align: center;">Page 25</p>	<p>1 Q. There is not permanently fixed equipment in there? 2 <b>A. This is some equipment in there, but this equipment was 3 put in for the purposes of this operation.</b> 4 Q. Therefore was the equipment that was fitted into the 5 Covert Monitoring Post for this operation specifically 6 selected to meet the objective that we looked at at the 7 beginning of your evidence? 8 <b>A. Yes.</b> 9 Q. You provided a second witness statement to this inquiry, 10 and I will just display it, it is one paragraph we need 11 to see, MPS4710, and it is available -- page 2, please, 12 Mr Coates, paragraphs 8 and 9. 13 After explaining the two devices you selected for 14 the car, sir, this might be behind Mr Alexander's first 15 statement. 16 THE CHAIRMAN: I have it. 17 MS MCNEILL: Thank you. 18 You say: 19 "It was my belief that this plan exceeded the terms 20 of the initial request from the operational team. My 21 team was to complete the deployment of these systems in 22 a covert manner in a hostile environment and within 23 a limited timeframe. It was my belief that the plan 24 represented the best support available from the TSU at 25 the time."</p> <p style="text-align: center;">Page 26</p>
<p>1 That is referring to the two probes in the car? 2 <b>A. Yes. It also refers to the live review function in the 3 CMP as well.</b> 4 Q. Which you go on to provide a little bit more about, you 5 say: 6 "I have been asked whether the consideration was 7 given to providing a review capability to the live feed 8 that did not undermine the ability to listen live and 9 whether there was any discussion with the operational 10 team around this limitation on the live monitoring. 11 I can say that I was not aware of any live review 12 options superior to the one identified to me by the 13 engineers on my team and subsequently provided to the 14 CMP staff. Members of my team installed the CMP and 15 provided instruction in its functions to the individuals 16 identified by the operational team. I was not present 17 when this instruction was provided." 18 Is it your evidence therefore that the CMP, 19 configured as it was on 11 December, was the best 20 offering you could provide to the operational team to 21 meet their objectives? 22 <b>A. Yes, that was my clear understanding, yes.</b> 23 Q. Were you aware then that the equipment as set up would 24 not allow officers to continue listening live to the 25 vehicle feed while allowing different officers to use</p> <p style="text-align: center;">Page 27</p>	<p>1 the review facility to check what had just been said? 2 <b>A. No, I can only say my understanding was -- I should say 3 that the live review function wasn't generally 4 a function that was put into CMPs, this was again us 5 trying to provide the very best service we could to the 6 operational team. But my understanding from the 7 engineers was that it allowed just that, to review 8 instantly in 15- or 30-second segments what audio had 9 just been heard.</b> 10 <b>The question of whether that meant that you couldn't 11 have someone also listening to the live feed while 12 someone else was listening to the review, that wasn't 13 a question that ever came up, it wasn't something that 14 anyone ever asked or mentioned or requested.</b> 15 <b>As far as I am aware, it is not something that we 16 knew of or were doing then. If I had been given 17 an engineering solution that was a choice between the 18 live review that they had and a live review and the 19 ability to carry on listening live, I would have taken 20 ... on the face of it I would have taken the latter, but 21 it never came up, I wasn't aware that that was --</b> 22 THE CHAIRMAN: It is very important, isn't it, because 23 otherwise you lose -- if you cannot do both jobs at the 24 same time, you have to choose what you are going to do? 25 <b>A. Yes, that is absolutely right. But I can only manage --</b></p> <p style="text-align: center;">Page 28</p>

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<p>1 <b>and my team can only deal with what is in front of them</b></p> <p>2 <b>and what equipment they have got and how they can best</b></p> <p>3 <b>service the request that has come in.</b></p> <p>4 THE CHAIRMAN: Yes.</p> <p>5 <b>A. I don't know how things have changed now, it may well</b></p> <p>6 <b>be -- obviously one of the main points of this is to</b></p> <p>7 <b>learn from these things and hopefully it has changed.</b></p> <p>8 THE CHAIRMAN: Was it not common practice where Covert</p> <p>9 Monitoring Posts were set up for this facility to be</p> <p>10 provided?</p> <p>11 <b>A. The live review? No.</b></p> <p>12 THE CHAIRMAN: Yes.</p> <p>13 MS MCNEILL: Out of fairness to you, Mr Alexander, the</p> <p>14 evidence we have heard from Mr Brown, who was operating</p> <p>15 in this field at the same time was that he considered it</p> <p>16 good practice at that time and had been doing it at that</p> <p>17 time, I believe, I will be corrected, actually said he</p> <p>18 had been doing it for some years prior to 2015. Had you</p> <p>19 ever seen in 2015 what we now describe as a split-feed</p> <p>20 setup in a Covert Monitoring Post?</p> <p>21 <b>A. I was not aware of a system where you had in the CMP</b></p> <p>22 <b>an officer listening live while a second officer was</b></p> <p>23 <b>live reviewing, no.</b></p> <p>24 Q. Generally speaking, to meet the objective, if</p> <p>25 I understood your first answer on this topic, you</p> <p style="text-align: center;">Page 29</p>	<p>1 thought that the live listen would meet that objective,</p> <p>2 that you offered this review facility as a sort of added</p> <p>3 bonus, as it were?</p> <p>4 <b>A. Yes.</b></p> <p>5 Q. Did you -- at the time you offered that added bonus --</p> <p>6 recognise or know that using a live facility would stop</p> <p>7 them listening to the live feed?</p> <p>8 <b>A. I was not conscious of that, no.</b></p> <p>9 Q. So you just offered this add on, but didn't actually</p> <p>10 know how it would practically affect the operation in</p> <p>11 the CMP?</p> <p>12 <b>A. As say, my understanding was they could fast-time</b></p> <p>13 <b>relisten and my vision of it was that a group of people</b></p> <p>14 <b>very excitable, about to commit a serious crime,</b></p> <p>15 <b>potentially not speaking in English, there might be</b></p> <p>16 <b>a word or something they want to rehear, listen to</b></p> <p>17 <b>again, very quickly, and that would allow them to do</b></p> <p>18 <b>that. I was not expecting it to be used wholesale and</b></p> <p>19 <b>I am sure it wasn't, but just if there was something</b></p> <p>20 <b>that they really needed to listen to, a very short</b></p> <p>21 <b>excerpt, it would give them the ability to do that.</b></p> <p>22 <b>They didn't have to do that, it was just an option for</b></p> <p>23 <b>them if they needed it.</b></p> <p>24 Q. I understand and that is essentially how the review</p> <p>25 function could have been useful, but did you not think</p> <p style="text-align: center;">Page 30</p>
<p>1 if they are using the review function, then they are</p> <p>2 going to miss what is being said whilst they are</p> <p>3 conducting the review?</p> <p>4 <b>A. No, I didn't. I didn't think to ask that question, it</b></p> <p>5 <b>wasn't pointed out to me. Nobody raised that issue,</b></p> <p>6 <b>I was unaware of it.</b></p> <p>7 Q. As to who nobody raised it, can I ask whose</p> <p>8 responsibility was it to identify whether or not a split</p> <p>9 feed was required?</p> <p>10 <b>A. Well, the engineering team identified the best solution</b></p> <p>11 <b>to the task that they had been set and they identified</b></p> <p>12 <b>the best solution in terms of the technology available</b></p> <p>13 <b>to them, with the equipment that the TSU has, their</b></p> <p>14 <b>experience, their knowledge. And I take their advice.</b></p> <p>15 MS MCNEILL: Sir, we have a bit of evidence from some of the</p> <p>16 engineering team that we were going to read into the</p> <p>17 record after this witness's evidence, but I think as he</p> <p>18 is in the witness box it might assist him if I read it</p> <p>19 into the record. It is summarised quite briefly, just</p> <p>20 to assist you, because there might be some follow-on</p> <p>21 questions about it.</p> <p>22 THE CHAIRMAN: Very well.</p> <p>23 MS MCNEILL: Can we display please, MPS4703.</p> <p>24 Sir, you will remember we received evidence from</p> <p>25 EG39. He has provided a further witness statement. If</p> <p style="text-align: center;">Page 31</p>	<p>1 we look at page 2, Mr Coates, which is the key part, he</p> <p>2 says that he was not aware when he gave evidence to this</p> <p>3 inquiry, the first time, that it was possible to set up</p> <p>4 a split feed to allow one person to use a live listen</p> <p>5 while another uses the review function. It was</p> <p>6 something he would have had the requisite skills and</p> <p>7 competencies to set up had he been asked to do so. He</p> <p>8 says it was not possible using only the equipment</p> <p>9 available in the CMP on 11 December to set up a split</p> <p>10 feed to allow a live listen and the review function. He</p> <p>11 was not involved in the selection or installation of the</p> <p>12 equipment within the CMP.</p> <p>13 Can we please, Mr Coates, move to HA55 at MPS4705.</p> <p>14 Sorry, yes, Mr Whitaker is the senior technologist</p> <p>15 working in the MPS Technical Surveillance Unit. Sir,</p> <p>16 this is a long one but I will summarise it.</p> <p>17 He has confirmed that the technical equipment</p> <p>18 installed in the CMP was for this operation alone, as</p> <p>19 the witness has told us. He would assess the equipment</p> <p>20 installed in the CMP as competent for the task required,</p> <p>21 the selection of devices was:</p> <p>22 "... based upon the stock available to the TSU</p> <p>23 engineers at the time the request was made."</p> <p>24 Mr Whitaker, as the technologist, confirmed that it</p> <p>25 was possible to set up a split feed in the CMP:</p> <p style="text-align: center;">Page 32</p>

<p>1 "It would only having appropriate to do so before 2 the operation commenced because reconfiguring it once 3 the operation was already underway would have undermined 4 the existing live feed." 5 Turn to page 2, please. 6 Thank you. At paragraph 10, Mr Whitaker says that 7 in his opinion, the split-feed configuration risks 8 confusion between which is the live and which is the 9 replay feed. But he accepts that this could have been 10 mitigated by separate desks or a clear separation of 11 roles. Mr Whitaker emphasises he was not involved in 12 the actual strategy of Operation Ankaa and cannot 13 confirm whether a split feed was ever discussed. 14 Thank you. 15 Could we try MPS3800, Mr Coates. 16 Don't worry about that one. 17 We also, sir, will publish the correct reference and 18 we have a statement from HA55, he was one of your 19 engineers in the TSU was he not. 20 THE CHAIRMAN: He is referred to in one of the -- 21 MS MCNEILL: Exactly. 22 He is the engineer, sir, who installed the equipment 23 in the CMP. 24 He says he was aware of how to establish a split 25 feed to allow a live feed and feed to the review</p> <p style="text-align: center;">Page 33</p>	<p>1 function, but to do so would have required additional 2 equipment and what he said was he was not asked to set 3 up a split feed. 4 He is the actual engineer who did the fitting. 5 Mr Alexander, thank you for sitting through that, 6 but what I am trying to establish is, whose 7 responsibility was it to establish or to recommend 8 a split feed, because the operational team set the 9 objective, the engineer tells us that he had the 10 capability to do it and he was not asked to do it, so 11 whose responsibility was it to say, "If you are going to 12 use the live review function, you better set up a split 13 feed to use it properly"?" 14 <b>A. I fully understand the question. Unfortunately I am 15 struggling to be as helpful as I would like to be around 16 it. I have to take my advice from the experts, whether 17 they are the officers or the engineers. You have quoted 18 the statements given there who refer to people that say 19 it was technically possible. I don't know the answer to 20 this, but they don't say that they had the equipment on 21 the shelf at the TSU, they say they knew it was 22 technically possible.</b> 23 <b>Whether it is something that we could have done with 24 the equipment that we had available, I don't know. 25 I can only say that if it had been put to me as</b></p> <p style="text-align: center;">Page 34</p>
<p>1 <b>an option, and I rely on the engineers to give me my 2 options, I would have put that option to the applicants 3 and let them have some say in it as well, because at the 4 end of the day they are the people running the operation 5 and the CMP.</b> 6 <b>I was not aware of the ability to do that, that they 7 are now talking about, and I cannot tell you now whether 8 we had the equipment to do it on the day. It was just 9 never an option that was put to me.</b> 10 Q. Thank you. 11 The final question for you will be you were aware 12 because you were there on the day that the review 13 function didn't work, ultimately? 14 <b>A. Yes.</b> 15 Q. Is it right that we don't actually have an explanation, 16 we don't know why it failed to work on that day? 17 <b>A. No, it was tested at the time that the equipment was 18 installed, it was tested when the members of staff that 19 were allocated to be in the CMP were shown how the 20 equipment worked and when the equipment was released by 21 the IPCC and taken back to the TSU, it was tested and it 22 worked correctly. So I can't explain to you why the 23 people in the CMP had a problem with working it on the 24 day.</b> 25 THE CHAIRMAN: Is there a log which shows that it was tested</p> <p style="text-align: center;">Page 35</p>	<p>1 and was working? 2 <b>A. Yes, it should be on the Obelisk system, there should be 3 a log for each piece of equipment.</b> 4 MS MCNEILL: Sir, we went through it with EG39 and he said, 5 "I did use it the day before and it worked fine". 6 THE CHAIRMAN: Yes, and that is borne out by the log? 7 MS MCNEILL: It is sir, yes. 8 Given your other answers, I don't think you are 9 going to be able to help us on this, we heard from 10 Mr Brown that had the equipment been configured in 11 a split feed it would have been possible to reset the 12 review function without having to disrupt the live feed. 13 Understanding it was not set up on the day in that way, 14 is it right that you on the day -- sorry, since, agree 15 that the correct decision was not to interrupt the live 16 feed to try and fix the review function? 17 <b>A. Absolutely. Absolutely. If there was any fault finding 18 required, if it had been at the start of the operation 19 where everybody was under control and there was no 20 question of anything of any significance happening 21 immediately, perhaps we would have looked at it, but 22 by --</b> 23 THE CHAIRMAN: You were between a rock and a hard place, 24 weren't you? 25 <b>A. -- the time that it was a crime in action, there no way</b></p> <p style="text-align: center;">Page 36</p>

<p>1 <b>we would do anything that would affect the live product</b>  2 <b>that was coming into the CMP.</b>  3 MS MCNEILL: We know from the transcripts, sir, and actually  4 some of the CLIO log, that it was identified within the  5 first hour of the operation. So in terms of when you  6 say when would have been a safe time to reset it, even  7 not within the first hour of the operation?  8 <b>A. No.</b>  9 Q. Would it have had to be --  10 <b>A. I would do nothing that would potentially compromise the</b>  11 <b>live feed that they were receiving in the CMP.</b>  12 MS MCNEILL: Thank you.  13 Sir, that concludes my questions: do you have any  14 questions?  15 Questions from THE CHAIRMAN  16 THE CHAIRMAN: Yes, two matters, please.  17 Now you know that split feed was feasible, can you  18 envisage any circumstances in which it would not be  19 potentially advantageous to the operation for it to have  20 been installed?  21 <b>A. Only, and I take this from the material that I have been</b>  22 <b>served, CMPs can be quite hectic and busy places. There</b>  23 <b>is a box, there is headphones, someone is listening to</b>  24 <b>the live feed. If you are going to have a separate box</b>  25 <b>and a separate set of headphones for the review</b></p> <p style="text-align: center;">Page 37</p>	<p>1 <b>function, the ability for confusion to come in, it could</b>  2 <b>become -- I could imagine in some circumstances it could</b>  3 <b>become more of a problem than an asset, but on the right</b>  4 <b>operation in the right circumstances clearly it would be</b>  5 <b>a good thing. And would it have been a good thing on</b>  6 <b>this operation? Yes, it definitely would have been.</b>  7 THE CHAIRMAN: Thank you.  8 Going back, you were asked before about the email  9 exchange where Mr Gosling, your line manager, had asked  10 for the FA1.  11 That was a perfectly normal request. Would you  12 expect an FA1 to have been provided to Mr Gosling at  13 some stage before the equipment was fitted?  14 <b>A. Yes, in relation to our part of the operation, yes, sir.</b>  15 THE CHAIRMAN: Yes.  16 Can you --  17 <b>A. Or some explanation obviously of why there wasn't one --</b>  18 THE CHAIRMAN: Yes. Is there any evidence --  19 <b>A. -- but the subsequent authorities, yes.</b>  20 THE CHAIRMAN: Do you have any information as to whether or  21 not the request for an FA1 was followed up or whether  22 there was any indication that one would not be  23 forthcoming and if so why?  24 <b>A. No, sorry, my only involvement in that was the question</b>  25 <b>about whether our deployment would be armed or not --</b></p> <p style="text-align: center;">Page 38</p>
<p>1 THE CHAIRMAN: Yes.  2 <b>A. -- and I think ... I believe that that email was</b>  3 <b>pursuing that avenue --</b>  4 THE CHAIRMAN: Yes.  5 <b>A. -- and I am not aware of how that played out.</b>  6 THE CHAIRMAN: Given that your deployment, your involvement  7 was going to be an armed deployment, you would have  8 expected an FA1 to effectively accompany the exercise.  9 <b>A. Yes, the subsequent authorities were all in place for</b>  10 <b>the firearms side of our deployment.</b>  11 THE CHAIRMAN: Thank you.  12 Further questions from MS MCNEILL  13 MS MCNEILL: One question arising from actually you raised  14 sir.  15 In relation to the split feed, you said it could  16 cause confusion but it could be organised well,  17 depending on how you manage the operation.  18 Are you able to tell us, do you have experience of  19 having a Covert Monitoring Post manager in a CMP, on  20 operations in which you have worked?  21 <b>A. No, I am aware of the guidelines around the fact that</b>  22 <b>there should be a CMP manager. But our role, I mean</b>  23 <b>prior to my role in the TSU I was on operational teams</b>  24 <b>that would have the TSU doing work for them, I have very</b>  25 <b>limited experience of CMPs, but our role within the TSU</b></p> <p style="text-align: center;">Page 39</p>	<p>1 <b>was to supply the equipment in the CMP and to supply</b>  2 <b>instructions on how the equipment works. The applicant</b>  3 <b>will provide the staff to the CMP, who in effect would</b>  4 <b>sign it off and accept responsibility for it, because</b>  5 <b>the product becomes theirs, so we were not directly</b>  6 <b>involved in telling them what they must or must not do,</b>  7 <b>only in providing the equipment and giving them</b>  8 <b>instructions on how to operate it.</b>  9 Q. Understanding that completely, the question is more: can  10 you tell us how often in your roles, and predominantly  11 in the TSU, you see a CMP manager being appointed?  12 Regularly, infrequently?  13 <b>A. Yes, I mean at that time it was common practice for</b>  14 <b>there to be someone who was a nominated CMP manager,</b>  15 <b>yes.</b>  16 MS MCNEILL: Thank you.  17 Sir, that concludes this witness's evidence, unless  18 there is anything arising from that?  19 THE CHAIRMAN: Nothing from me.  20 MS MCNEILL: Ms Blackwell is ready I think to go straight  21 into our next witness, rather than take our break.  22 THE CHAIRMAN: Very good.  23 Thank you, Mr Alexander.  24 <b>A. Thank you, sir.</b>  25</p> <p style="text-align: center;">Page 40</p>

10 (Pages 37 to 40)

<p>1 MS BLACKWELL: May the witness be sworn, please?</p> <p>2 THE CHAIRMAN: Of course.</p> <p>3 MR ROSS MCKIBBIN (affirmed)</p> <p>4 Questions from MS BLACKWELL</p> <p>5 THE CHAIRMAN: Thank you.</p> <p>6 MS BLACKWELL: Is your full name Ross McKibbin?</p> <p>7 <b>A. It is, sir, yes.</b></p> <p>8 Q. Thank you.</p> <p>9 I am going to take a moment to set out your current</p> <p>10 role as head of counter terrorism and specialist</p> <p>11 operations within SCO19 and also your background.</p> <p>12 You are a superintendent?</p> <p>13 <b>A. That's correct, sir.</b></p> <p>14 Q. As I have said, you are head of counter terrorism and</p> <p>15 specialist operations, which means that you manage the</p> <p>16 CTSFOs, who are counter-terrorist specialist firearms</p> <p>17 officers?</p> <p>18 <b>A. That's correct.</b></p> <p>19 Q. You lead post-incident procedure management on behalf of</p> <p>20 armed policing?</p> <p>21 <b>A. On behalf of all of policing now.</b></p> <p>22 Q. Thank you.</p> <p>23 And you lead professional standards within</p> <p>24 specialist firearms?</p> <p>25 <b>A. Correct.</b></p> <p style="text-align: center;">Page 41</p>	<p>1 Q. You started your police career in 1995?</p> <p>2 <b>A. I did.</b></p> <p>3 Q. You joined specialist firearms command in 2012, as</p> <p>4 an inspector and a TFC?</p> <p>5 <b>A. Correct.</b></p> <p>6 Q. You became temporary chief inspector, managing the</p> <p>7 command portfolio, firstly as practitioner lead for</p> <p>8 tactical firearms command and you also had a role in</p> <p>9 developing the training for TFCs?</p> <p>10 <b>A. That's correct, sir.</b></p> <p>11 Q. You served as ARV temporary chief inspector in 2016, in</p> <p>12 charge of ARV operations?</p> <p>13 <b>A. That's correct.</b></p> <p>14 Q. In 2017 you became the Met Grip chief as a substantive</p> <p>15 chief inspector, which you describe as essentially the</p> <p>16 duty officer for London in a non-armed policing role?</p> <p>17 <b>A. Correct.</b></p> <p>18 Q. In 2018 you led the firearms uplift programme, you were</p> <p>19 promoted to superintendent and you qualified as an SFC?</p> <p>20 <b>A. That's right.</b></p> <p>21 Q. The firearms uplift programme is something that started</p> <p>22 in 2016, when you were head of ARV operations, with</p> <p>23 a desire to uplift the number and capability of armed</p> <p>24 policing officers in the capital and to provide</p> <p>25 an increased footprint of armed officers, of various</p> <p style="text-align: center;">Page 42</p>
<p>1 role profiles and to increase firearms training</p> <p>2 infrastructure?</p> <p>3 <b>A. Yes, that's correct, sir. That was as a response to the</b></p> <p>4 <b>Charlie Hebdo attacks in Paris.</b></p> <p>5 Q. Thank you, and you then moved into the role that you now</p> <p>6 occupy?</p> <p>7 <b>A. That's right.</b></p> <p>8 Q. You have provided three main witness statements.</p> <p>9 I am going to invite you, please, to look in our</p> <p>10 hard copy bundle at the witness statement that lies</p> <p>11 behind tab 2, which is the longest witness statement and</p> <p>12 the witness statement that provides the most information</p> <p>13 and to invite you to set out, please, your current</p> <p>14 qualifications, which are at paragraphs 1.7 and 1.8 at</p> <p>15 page 3.</p> <p>16 <b>A. Okay, so I am currently an operationally competent</b></p> <p>17 <b>specialist strategic firearms commander, which means</b></p> <p>18 <b>I have passed the SFCDP course, which is the specialist</b></p> <p>19 <b>firearms commanders' development programme.</b></p> <p>20 <b>Post-incident manager, public order command at bronze,</b></p> <p>21 <b>I'm a hostage and crisis negotiator, a hostage and</b></p> <p>22 <b>crisis negotiator coordinator, a counter-terrorism</b></p> <p>23 <b>hostage negotiator and a kidnap red centre commander,</b></p> <p>24 <b>which is a different kind of negotiation. And I am</b></p> <p>25 <b>occupationally competent as a tactical firearms</b></p> <p style="text-align: center;">Page 43</p>	<p>1 <b>commander and a cadre tactical firearms commander, and</b></p> <p>2 <b>I think you have heard evidence there is a difference</b></p> <p>3 <b>between operationally competent and occupationally</b></p> <p>4 <b>competent.</b></p> <p>5 Q. Yes, if you could set that out for us again, please?</p> <p>6 <b>A. Occupationally competent, sir, means that you have</b></p> <p>7 <b>passed the course and operationally competent means that</b></p> <p>8 <b>every year you reaccredit in that qualification by</b></p> <p>9 <b>carrying out a minimum number of armed deployments and</b></p> <p>10 <b>also completing the College of Policing refreshers. So</b></p> <p>11 <b>I have allowed the TFC qualifications to lapse, in that</b></p> <p>12 <b>I no longer TFC armed deployment, which is why they are</b></p> <p>13 <b>now occupationally competent as opposed to operationally</b></p> <p>14 <b>competent.</b></p> <p>15 <b>In order to become re-operationally competent,</b></p> <p>16 <b>I just needed to command some operations with a mentor</b></p> <p>17 <b>to make sure I am still current. So it would be</b></p> <p>18 <b>possible to reaccredit.</b></p> <p>19 Q. Looking at paragraph 1.8, what is the difference between</p> <p>20 a tactical firearms commander and a cadre tactical</p> <p>21 firearms commander?</p> <p>22 <b>A. So the TFC course is now called the ITFC course, the</b></p> <p>23 <b>initial TFC course, which means you are allowed to be</b></p> <p>24 <b>a TFC in spontaneous firearms deployments.</b></p> <p>25 <b>A cadre TFC course is another course on top of that,</b></p> <p style="text-align: center;">Page 44</p>

11 (Pages 41 to 44)

<p>1 <b>which allows to you command authorised or planned</b></p> <p>2 <b>deployments. So it is a bit more complexity.</b></p> <p>3 <b>And then the SFCDP course is a dual course for both</b></p> <p>4 <b>TFCs and SFCs -- the SFC is assessed at the same time as</b></p> <p>5 <b>the TFC -- in more complex planned operations, which</b></p> <p>6 <b>involve extreme threat, either kidnap or</b></p> <p>7 <b>counter-terrorism operations or high threat.</b></p> <p>8 Q. Thank you.</p> <p>9 I am now going to ask you to turn to paragraph 16 in</p> <p>10 your witness statement. That lies behind tab 2, at</p> <p>11 page 64, please. I would like to take a moment with you</p> <p>12 establishing the helpful statistics that you have</p> <p>13 provided throughout this part of your witness statement.</p> <p>14 If we look together at paragraph 16.5, in fact,</p> <p>15 Mr Coates, it may assist if we display this, it is</p> <p>16 MPS4689, page 65, please.</p> <p>17 Whilst we are looking for the correct reference,</p> <p>18 I am going to ask you to confirm what is contained in</p> <p>19 paragraph 16.5, that the data for the MPS in isolation</p> <p>20 of the rest of the UK indicates that MPS police officers</p> <p>21 have intentionally discharged their weapons 44 times</p> <p>22 since 2001, 22 of which discharges have resulted in</p> <p>23 a fatality?</p> <p>24 <b>A. That's correct, sir.</b></p> <p>25 Q. As with national statistics, it is important to</p> <p style="text-align: center;">Page 45</p>	<p>1 understand this in the context of all armed deployments,</p> <p>2 and you have provided a table which shows deployment</p> <p>3 data for all spontaneous and pre-planned authorised</p> <p>4 operations. You confirm that unfortunately firearms</p> <p>5 deployment data within the MPS is only available from</p> <p>6 2013. But the table that you have provided shows the</p> <p>7 following, that there were 687 such operations in 2015,</p> <p>8 is that right?</p> <p>9 <b>A. That's correct.</b></p> <p>10 Q. And that by 2018, there were nearly twice that number,</p> <p>11 there were 1,173 such deployments.</p> <p>12 <b>A. That's correct.</b></p> <p>13 Q. There were only 624 such deployments last year, but you</p> <p>14 put that decrease down in part at least to the Covid</p> <p>15 pandemic?</p> <p>16 <b>A. Yes, that may well be true. I simply have no --</b></p> <p>17 Q. You offer that as a potential reason?</p> <p>18 <b>A. I offer that as a potential reason.</b></p> <p>19 Q. Thank you.</p> <p>20 At paragraph 16.7 there is a spontaneous operations</p> <p>21 table. Year on year, there are more than 2,000 or even</p> <p>22 3,000 spontaneous deployments each year, according to</p> <p>23 the table that appears at 16.7, is that right?</p> <p>24 <b>A. Yes, that's correct.</b></p> <p>25 Q. Thank you.</p> <p style="text-align: center;">Page 46</p>
<p>1 THE CHAIRMAN: That shows likewise a reduction for 2020, so</p> <p>2 perhaps not unreasonable to attribute that to Covid, is</p> <p>3 it?</p> <p>4 <b>A. Yes, sir, without a control of course I have no idea,</b></p> <p>5 <b>but you are quite right.</b></p> <p>6 THE CHAIRMAN: I appreciate that.</p> <p>7 <b>A. When my seniors ask me how often we deploy firearms</b></p> <p>8 <b>operations, I tend to use a rounded figure. There are</b></p> <p>9 <b>approximately 1,000 authorised deployments in the Met</b></p> <p>10 <b>per year and 3,000 spontaneous deployments, is a nice</b></p> <p>11 <b>rounded number for ease of understanding.</b></p> <p>12 MS BLACKWELL: Thank you.</p> <p>13 Finally in relation to statistics, at</p> <p>14 paragraph 16.11, you provide ethnicity of individuals</p> <p>15 shot by the MPS since 2001.</p> <p>16 You confirm that, of the 44 people shot by police</p> <p>17 since 2001, the ethnicity breakdown is as follows: 21</p> <p>18 were IC3, of which 9 have been fatal; 13 were IC1, of</p> <p>19 which 8 were fatal; 6 were IC4, of which 4 were fatal;</p> <p>20 and 1 had no IC code provided.</p> <p>21 In terms of the greatest number of those who were</p> <p>22 shot, and the greatest number who died, they were black?</p> <p>23 <b>A. That's correct, sir, yes.</b></p> <p>24 Q. But nearly as many white subjects were killed but many</p> <p>25 fewer were shot in total?</p> <p style="text-align: center;">Page 47</p>	<p>1 <b>A. That's correct.</b></p> <p>2 Q. Thank you.</p> <p>3 Having dealt with the statistics, can I invite to</p> <p>4 you turn back to page 16 of your report, where you begin</p> <p>5 to provide the organisational learning in respect of</p> <p>6 previous investigations, inquests and enquiries.</p> <p>7 I am going to invite to you deal with these in</p> <p>8 chronological order, please?</p> <p>9 <b>A. Sorry, Ms Blackwell, which page number?</b></p> <p>10 Q. That is page 16. It is paragraph 10, or part 10 of your</p> <p>11 main witness statement.</p> <p>12 <b>A. Thank you.</b></p> <p>13 Q. Dealing with the organisational learning in respect of</p> <p>14 the first in time of the public inquiries and inquests,</p> <p>15 and that of Azelle Rodney and Operation Tayport, you set</p> <p>16 out the circumstances of the shooting, which the inquiry</p> <p>17 has already heard. At paragraph 11.8 you deal and set</p> <p>18 out with the three recommendations that were made by the</p> <p>19 inquiry chairman.</p> <p>20 Recommendation 1 was that there should be a full and</p> <p>21 thorough review by the MPS of all aspects of Operation</p> <p>22 Tayport. At paragraph 11.9 you confirm that AC Rowley</p> <p>23 commissioned DCC Chesterman to conduct a full review of</p> <p>24 Operation Tayport, which was done and having read the</p> <p>25 report, Sir Christopher Holland, the inquiry chair,</p> <p style="text-align: center;">Page 48</p>

12 (Pages 45 to 48)

1 requested further work to be undertaken, which was then  
 2 indeed commissioned?  
 3 **A. That's correct.**  
 4 Q. All right.  
 5 In terms of the items that were highlighted during  
 6 the course of those reviews, you confirm at  
 7 paragraph 11.9.2 that briefings needed to be recorded,  
 8 which you suggest was already the case and had been for  
 9 some time?  
 10 **A. TFC briefings, correct, yes.**  
 11 Q. Right. As we will see, when we come to the latter part  
 12 of your evidence, that isn't the case in relation to all  
 13 briefings, is it?  
 14 **A. That's correct.**  
 15 Q. All right?  
 16 **A. In that it isn't.**  
 17 Q. It isn't, right, and we will cover that in a few  
 18 moments' time.  
 19 Resources were highlighted as a potential issue,  
 20 were they not?  
 21 **A. In this incident, yes, they were.**  
 22 Q. What do you confirm in terms of the issue that was  
 23 highlighted in relation to resources?  
 24 **A. There is a requirement on the operational, tactical and**  
 25 **strategic firearms commanders to ensure that appropriate**

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1 **environmental factors, which you simply will not get in**  
 2 **the control room.**  
 3 **I go on to say that the gold standard for that is in**  
 4 **fact to adopt a position where you have both, where you**  
 5 **have an overarching TFC in a control room and**  
 6 **a ground-assigned TFC, so that you get the advantages of**  
 7 **both with none of the disadvantages.**  
 8 Q. Thank you.  
 9 At 11.9.8 you set out the separation of roles which  
 10 this inquiry has heard referred to as "double hatting",  
 11 where the firearms commander should be separate to that  
 12 of the investigator. You have confirmed that that had  
 13 already been implemented at the time of these reviews;  
 14 is that right?  
 15 **A. That's correct.**  
 16 Q. Then what do you say about the comprehensive debrief  
 17 that should take place post incident?  
 18 **A. Again, I can summarise, this is quite a thorny issue,**  
 19 **sir, and has been for some time. In that we debrief**  
 20 **every single firearms deployment that we undertake.**  
 21 **However, when shots are fired and an investigation**  
 22 **ensues we have difficulty in debriefing, because there**  
 23 **is a requirement not to confer and the IOPC of course**  
 24 **want officers to give their account without having**  
 25 **spoken to anybody else about their decision-making**

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1 **resources are present. In fact it is the SFC's**  
 2 **responsibility as defined by APP AP to ensure that**  
 3 **sufficient resources are in place for the operation.**  
 4 Q. Thank you.  
 5 The suitability of the tactics used should be  
 6 investigated and was investigated; is that right?  
 7 **A. It is correct.**  
 8 Q. Yes.  
 9 Tactics have now been separated so that the type of  
 10 stop, natural, compliant and enforced, are now separate  
 11 from the method of dealing with the subjects, armed  
 12 enquiry, containment and call out, extraction?  
 13 **A. That's right.**  
 14 Q. What was raised about the decision to use control rooms?  
 15 **A. I can summarise 11.9.6 in the following way.**  
 16 **There are advantages and disadvantages to being in**  
 17 **a control room or being ground assigned. Sometimes in**  
 18 **the control room you have access to intelligence feeds**  
 19 **that you will not get if you are ground assigned in**  
 20 **a control vehicle.**  
 21 **But, equally, in a control room you will not get**  
 22 **situational awareness, situational awareness is simply**  
 23 **the awareness that you get from being on the ground and**  
 24 **able to see and hear everything that is going on and**  
 25 **understand the context of the deployment, the**

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1 **process.**  
 2 **Arguably the most important deployments that we need**  
 3 **to debrief are not debriefed as quickly as everything**  
 4 **else, and they are the deployments of course where there**  
 5 **might be the most appropriate learning that comes from**  
 6 **it.**  
 7 **That puts the police in quite a difficult situation.**  
 8 **We obviously want to debrief, but we don't want to cause**  
 9 **any problems for the investigation. So what this**  
 10 **paragraph really talks about and the following**  
 11 **paragraphs go on to describe a process by which we seek**  
 12 **approval from the IOPC about which elements that we can**  
 13 **debrief.**  
 14 Q. Yes.  
 15 **A. If there is a safety critical debrief required, then we**  
 16 **can of course do that but again with the IOPC's ability**  
 17 **to make representations.**  
 18 Q. There has to be consultation at the earliest opportunity  
 19 in order to attempt to relieve the tension between the  
 20 desire to debrief immediately but not wanting to  
 21 interfere with any investigation?  
 22 **A. Tension? We have to agree terms of reference for the**  
 23 **IOPC about the matters that we are able to discuss that**  
 24 **will not impinge on their investigation and the things**  
 25 **that we want to understand in order to learn from them.**

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<p>1 Q. All right.</p> <p>2 Before we leave recommendation 1, you also refer to</p> <p>3 vehicle-mounted cameras and, again, the use of cameras</p> <p>4 is something that we will return to in your evidence</p> <p>5 later on.</p> <p>6 Recommendation 2 was establishing a protocol for</p> <p>7 early debriefing, is that the protocol that you have</p> <p>8 just referred to?</p> <p>9 <b>A. It is.</b></p> <p>10 Q. Recommendation 3 sets out that the commissioner should</p> <p>11 appoint a senior officer to conduct a full operational</p> <p>12 debrief.</p> <p>13 In relation to this recommendation, you set out at</p> <p>14 11.13 that within the MPS a gold group is always</p> <p>15 established after a police shooting with an NPCC lead</p> <p>16 officer appointed to chair the group, taking the lead on</p> <p>17 all matters connected to the shooting.</p> <p>18 <b>A. That's correct, in fact we adopt this approach now for</b></p> <p>19 <b>any death following police contact, so it is not just</b></p> <p>20 <b>shooting. So the role I now have as the lead</b></p> <p>21 <b>post-incident manager for the Met is in any death</b></p> <p>22 <b>following police contact a post-incident manager will be</b></p> <p>23 <b>deployed and then a gold commander will be deployed to</b></p> <p>24 <b>manage the gold group.</b></p> <p>25 Q. Thank you.</p> <p style="text-align: center;">Page 53</p>	<p>1 Turning to paragraph 12 the death of</p> <p>2 Jean Charles de Menezes, or Operation Theseus, and</p> <p>3 paragraph 12.2. You confirm that the MPS has moved</p> <p>4 forward significantly with many of the issues that were</p> <p>5 raised, such as the historic position articulated below,</p> <p>6 and that refers to the command structure within the</p> <p>7 course of your witness statement.</p> <p>8 So some of the points made during the course of that</p> <p>9 inquiry are now considered to be out of date?</p> <p>10 <b>A. Correct.</b></p> <p>11 Q. Could I take you to paragraph 12.9, please, and under</p> <p>12 the subheading "Miscellaneous issues", it states that</p> <p>13 the MPA:</p> <p>14 "... echoes your concerns about the weaknesses in</p> <p>15 record keeping and in some respects this reflects</p> <p>16 concerns we raised about whether control rooms were fit</p> <p>17 for purpose. There has been considerable investment in</p> <p>18 the control room environment since 2005, so that</p> <p>19 activity can be properly recorded."</p> <p>20 The weaknesses in record keeping which are set out</p> <p>21 here relate to the practice of police officers writing</p> <p>22 up their notes together, is that right? Or that existed</p> <p>23 at that time?</p> <p>24 <b>A. Yes, I believe so, yes.</b></p> <p>25 Q. Right. What improvements have there been in terms of</p> <p style="text-align: center;">Page 54</p>
<p>1 police officers writing up their notes together after</p> <p>2 a serious incident, since this time?</p> <p>3 <b>A. Sorry, writing their notes together?</b></p> <p>4 Q. Yes. As you can see, under the paragraph that I have</p> <p>5 just read out, you have written the following:</p> <p>6 "As you note in your report, the MPA raises serious</p> <p>7 concerns about the practice of police officers writing</p> <p>8 up their notes together after a serious incident and our</p> <p>9 report makes several recommendations in this area."</p> <p>10 <b>A. I see right. Everything in italics in my statements is</b></p> <p>11 <b>a cut and paste from a letter or somebody else has</b></p> <p>12 <b>written. I put it in my report in order to be helpful,</b></p> <p>13 <b>they are not actually words that I write when they are</b></p> <p>14 <b>in italics. I think what this is referring to is</b></p> <p>15 <b>a difficult situation that officers often find</b></p> <p>16 <b>themselves in where at stages 3 and 4 of the</b></p> <p>17 <b>post-incident procedure, which I think you have heard</b></p> <p>18 <b>about, officers are required to make their notes. It is</b></p> <p>19 <b>not practically possible to separate all of the officers</b></p> <p>20 <b>up into a different room and have them supervised at the</b></p> <p>21 <b>same time.</b></p> <p>22 Q. Because of a lack of personnel?</p> <p>23 <b>A. And a lack of rooms. So there could be 30 or 40</b></p> <p>24 <b>officers involved in a deployment, and separating them</b></p> <p>25 <b>all into a room each with a supervisor or a sort of</b></p> <p style="text-align: center;">Page 55</p>	<p>1 <b>a control function, if you like, is just not practically</b></p> <p>2 <b>possible. So the IOPC set out recommendations whereupon</b></p> <p>3 <b>that might be a requirement, for them to discuss that</b></p> <p>4 <b>with a post-incident manager, to decide who if any,</b></p> <p>5 <b>people within that environment need to be separated and</b></p> <p>6 <b>we have healthy conversations at any post-incident</b></p> <p>7 <b>situation to discuss whether or not that is appropriate.</b></p> <p>8 <b>Of course when -- what we now do, we go beyond that</b></p> <p>9 <b>in the Met, beyond what is required by APP. We actually</b></p> <p>10 <b>invite the IOPC to sit in the room when notetaking is</b></p> <p>11 <b>made, so I don't think any other force in the country</b></p> <p>12 <b>does that.</b></p> <p>13 Q. Yes.</p> <p>14 <b>A. They have the PIM or the appointed officer sit in the</b></p> <p>15 <b>room, which is another PIM which works to the primary</b></p> <p>16 <b>PIM, and that officer sits in the room --</b></p> <p>17 THE CHAIRMAN: "PIM" remind me?</p> <p>18 <b>A. Post-incident manager, I'm sorry, sir.</b></p> <p>19 THE CHAIRMAN: Thank you, it's all right.</p> <p>20 MS BLACKWELL: We have heard that in the current inquiry</p> <p>21 that that is the procedure that was adopted, that there</p> <p>22 were several officers sitting together in the same room,</p> <p>23 but with PIMs or post-incident managers supervising.</p> <p>24 <b>A. That's right, so what we do in order to enhance</b></p> <p>25 <b>transparency is we invite the IOPC to sit in the room.</b></p> <p style="text-align: center;">Page 56</p>

14 (Pages 53 to 56)

<p>1 Q. As well?</p> <p>2 <b>A. As well. Some forces and certainly the legal</b></p> <p>3 <b>representatives that come on behalf of the Federation,</b></p> <p>4 <b>sometimes make representations that that is oppressive,</b></p> <p>5 <b>but actually we feel, or I certainly feel as the lead</b></p> <p>6 <b>for this procedure in the Met, that it is an aid to</b></p> <p>7 <b>transparency.</b></p> <p>8 Q. At paragraph 12.10 at page 30 you, in accordance with</p> <p>9 the quote which we have just referred to, say this:</p> <p>10 "The MPS has moved forward extensively in the area</p> <p>11 of post-incident procedure and have a very smooth</p> <p>12 well-organised and completely APP armed police and</p> <p>13 compliant process, which is often described by the IOPC</p> <p>14 as best practice. The MPS is confident but not</p> <p>15 complacent in its approach to post-incident procedure."</p> <p>16 <b>A. Yes, correct.</b></p> <p>17 Q. Moving on to the fatal shooting of Mark Duggan and</p> <p>18 Operation Atamoya, at paragraph 13.6 you set out the six</p> <p>19 concerns that were found by the chair, His Honour Judge</p> <p>20 Keith Cutler, concern 1 being:</p> <p>21 "The MPS and SOCA could have reacted better to the</p> <p>22 developing events and used their joint intelligence</p> <p>23 resources better."</p> <p>24 I am now at the top of page 32.</p> <p>25 What do you set out at paragraph 13.7, please, in</p> <p style="text-align: center;">Page 57</p>	<p>1 terms of the MPS highlighting all intelligence available</p> <p>2 and decisions were robust and adequate?</p> <p>3 <b>A. I then go to say the MPS acknowledge the future learning</b></p> <p>4 <b>programme with SOCA, which is now the NCA, including</b></p> <p>5 <b>professional development training, courses for staff and</b></p> <p>6 <b>managers and specialist skills, as well as reviews into</b></p> <p>7 <b>safeguarding and the critical nature of procedures.</b></p> <p>8 Q. At the bottom of that paragraph you say:</p> <p>9 "The MPS await the outcome of a number of concurrent</p> <p>10 national reviews on this issue."</p> <p>11 What are those?</p> <p>12 <b>A. This is quite a complex and thorny issue again, sir.</b></p> <p>13 <b>There are, as far as I am aware, a number of reviews</b></p> <p>14 <b>into the management/dissemination of sensitive</b></p> <p>15 <b>intelligence in firearms operations.</b></p> <p>16 <b>One of those reviews is being led by the NCA, as</b></p> <p>17 <b>I understand it.</b></p> <p>18 <b>Another review is being led by the SNC in the</b></p> <p>19 <b>counter-terrorism space. Of course the way we manage</b></p> <p>20 <b>sensitive intelligence in CT is slightly different from</b></p> <p>21 <b>the way we manage sensitive intelligence in crime,</b></p> <p>22 <b>because the owners of that intelligence are different</b></p> <p>23 <b>agencies with different processes.</b></p> <p>24 Q. Yes.</p> <p>25 <b>A. If you were minded to make any recommendations sir,</b></p> <p style="text-align: center;">Page 58</p>
<p>1 <b>I would really appreciate anything that combines that</b></p> <p>2 <b>into a single process that looks very similar to each</b></p> <p>3 <b>other, so that a process for one is similar to a process</b></p> <p>4 <b>for another.</b></p> <p>5 <b>Because in the CT space we are looking at a process</b></p> <p>6 <b>that would involve electronic logs and electronic</b></p> <p>7 <b>systems, and yet in the crime space we are still</b></p> <p>8 <b>antiquated with [redacted] which you may well have heard</b></p> <p>9 <b>about in closed.</b></p> <p>10 Q. Yes.</p> <p>11 Is it your view, Mr McKibbin, that to have</p> <p>12 a combined and single set of guidance and rules would</p> <p>13 make both sides of the policing that you have described</p> <p>14 run more smoothly?</p> <p>15 <b>A. Yes. I was recently interviewed by HMIC to ask whether</b></p> <p>16 <b>the current intelligence sharing processes in crime are</b></p> <p>17 <b>fit for purpose and enable me or other SFCs as the end</b></p> <p>18 <b>user to do our job effectively.</b></p> <p>19 Q. Yes.</p> <p>20 <b>A. It is incredibly difficult, as you will have heard,</b></p> <p>21 <b>about what elements of intelligence you can write down,</b></p> <p>22 <b>which elements of intelligence you can break out.</b></p> <p>23 Q. Yes.</p> <p>24 <b>A. It makes the job of firearms commanders, and those that</b></p> <p>25 <b>disseminate and manage the intelligence, very, very</b></p> <p style="text-align: center;">Page 59</p>	<p>1 <b>difficult. A combined process that is complementary, so</b></p> <p>2 <b>that one area is not completely dissimilar from another,</b></p> <p>3 <b>would be very helpful.</b></p> <p>4 Q. Yes, thank you.</p> <p>5 Concern 2 was comprehensive accounts were not taken</p> <p>6 from police witnesses at the first opportunity. Do you</p> <p>7 then go on to describe the improvements in the systems</p> <p>8 that you have already set out?</p> <p>9 <b>A. Yes, that's right.</b></p> <p>10 Q. Thank you.</p> <p>11 Concern 3, the IPCC had primacy at the scene but did</p> <p>12 not have the resources to conduct all relevant</p> <p>13 activities there. You have set out in 13.11:</p> <p>14 "The MPS agreed that scene control must be addressed</p> <p>15 by the MPS and the IPCC working together."</p> <p>16 Has that improved?</p> <p>17 <b>A. It is my understanding that it has. So the IOPC and now</b></p> <p>18 <b>the department of professional standards, the DPS within</b></p> <p>19 <b>the Met, have a very, very effective working</b></p> <p>20 <b>relationship to account for the fact that we have the</b></p> <p>21 <b>resources immediately available and the IOPC overlay</b></p> <p>22 <b>their investigative requirements and, over time, take on</b></p> <p>23 <b>more or less of the decision making, depending on their</b></p> <p>24 <b>wishes as the overarching independent investigative</b></p> <p>25 <b>authority.</b></p> <p style="text-align: center;">Page 60</p>

15 (Pages 57 to 60)

1 Q. Thank you.  
 2 Concern 4, the scene of the fatal shooting was not  
 3 video recorded. You confirm that the MPS acknowledged  
 4 at that time that recording of scenes would be desirable  
 5 and the piloting of body-worn video was mentioned in the  
 6 report. We are going to return to that as an issue,  
 7 a little later on.  
 8 Concern 5, the planned operation to seize weapons  
 9 was not pursued after the fatal shot was fired.  
 10 What do you have to say about that?  
 11 **A. I am afraid I don't have any more than I have written**  
 12 **here about that historic investigation.**  
 13 Q. All right. That the MPS explained their responsibility  
 14 to tackle armed criminality and all assets available to  
 15 do this and concluded that it would continue to provide  
 16 training to senior officers to ensure high standards of  
 17 decision making?  
 18 **A. Yes, that's correct.**  
 19 Q. Finally, concern 6, the armed police operation was not  
 20 recorded after state red was called, and again reference  
 21 to body-worn video, to which we will return.  
 22 In addition to the coroner's concerns, the ACPO  
 23 asked their adviser, Superintendent Helen McMillan, to  
 24 assist the senior investigating officer from the IPCC,  
 25 and she made the following six recommendations:

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1 course, that that can change throughout the deployment  
 2 and so I think you have asked a number of witnesses:  
 3 what is the point of a threat assessment that lists  
 4 a group of people and has them all at low? I think you  
 5 have asked that a number of times.  
 6 THE CHAIRMAN: Yes, particularly when they are sort of  
 7 sitting in an office. I wonder what the point is.  
 8 **A. Quite, and I will try and explain it, because there is**  
 9 **a reason for that and it might not seem apparent, and**  
 10 **I think one of the problems that we have is that nowhere**  
 11 **within the course does it teach you how to fill out the**  
 12 **forms, and I think that is perhaps an oversight.**  
 13 **The course teaches you how to manage the operation**  
 14 **and not to fill out the paperwork.**  
 15 MS BLACKWELL: Could I just ask you to pause there, if there  
 16 is no guidance or training given to the TFC or the SFC,  
 17 during the course of their course, as to how to utilise  
 18 the forms and fill them in. From where do they get that  
 19 information and guidance.  
 20 **A. Well, let me qualify what I have just said there.**  
 21 **What the course teaches you is how to use a grid to**  
 22 **fill out a multidimensional threat assessment as you go**  
 23 **forward in time, so the course does teach you that.**  
 24 **What is a factor is that every force will have its**  
 25 **own set of FA forms, which are either they use the**

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1 "Recommendation 1: that the Metropolitan Police  
 2 remind their tactical firearms commanders of the need to  
 3 undertake effective and multidimensional threat and risk  
 4 assessments throughout their involvement in an operation  
 5 to record their rationale in their policy logs."  
 6 You say that that recommendation was agreed and is  
 7 now standard practice. Where do we find that as  
 8 standard practice?  
 9 **A. Multidimensional threat assessments have been in place**  
 10 **since this recommendation. I am not entirely convinced**  
 11 **we have nailed it down. They are taught on the ITFC**  
 12 **course and the cadre TFC course, they are taught on the**  
 13 **SFC course and they are taught on the SFCDP course.**  
 14 **I don't know if we are going to discuss it later,**  
 15 **but I don't think the forms that we use are fit for that**  
 16 **requirement.**  
 17 Q. The FA forms?  
 18 **A. The FA forms, they don't lend themselves to doing**  
 19 **a multidimensional threat assessment.**  
 20 Q. Why do you say that?  
 21 **A. Because they invite the person filling them out to pick**  
 22 **a point in time to do an overarching threat assessment**  
 23 **or an overarching working strategy on a very large page,**  
 24 **that becomes the dominant threat assessment and working**  
 25 **strategy for the deployment. Failing to recognise, of**

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1 nationally available forms or they convert the  
 2 nationally available forms into their own forms, which  
 3 will follow the national form very similarly but be  
 4 nuanced in relation to each force area.  
 5 The point I was going to go back to when I pointed  
 6 out about the overarching threat assessment and the lack  
 7 of the forms adopting multidimensional -- and the point  
 8 about why you have everyone at low, or why you might  
 9 have everyone at low is this.  
 10 You need to start off understanding all of the  
 11 principal people that are going to be involved in the  
 12 operation. The fact that they might be at low at the  
 13 beginning isn't in itself a complete waste of time,  
 14 because what it does is it reminds you to factor in  
 15 their presence or their lack of presence at each stage  
 16 of the operation, so it is important to list them, even  
 17 on the day when you first receive the intelligence, even  
 18 if everything is at low, because for that operation it  
 19 might all be at low but for other operations, on the day  
 20 that you receive the intelligence, it might not.  
 21 An example of that would be a threat to life, where  
 22 we have intelligence that a subject intends to murder  
 23 another, and it may well be that you have an indication  
 24 of the date that that murder will take place.  
 25 But actually, that is not going to mean that that

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1 future intended victim is at low on the day you receive  
 2 the intelligence, because you don't know exactly what  
 3 the subject is going to do, they might change their  
 4 minds, so you need to factor in a mitigation.  
 5 The important point is to list everybody, to decide  
 6 what the threat assessment is now, to decide what the  
 7 threat assessment is between now and the day that you  
 8 are going to do your operation. To decide what the  
 9 threat assessment is going to be on the morning of the  
 10 operation and then to consider other factors, such as  
 11 whether or not you are going to assess the threat and  
 12 risk at a potential point of conflict between the  
 13 subject, and their future intended victim or whether or  
 14 not you are going to assess the threat assessment at the  
 15 point that the police arrive on the scene.  
 16 At each stage, you are assessing the threat from the  
 17 subjects, so you are not assessing the threat from  
 18 police, that would be a mistake to consider that. You  
 19 are assessing the risk from the subject to everybody  
 20 that you have listed, including themselves. Does that  
 21 make sense?  
 22 Q. Yes.  
 23 The question was, if the TFC and the SFC course  
 24 doesn't provide guidance and training as to how to fill  
 25 out the form, from where does that come?

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1 risk assessments and perhaps a multidimensional threat  
 2 and risk assessment that you have set out?  
 3 A. Okay.  
 4 Q. It is a framework, is it not, that the TFC should  
 5 regularly refer back to in deciding whether or not there  
 6 has been a change in the level of threat and risk?  
 7 A. Yes, that's correct.  
 8 So it is a spin of the wheel, and I think it is  
 9 important to point out, I think we have heard evidence  
 10 from other witnesses where they have described you can  
 11 come at the wheel from any point on the wheel. That is  
 12 not correct, that is fundamentally wrong.  
 13 You will fail the TFC course if you do that, because  
 14 every stage within the wheel comes from the point  
 15 before. You must start at the beginning with the  
 16 intelligence, you absolutely must. Then everything  
 17 follows from that, from intelligence to threat  
 18 assessment, to working strategy, through to powers and  
 19 policy on to your contingencies, what you are going to  
 20 decide to do and then putting it into practice.  
 21 Q. I am going to ask for us just to look at the way in  
 22 which Mr Nicholson describes the national decision  
 23 model, and it is COP55, please, Mr Coates, page 11.  
 24 5.2.6, if you could highlight that and the following  
 25 two paragraphs, please.

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1 A. Sorry, so that comes from the process of becoming  
 2 operationally competent, ie from other mentors, from  
 3 other TFCs that do the job within your force area.  
 4 Q. Do you think that it would be of assistance to include  
 5 guidance and training on the forms, whether they remain  
 6 in their current form or indeed they are amended --  
 7 A. Yes.  
 8 Q. -- during those courses?  
 9 A. If not during the course, because obviously that creates  
 10 a training pressure, every additional requirement adds  
 11 perhaps a day to the course, but I would agree with you,  
 12 it absolutely needs to be part of training, record  
 13 keeping, expectations. I mean just to give you  
 14 an indication, these kinds of processes are invaluable  
 15 and I have made it a requirement for every TFC and SFC  
 16 in the Met to either watch or read the transcripts from  
 17 this hearing, because the amount of learning that  
 18 becomes apparent from this proceedings is unprecedented.  
 19 THE CHAIRMAN: No pressure then.  
 20 MS BLACKWELL: No, quite.  
 21 Before we leave this topic, I think this might be  
 22 the final topic before we have our morning break --  
 23 THE CHAIRMAN: Yes.  
 24 MS BLACKWELL: -- I would like to ask you about the national  
 25 decision model and how that fits into the threat and

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1 He says:  
 2 "Using the NDM as a framework, the TFC will develop  
 3 a tactical plan based on the information and  
 4 intelligence available to them. The information and  
 5 intelligence helps to inform the TFC in respect of  
 6 identified or potential victims, known or potential  
 7 locations that may be relevant to the incident or  
 8 operation and the identity, capability and intent of the  
 9 subjects in question. This in turn assists the TFC to  
 10 develop a threat assessment in which they articulate who  
 11 they deem to be at risk from the threat(s) posed. This  
 12 threat assessment may identify individuals or groups and  
 13 each is graded at high, medium, low or unknown risk.  
 14 "The level of risk is used to identify a priority  
 15 order and the TFC bases their working strategy on  
 16 minimising the risks or maximising the safety of those  
 17 on their threat assessment in that priority order. The  
 18 term 'maximising safety' is used to differentiate those  
 19 on the threat assessment that are under police control;  
 20 primarily the armed and unarmed officers or staff  
 21 deployed by the TFC and this aim is largely achieved by  
 22 the provision of briefing, training and equipment.  
 23 "The working strategy will usually mirror the threat  
 24 assessment in terms of priority in order to direct  
 25 activity towards minimising harm to anyone who is

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<p>1 identified to be at risk. The working strategy may also 2 include references to things such as the recovery of 3 evidence and arrest of offenders, but this should 4 generally not take priority over minimising the risk of 5 harm. The tactical plan is developed to best meet the 6 working strategy, hence the testing process referenced 7 in the SFC responsibilities in 2015 and further expanded 8 in the 2021 revision."</p> <p>9 Does that accord with your understanding?</p> <p>10 <b>A. Yes, that is exactly how it is taught in the course,</b> 11 <b>yes.</b></p> <p>12 <b>Q. Yes.</b></p> <p>13 <b>A. I think it is really important to recognise that the</b> 14 <b>hierarchy of the working strategy which comes from the</b> 15 <b>threat assessment is fundamental to the decision making</b> 16 <b>of the TFC and the SFC.</b></p> <p>17 <b>You must not make a decision which minimises risk to</b> 18 <b>people at the bottom of that hierarchy of working</b> 19 <b>strategy at the expense of people at the top. That</b> 20 <b>would be a flawed decision.</b></p> <p>21 <b>It is really important that you consider the</b> 22 <b>hierarchy, the public being at the top, or indeed they</b> 23 <b>may well be in the overarching principle above, all of</b> 24 <b>the principles within it. So to minimise risk to the</b> 25 <b>suspects, for example, at the expense of the public,</b></p> <p style="text-align: center;">Page 69</p>	<p>1 <b>would be a completely flawed approach, and again you</b> 2 <b>would fail the course if you did that.</b></p> <p>3 <b>It does recognise the rather thorny issue that the</b> 4 <b>police officers often find themselves in, whereby you</b> 5 <b>might have to choose a plan which minimises risk to the</b> 6 <b>public and then maximises the safety of the police at</b> 7 <b>the expense of the subjects. Which is entirely possible</b> 8 <b>and appropriate, however unpleasant that might be.</b></p> <p>9 MS BLACKWELL: Thank you.</p> <p>10 Sir, is that a convenient moment?</p> <p>11 THE CHAIRMAN: 11.45?</p> <p>12 MS BLACKWELL: Thank you.</p> <p>13 THE CHAIRMAN: Thank you.</p> <p>14 (11.31 am)</p> <p>15 (A short adjournment)</p> <p>16 (11.51 am)</p> <p>17 MS BLACKWELL: Sir, before we recommence with the questions, 18 it has been brought to my attention that during the 19 course of this morning's session Mr McKibbin, in 20 describing the difference between the areas of policing 21 relying upon electronic intelligence and those relating 22 to matters that are recorded in books, described the 23 books in a way which is objectionable to the NCA and is 24 covered by a restriction order already in place.</p> <p>25 I simply raise it to remind all present that the</p> <p style="text-align: center;">Page 70</p>
<p>1 description of the books should not be repeated anywhere 2 outside of this inquiry room.</p> <p>3 THE CHAIRMAN: Thank you very much.</p> <p>4 MS BLACKWELL: Thank you.</p> <p>5 Mr McKibbin, just before we broke for a short while 6 we were discussing the training and guidance, or lack of 7 the same, provided to TFCs and SFCs during their courses 8 on how to fill out the FAI forms, et cetera.</p> <p>9 We also touched upon the need for certainly the TFC 10 to regularly perform a multidimensional risk assessment 11 and threat assessment throughout the course of 12 an operation?</p> <p>13 <b>A. Yes, and -- yes.</b></p> <p>14 <b>Q. In relation to that specific area, is training given</b> 15 <b>during the course that the TFC would take?</b></p> <p>16 <b>A. Yes, it is. Importantly, changes to threat assessment,</b> 17 <b>moving people from low to medium, medium to high, and</b> 18 <b>from high to medium and low, may well change the working</b> 19 <b>strategy and the order in which the working strategy</b> 20 <b>sits. If you have managed to remove a future</b> 21 <b>intended victim, because you have taken them to a place</b> 22 <b>of safety, then they will naturally move down the</b> 23 <b>working strategy, which is why it is really important to</b> 24 <b>do that and to ensure that you are paying homage to the</b> 25 <b>hierarchy.</b></p> <p style="text-align: center;">Page 71</p>	<p>1 <b>Q. Thank you.</b></p> <p>2 The final point for the moment on the forms. In 3 terms of them providing a form of record keeping, is 4 there a preferred stage during an operation at which 5 they should be completed, in other words once the 6 operation has a working strategy and is in the process 7 of being formulated, should the forms be completed then 8 so that they provide a record of what is in the minds of 9 those in command at the beginning and they can create 10 and grow with the stage of the operation?</p> <p>11 <b>A. I think I understand your question.</b></p> <p>12 <b>You should record the threat assessment at the time</b> 13 <b>the operation starts, ie the time at which you first</b> 14 <b>become aware of the requirement of the operation,</b> 15 <b>because you might need to mitigate some threat at that</b> 16 <b>point, regardless of the deployment. That mitigation</b> 17 <b>might be a number of different methodologies.</b></p> <p>18 <b>Q. Yes.</b></p> <p>19 <b>A. Yes, you absolutely should record it at the start, you</b> 20 <b>should record -- you should forward project, I think is</b> 21 <b>the expression that is used during training. In this</b> 22 <b>regard, the forms don't lend themselves well, because</b> 23 <b>the form, really, only has one threat assessment and one</b> 24 <b>working strategy listed.</b></p> <p>25 <b>Q. By that, I think you mean one place to put that</b></p> <p style="text-align: center;">Page 72</p>

<p>1 information?</p> <p>2 <b>A. Correct.</b></p> <p>3 Q. Something as simple as providing additional pages of</p> <p>4 that grid could encourage and make quite clear to the</p> <p>5 TFC that that is an iterative process that needs to be</p> <p>6 undertaken again and again throughout the course of</p> <p>7 an operation?</p> <p>8 <b>A. That is absolutely correct.</b></p> <p>9 <b>There does appear a grid which is used during</b></p> <p>10 <b>training, but it is not part of the FA forms, and</b></p> <p>11 <b>I think one of the TFCs, the ground-assigned TFCs, made</b></p> <p>12 <b>use of the grid, which is provided by the Met and</b></p> <p>13 <b>I think other forces do the same, but it doesn't</b></p> <p>14 <b>actually feature as part of the forms.</b></p> <p>15 Q. Yes.</p> <p>16 <b>A. Just so you are aware, I know that national armed</b></p> <p>17 <b>policing will do their own review and the College of</b></p> <p>18 <b>Policing may well do their own review, which we will</b></p> <p>19 <b>work with those agencies on, but I have already asked</b></p> <p>20 <b>for a fundamental review of the FA forms, as a result of</b></p> <p>21 <b>listening to the evidence in this inquiry.</b></p> <p>22 THE CHAIRMAN: Have you in that review indicated the</p> <p>23 improvements which you think should be made?</p> <p>24 <b>A. Yes, I have. So there are two areas -- I am not second</b></p> <p>25 <b>guessing the recommendations that you are likely to</b></p> <p style="text-align: center;">Page 73</p>	<p>1 <b>make --</b></p> <p>2 THE CHAIRMAN: No, no, listen, you are here to help me. If</p> <p>3 I think what you are asking for is a good thing, then,</p> <p>4 if I underline it, then it may be helpful to you.</p> <p>5 <b>A. I am grateful.</b></p> <p>6 <b>There are two areas I have asked TFCs and SFCs to</b></p> <p>7 <b>focus their attention on. One is minutes of planning</b></p> <p>8 <b>meetings. We used to have minute takers in planning</b></p> <p>9 <b>meetings, members of police staff, and through changes</b></p> <p>10 <b>and all sorts of things that have happened over the</b></p> <p>11 <b>decades that policing has been in place, that has fallen</b></p> <p>12 <b>by the wayside. I have asked to reinvigorate that, if</b></p> <p>13 <b>ever there is a planning meeting and there is time, then</b></p> <p>14 <b>an assigned minute taker, trained to take minutes,</b></p> <p>15 <b>should be present to record everything that goes on</b></p> <p>16 <b>within that planning meeting, subject to restrictions on</b></p> <p>17 <b>what can and cannot be recorded, obviously.</b></p> <p>18 <b>Because providing that audit trail is so important</b></p> <p>19 <b>and aids with transparency at hearings such as this,</b></p> <p>20 <b>because of course you never know, out of the 4,000 armed</b></p> <p>21 <b>deployments that we have a year, you never know which</b></p> <p>22 <b>one will result in a shooting and whether or not that</b></p> <p>23 <b>shooting will result in a fatality.</b></p> <p>24 MS BLACKWELL: Yes.</p> <p>25 <b>Could I just interrupt you please, and suggest that</b></p> <p style="text-align: center;">Page 74</p>
<p>1 where those planning meetings include the discussion of</p> <p>2 restricted matters, either they are not recorded or they</p> <p>3 are recorded in a different place and in a different</p> <p>4 way?</p> <p>5 <b>A. Well, quite.</b></p> <p>6 Q. Yes.</p> <p>7 <b>A. That is one area.</b></p> <p>8 <b>The other area is the review of the FA forms and how</b></p> <p>9 <b>you record the multidimensional threat assessment.</b></p> <p>10 <b>Multidimensions could involve both space and time</b></p> <p>11 <b>and it is not just time, it is also where, which we</b></p> <p>12 <b>haven't really gone into, because it depends in fact</b></p> <p>13 <b>where you are in the country, and where you are in</b></p> <p>14 <b>relation to the future intended victim, where the future</b></p> <p>15 <b>intended victim is in relation to the subject. So how</b></p> <p>16 <b>you record that multidimensional threat assessment is</b></p> <p>17 <b>really important, and, also, I am going to work with the</b></p> <p>18 <b>College on whether or not we are forward projecting to</b></p> <p>19 <b>assess the risk at the potential point of contact</b></p> <p>20 <b>between the subject and their future intended victim or</b></p> <p>21 <b>between the police when they arrive on the plot, for</b></p> <p>22 <b>want of a better expression, the subject and the future</b></p> <p>23 <b>intended victim or indeed the public. Because that</b></p> <p>24 <b>needs to be clarified.</b></p> <p>25 Q. What about a space on the form or an indication or</p> <p style="text-align: center;">Page 75</p>	<p>1 an invitation to those filling them out that each time</p> <p>2 that the operation receives new intelligence or</p> <p>3 information and the national decision model needs to be</p> <p>4 addressed, that there is a place for that to take place</p> <p>5 and, I suppose, an encouragement that that procedure</p> <p>6 should be undertaken as regularly as new intelligence</p> <p>7 and new information comes into the operation?</p> <p>8 <b>A. Absolutely. You have hit the nail on the head there in</b></p> <p>9 <b>relation to the fact that the spin of the wheel needs to</b></p> <p>10 <b>happen whenever new intelligence come in, which implies</b></p> <p>11 <b>in its very nature that that must be the starting point</b></p> <p>12 <b>on the wheel and that you would not come at the wheel</b></p> <p>13 <b>anywhere else.</b></p> <p>14 <b>I think that would be very helpful.</b></p> <p>15 <b>In fairness to the SFC, when you look at the FA3,</b></p> <p>16 <b>there are areas that I would like all TFCs to focus</b></p> <p>17 <b>their attention on when they are discounting tactics</b></p> <p>18 <b>that would have been discussed in a planning meeting.</b></p> <p>19 <b>If you look at the FA2 and the FA3, there are areas</b></p> <p>20 <b>on the form, the log at the end, which some TFCs and</b></p> <p>21 <b>SFCs use to transcribe their summary of the planning</b></p> <p>22 <b>meetings, I think that is quite useful.</b></p> <p>23 <b>To make it clear during training exactly what our</b></p> <p>24 <b>expectations are and where it should be on the form that</b></p> <p>25 <b>you articulate the details of the planning meeting would</b></p> <p style="text-align: center;">Page 76</p>

<p>1 <b>be helpful.</b></p> <p>2 <b>Also an area on the form to identify the tactics</b></p> <p>3 <b>that you have discounted and why you have discounted</b></p> <p>4 <b>them.</b></p> <p>5 <b>I do remember reading them on the forms, and those</b></p> <p>6 <b>points would have come up in the planning meeting but it</b></p> <p>7 <b>is not clear that that is the minutes of a planning</b></p> <p>8 <b>meeting, which would be really helpful.</b></p> <p>9 Q. Thank you.</p> <p>10 Returning back to your witness statement, please,</p> <p>11 and the recommendations --</p> <p>12 THE CHAIRMAN: Just before we do, we have spent quite a lot</p> <p>13 of time talking about the FA forms --</p> <p>14 MS BLACKWELL: Yes.</p> <p>15 THE CHAIRMAN: -- and the problems that they create. Is</p> <p>16 this a convenient time to deal with the approach in this</p> <p>17 case to the creation of a FA1?</p> <p>18 MS BLACKWELL: Yes, certainly.</p> <p>19 THE CHAIRMAN: Do you want to deal with it?</p> <p>20 <b>A. Can I also deal with cutting and pasting as well?</b></p> <p>21 <b>Sorry, obviously deal with the chairman's question.</b></p> <p>22 MS BLACKWELL: Yes, certainly, let's get it all in the mix.</p> <p>23 The lack of an FA1 form in this inquiry, you will</p> <p>24 have heard the explanations given, and the inquiry has</p> <p>25 been concerned that there was not one created, not least</p> <p style="text-align: center;">Page 77</p>	<p>1 because it leaves a gap in the audit trail. Do you</p> <p>2 share that concern?</p> <p>3 <b>A. I am not that concerned about the lack of an FA1.</b></p> <p>4 <b>The specialist firearm command sits in</b></p> <p>5 <b>an overarching role around all armed policing, and the</b></p> <p>6 <b>FA1 really is the requester's form, so somebody on</b></p> <p>7 <b>borough that knows very little about firearms</b></p> <p>8 <b>operations, suggesting that this is something that they</b></p> <p>9 <b>know is going on in terms of the intelligence and they</b></p> <p>10 <b>request us to assess whether or not it has met the</b></p> <p>11 <b>threshold for the firearms deployment and would we take</b></p> <p>12 <b>it on as an operation.</b></p> <p>13 Q. Yes.</p> <p>14 <b>A. It doesn't have any information on it that would not be</b></p> <p>15 <b>replicated on the FA2. In fact lots of firearms</b></p> <p>16 <b>commanders will take the content of the FA1 and cut it</b></p> <p>17 <b>and paste it -- which is why I wanted to talk about</b></p> <p>18 <b>cutting and pasting --</b></p> <p>19 THE CHAIRMAN: Just before you do, on the face of it, it</p> <p>20 doesn't seem to be a good idea to have a requirement for</p> <p>21 a form which there may be a very good reason for</p> <p>22 dispensing with. On the face of it.</p> <p>23 If there isn't to be a degree of compulsion as far</p> <p>24 as the FA1 is concerned, but there are certain cases in</p> <p>25 which the FA1 can and should be completed, would it be</p> <p style="text-align: center;">Page 78</p>
<p>1 a good idea for the FA2 to contain a section where the</p> <p>2 compiler of the FA2, the TFC, would say why, if it was</p> <p>3 the case, there had not been an FA1?</p> <p>4 <b>A. Yes.</b></p> <p>5 THE CHAIRMAN: That is the end of it.</p> <p>6 <b>A. The end of it.</b></p> <p>7 THE CHAIRMAN: You are saying in certain cases it serves no</p> <p>8 purpose?</p> <p>9 <b>A. If the requester is also then going to end up being the</b></p> <p>10 <b>TFC, or their unit is, absolutely makes no sense.</b></p> <p>11 THE CHAIRMAN: If the FA2 says, "No FA1 because ..." Then</p> <p>12 you have your accountability, haven't you? You have</p> <p>13 your audit trail?</p> <p>14 <b>A. Absolutely.</b></p> <p>15 THE CHAIRMAN: You were going to go on to deal with --</p> <p>16 MS BLACKWELL: Yes, cutting and pasting.</p> <p>17 <b>A. Cutting and pasting.</b></p> <p>18 <b>This has come up before, and I would like to explain</b></p> <p>19 <b>where it can be useful, the problems it causes and how</b></p> <p>20 <b>I would like it to be addressed in future.</b></p> <p>21 Q. Yes.</p> <p>22 <b>A. There can be a raft of reasons why cutting and pasting</b></p> <p>23 <b>both saves time and is important in terms of accurately</b></p> <p>24 <b>recording exactly the intelligence, because sometimes</b></p> <p>25 <b>summarising the intelligence or using different words</b></p> <p style="text-align: center;">Page 79</p>	<p>1 <b>can be problematic, so the best way to deal with that is</b></p> <p>2 <b>to cut and paste the exact narrative that has been</b></p> <p>3 <b>provided by the source of the intelligence, if that is</b></p> <p>4 <b>appropriate.</b></p> <p>5 <b>I would like to see TFCs and SFCs, whenever they cut</b></p> <p>6 <b>and paste anything from another form, use a single</b></p> <p>7 <b>approach where that documentation is in italics or</b></p> <p>8 <b>a colour, but the trouble with using a colour is when it</b></p> <p>9 <b>is printed in black and white you cannot tell. So</b></p> <p>10 <b>italics is a useful approach.</b></p> <p>11 THE CHAIRMAN: As you did in your statement?</p> <p>12 <b>A. Exactly, and that is why I do it.</b></p> <p>13 <b>So anything that is cut and paste from a previous</b></p> <p>14 <b>form you could write at the top, "This has been cut and</b></p> <p>15 <b>paste from ..." and wherever the source is. Then it is</b></p> <p>16 <b>in italics and then I would like to see TFCs and SFCs</b></p> <p>17 <b>comment in their own words what that means to them. If</b></p> <p>18 <b>for example I am cutting and pasting the intelligence</b></p> <p>19 <b>I have it exactly in the wording from the source, if</b></p> <p>20 <b>that is appropriate or a form of words that has been</b></p> <p>21 <b>broken out and then I am commenting on that that means</b></p> <p>22 <b>to me and how I assess its value.</b></p> <p>23 <b>Again, if I am going to cut and paste the tactical</b></p> <p>24 <b>advice from the tactical adviser, simply cutting and</b></p> <p>25 <b>pasting it is one thing but then commenting on whether</b></p> <p style="text-align: center;">Page 80</p>

20 (Pages 77 to 80)

1 **or not I agree with it, why I think it is a good idea,**  
 2 **why I am following the advice, why I am not following**  
 3 **the advice, I would consider that to be gold standard.**  
 4 Q. What that provides is evidence of what is going on in  
 5 the commander's head?  
 6 **A. Exactly.**  
 7 Q. So that not only do they have clarity of thought, but  
 8 there is an audit trail or a record of the stages at  
 9 which they have considered certain issues?  
 10 **A. Exactly.**  
 11 Q. Thank you.  
 12 Right, I think we will now return to your witness  
 13 statement, please, and I am going to move quickly  
 14 through the remaining recommendations of  
 15 Superintendent McMillan, because we have dealt with some  
 16 of them, and we are going to turn to others.  
 17 Recommendation 2:  
 18 "The Metropolitan Police remind the SFC and the TFC  
 19 officers of the requirement to include the subjects of  
 20 the operation in their working strategy. That, as we  
 21 know, is something with which you agree.  
 22 Recommendation 3:  
 23 "The MPS adopt best practice and separate the roles  
 24 of the operational firearms commander and tactical  
 25 adviser."  
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1 We are going to return to that in a moment.  
 2 Recommendation 4:  
 3 "The MPS remind officers to include the threat  
 4 assessment and strategy in the briefing for any  
 5 operation."  
 6 That is fully accepted by the MPS.  
 7 Recommendation 5:  
 8 "The MPS equip their firearms commanders and  
 9 tactical advisees with suitable equipment to audio  
 10 record briefings, tactical discussions and other  
 11 communication to provide a transparent record of  
 12 communication and decision making during an operation."  
 13 We have partially dealt with that, but I am going to  
 14 return to discuss with you the audio recording of  
 15 briefings and what that may cause by way of  
 16 consideration.  
 17 Recommendation 6:  
 18 "The MPS should ensure that all of its commanders  
 19 receive NCA training on handling sensitive  
 20 intelligence."  
 21 In relation to this final recommendation, you say:  
 22 "This area continues to evolve nationally, however  
 23 handling of sensitive intelligence is taught on all  
 24 commander training courses."  
 25 The MPS is compliant with the national guidance on  
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1 this issue, which comes from the documents which you set  
 2 out.  
 3 But is it your opinion, Mr McKibbin, that there is  
 4 still work to be done in relation to this area?  
 5 **A. Yes.**  
 6 Q. For the reasons which you have already set out?  
 7 **A. Correct.**  
 8 Q. Thank you.  
 9 Page 38 and part 14 of your main witness statement  
 10 sets out the recommendations of the IPCC in  
 11 November 2016 in relation to the shooting of  
 12 Jermaine Baker.  
 13 Recommendation 1 is that the covert armed officers  
 14 deployed on Operation Ankaa were not equipped with  
 15 body-worn video cameras, and whilst it is acknowledged  
 16 that there is ongoing work within the MPS and nationally  
 17 to address this issue, it remains the case that the  
 18 public and in particular the BAME community within the  
 19 borough of Haringey remain concerned about the absence  
 20 of body-worn video footage in this case.  
 21 This is a convenient moment for us to discuss the  
 22 current position as far as the Met are concerned with  
 23 body-worn video cameras, both in overt policing and  
 24 covert policing. I would also like you to provide  
 25 an updated response in terms of the use of such  
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1 recording equipment in vehicles as well.  
 2 **A. Okay.**  
 3 **This is quite a lengthy and complex area. Overt**  
 4 **body-worn video has been established within policing,**  
 5 **not just armed policing but policing generally, for some**  
 6 **time.**  
 7 Q. Yes.  
 8 **A. It is well used and it is obviously useful for a number**  
 9 **of different reasons, both to protect the police and the**  
 10 **public and to provide an audit trail.**  
 11 **To implement that in the covert world has proved**  
 12 **really difficult.**  
 13 **It is only when the national armed policing**  
 14 **portfolio have really pushed to provide projects that**  
 15 **explore a number of areas have we made some progress.**  
 16 Q. Yes.  
 17 **A. I think GMP were asked to progress a plot hat version,**  
 18 **which is actually an overt solution to a covert problem**  
 19 **by going covert for want of a better expression at the**  
 20 **point of interception at state red.**  
 21 **The trouble with that option is you can really only**  
 22 **do it from a vehicle, and you are not recording the**  
 23 **build up to the interception.**  
 24 **So some of the crucial environmental factors that**  
 25 **might be recorded on a video are not going to be**  
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<p>1     <b>apparent, because you are only recording at the point</b>  2     <b>that you don the plot cap, you are not going to know</b>  3     <b>whether or not the plot cap recorder is working</b>  4     <b>accurately and it kind of implies that the interception</b>  5     <b>is going to be from a vehicle, which reduces the number</b>  6     <b>of tactical options available. You might end up</b>  7     <b>deciding you are going to do a vehicle stop because that</b>  8     <b>is where you will be recording from, if you need to</b>  9     <b>remain covert.</b>  10     <b>So that is the plot cap option.</b>  11     Q. Go on --  12     <b>A. Do you want to --</b>  13     Q. In fact I will. I was just going to ask whether or not  14     that option could be combined with the vehicle option,  15     so that you have the option of recording whilst in the  16     vehicle, and then recording using the plot cap when you  17     get out of the vehicle?  18     As an additional question, I would like you to  19     consider, even if there is only the potential for there  20     to be partial recording of an operation or  21     an interception, isn't that better than nothing?  22     <b>A. Let me answer the last question first: yes.</b>  23     Q. Yes.  24     <b>A. Then let's deal with the other points that you have</b>  25     <b>raised.</b></p> <p style="text-align: center;">Page 85</p>	<p>1     <b>Yes, a combination of vehicle-mounted cameras and</b>  2     <b>plot cap cameras would be of benefit, however I think</b>  3     <b>the Met has superseded both of those options and I am</b>  4     <b>going to come to that at the end of my explanation.</b>  5     Q. Right.  6     <b>A. The other problem with a plot cap option is if you want</b>  7     <b>to deploy covertly from your vehicle and then contain</b>  8     <b>discretely or covertly an address, the last thing you</b>  9     <b>want to be wearing is a plot cap with a camera on the</b>  10    <b>understand, you look pretty much like a dalek, I mean it</b>  11    <b>is obviously who you are, you are wearing an overt plot</b>  12    <b>cap with plain clothes and a camera sticking off the</b>  13    <b>peak, so that's unhelpful if you wish to remain discreet</b>  14    <b>or covert.</b>  15    <b>Of course, the next option that was progressed was</b>  16    <b>by I think West Yorkshire who were asked to progress</b>  17    <b>a truly covert option, and it is the only option that is</b>  18    <b>truly covert, and that is vehicle-mounted cameras.</b>  19    MS BLACKWELL: Sir, for your reference, we are at  20    paragraph 14.9 in Mr McKibbin's statement.  21    THE CHAIRMAN: Thank you.  22    <b>A. There are advantages and disadvantages to the vehicle</b>  23    <b>mounted. The only advantage really being is that it is</b>  24    <b>a truly covert option.</b>  25    MS BLACKWELL: Yes.</p> <p style="text-align: center;">Page 86</p>
<p>1     <b>A. But, again, it implies that the interception or</b>  2     <b>intervention will be somewhere around the vehicle. If</b>  3     <b>you then leave the vehicle, deploy foot officers, deploy</b>  4     <b>in small teams because you are following the subject on</b>  5     <b>a bus or a tube, and there is a requirement to make the</b>  6     <b>stop at that point, obviously it is not going to record</b>  7     <b>it, if you follow the subject to their home address or</b>  8     <b>down alleyways, again you are not going to record it.</b>  9     <b>It is the most expensive option and if you have</b>  10    <b>a fleet of 12 vehicles in your entire covert fleet, then</b>  11    <b>it is probably something you can manage but if you have</b>  12    <b>90 vehicles in your covert fleet, that is going to</b>  13    <b>become a really expensive option and not a particularly</b>  14    <b>effective one if the huge proportion of the</b>  15    <b>interceptions you undertake are not in and around the</b>  16    <b>vehicle.</b>  17    THE CHAIRMAN: It would have the disadvantage, would it not,  18    of the driver of the vehicle having to ensure that when  19    they parked, they were parking in a position which was  20    compatible with the job that the camera was designed to  21    do?  22    <b>A. Well, quite, sir.</b>  23    THE CHAIRMAN: Yes.  24    <b>A. The other problem with it, and I have referred to it as</b>  25    <b>the tail wagging the dog in my report and that is again</b></p> <p style="text-align: center;">Page 87</p>	<p>1     <b>it implies that you are going to be doing the stop</b>  2     <b>involving the vehicle, it kinds of pushes the TFC to</b>  3     <b>consider the best way providing an audit trail is to do</b>  4     <b>the stop involving vehicles, which again predisposes</b>  5     <b>some kind of vehicle option where actually the safest</b>  6     <b>option according to the risk assessment and working</b>  7     <b>strategy may well be to deal with the subject in</b>  8     <b>an address or it may well be to deal with the subjects</b>  9     <b>on foot, depending on what the intelligence is telling</b>  10    <b>you --</b>  11    Q. Yes.  12    <b>A. -- and to avoid capability and intent coming together.</b>  13    <b>So the Met did not really want to do either of those</b>  14    <b>options.</b>  15    <b>It was incumbent on us to progress a covert</b>  16    <b>body-worn video option that could be worn by the officer</b>  17    <b>and that was what the Met was assigned to deal with and</b>  18    <b>it has taken us a long time, I would volunteer too long,</b>  19    <b>to resolve this problem. It was only when we decided to</b>  20    <b>abandon truly covert body-worn video that we have</b>  21    <b>arrived at a solution, and I will explain why.</b>  22    <b>A truly covert camera is a tiny pinhole camera, sir,</b>  23    <b>that would be in whatever clothing you are wearing, so</b>  24    <b>it must be possible to move between a coat and</b>  25    <b>a T-shirt, sometimes we deploy in the summer. There</b></p> <p style="text-align: center;">Page 88</p>

22 (Pages 85 to 88)

1 will be a magnitude of wires going to wherever the  
 2 recording device is, and it is by definition a truly  
 3 covert camera. It will therefore have a very tiny lens  
 4 that doesn't let much light in. By nature of not  
 5 letting much light in it won't work particularly well at  
 6 night and will have a very narrow angle of view.  
 7 It also, when we tested this equipment, it is very  
 8 expensive -- it's not the main reason for not doing it  
 9 if it works, but it is very expensive and becomes broken  
 10 very easily when you transition it from one item of  
 11 clothing to another, or you don a coat or whatever you  
 12 are doing, we found that the wires would become  
 13 dislodged very easily and, again, you wouldn't know  
 14 whether the camera was recording.  
 15 What the Met has adopted is a compromise between all  
 16 of those issues, a camera which has a fisheye lens, that  
 17 let's a lot of light in, that can be easily moved from  
 18 whatever you are wearing to whatever else you want to  
 19 wear. Could be covered up when necessary, and I will  
 20 come to that if that sets hairs raising, and has a good  
 21 battery life and could be easily turned on and is  
 22 apparent to the user whether it is recording or not and  
 23 basically it is a discreet camera as opposed to a covert  
 24 camera.  
 25 It might be necessary to cover it up with a T-shirt

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1 I have articulated with the other options, it is what we  
 2 believe to be the most advanced of the options.  
 3 Q. Right.  
 4 As you have confirmed, that is currently being  
 5 deployed. Is it being deployed universally or are there  
 6 still improvements expected to be made in the current  
 7 system?  
 8 A. This is just within the Met. There is no mandate to do  
 9 anything other than the plot cap. The plot cap option  
 10 is the option that is mandated by the national armed  
 11 policing portfolio, because you cannot compel a chief  
 12 officer to invest in technology, it is for them to  
 13 decide what they want to do, based on you all the  
 14 available information.  
 15 THE CHAIRMAN: The plot cap is the national --  
 16 A. Correct.  
 17 THE CHAIRMAN: -- system?  
 18 A. Correct, sir, but we have been given dispensation by  
 19 national armed policing to use our option, because they  
 20 accept it is the more advanced and if forces want to do  
 21 that, they can come to us and we will show them what we  
 22 are using.  
 23 Q. Are there cases in which the plot cap would be used by  
 24 the Met or do they not use plot caps at all now?  
 25 A. We do wear plot caps, but not necessarily with cameras

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1 or a jumper or a coat if you are deployed as a small  
 2 team within the surveillance footprint and you don't  
 3 want to compromise the operation by the subject turning  
 4 round and looking at somebody that they are  
 5 uncomfortable with and noticing something small that's  
 6 out of place on their person that would be fairly  
 7 obvious under examination to be a camera. So it may be  
 8 necessary to cover it up but it would still be recording  
 9 the audio if nothing else.  
 10 Then it would be for the officer to determine in  
 11 their evidence why they felt it necessary to cover it up  
 12 in order to avoid compromising the operation and  
 13 hopefully there will be other officers further back in  
 14 the deployment that would record all of it.  
 15 That is where we are now and as of this point in  
 16 time, and I think from December last year, we have been  
 17 deploying on all covert operations with discreet  
 18 body-worn video.  
 19 Q. Discreet rather than covert?  
 20 A. Correct.  
 21 Q. Yes.  
 22 A. What that does is it puts us in a position where we can  
 23 now record in a covert deployment whether we are doing  
 24 the interception in a vehicle, in a building or on foot.  
 25 In all of the -- basically all the disadvantage that

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1 on them but, and I will qualify that, we will not wear  
 2 our discreet option when we are deploying overtly.  
 3 CTSFOs spend the majority of their time deploying  
 4 covertly and therefore will use the discreet body-worn  
 5 video, but we do use the plot cap option and indeed the  
 6 Axon camera and it is down to the user as to whether or  
 7 not they wear the camera on the peak of the plot cap or  
 8 somewhere else on their body, their shoulder. There are  
 9 other places that you can attach the camera, it is about  
 10 the length of your finger and you can put it in  
 11 a variety of different places.  
 12 When they are deployed overtly in grey, then they  
 13 will do what the ARVs do, and the ARVs will wear the  
 14 same camera, and that is the plot cap option which is  
 15 nationally mandated.  
 16 MS BLACKWELL: Thank you.  
 17 THE CHAIRMAN: Still used by the Met for overt operations?  
 18 A. Correct, and there are a number of forces that have  
 19 approached us about the discreet option, and the  
 20 national armed policing direct those forces to the Met  
 21 to look at what our discreet solution is.  
 22 MS BLACKWELL: In terms of the discreet solution, is that  
 23 still at the pilot stage or has that been rolled out?  
 24 A. Okay, where does pilot finish and rollout begin is the  
 25 point of the question I think.

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<p>1 <b>I would say we are still in piloting, because</b>  2 <b>I haven't written back to the Met to evaluate, so</b>  3 <b>therefore we are still in pilot. There are a couple of</b>  4 <b>other issues to be ironed out, such as movement of the</b>  5 <b>recording from device to device. So this is another</b>  6 <b>complex area, I don't want to bore the inquiry but the</b>  7 <b>evidence that we present to court is captured on</b>  8 <b>evidence.com. Evidence.com, as I understand it, and</b>  9 <b>I hope I am not saying anything that is commercially</b>  10 <b>sensitive, is owned by Axon, or is affiliated with Axon.</b>  11 <b>The cameras that we have gone to for our discreet</b>  12 <b>solution is not Axon, so therefore we have to provide</b>  13 <b>a software bridge between platforms and actually</b>  14 <b>resolving that issue has become for the Met more</b>  15 <b>expensive than the acquisition of the camera.</b>  16 Q. The discreet camera option is being utilised, but  17 a careful eye is being kept on the procedure in order to  18 see whether it can be improved?  19 <b>A. Yes.</b>  20 Q. All right, thank you.  21 Could I invite you to look then at recommendation 2,  22 at page 42 in your witness statement, and to help us  23 with the report from the IPCC, as then was, that the  24 radio channels utilised within C3000 for Operation Ankaa  25 were not recorded and to assist the inquiry as to the</p> <p style="text-align: center;">Page 93</p>	<p>1 current MPS policy and procedure in terms of the  2 recording of radio channels.  3 <b>A. Yes. This is not just a Met policy, this is a national</b>  4 <b>policy.</b>  5 Q. Yes.  6 <b>A. Armed policing, as a portfolio, is not the decision</b>  7 <b>maker here. In fact, there are at least two portfolio</b>  8 <b>leads, if not more. The intelligence, the -- in fact</b>  9 <b>three, the intelligence portfolio, the surveillance</b>  10 <b>portfolio and armed policing portfolio have NPCC leads</b>  11 <b>that have to weigh in on this decision, and because of</b>  12 <b>the difficulties around sensitive intelligence and what</b>  13 <b>may be said on a radio, the decision nationally is that</b>  14 <b>those comms will not be recorded.</b>  15 Q. I am just going to ask that we look at the part of  16 Mr Chesterman's statement, who you know has come to the  17 inquiry to give evidence already, and it is at NPC1,  18 please, Mr Coates, page 75. Thank you.  19 I am looking under the subheading "Thematic response  20 re audio recording". Could we highlight the bottom part  21 of the page please. Start from the top:  22 "This thematic area arises in a number of  23 recommendations and falls into two parts. The recording  24 of radio communications solely between armed officers  25 and the recording of communications conducted alongside</p> <p style="text-align: center;">Page 94</p>
<p>1 surveillance officers. It is in respect of the latter  2 that the majority of recommendations arise.  3 "In respect of the former, I issued national  4 circular 13 of 2016 on 17 June 2016 to all force and  5 regional firearms leads. This contained the following  6 text:  7 "During a recent incident in Kent which resulted in  8 a fatal police shooting, considerations arose around the  9 recording of overt Airwave channels during firearms  10 operations. It is recognised that the recording of  11 overt Airwaves channels used in firearms operations is  12 best practice, not least because it supports the  13 overarching obligation on the police to have  14 an effective post-incident management structure in  15 place. Forces should assess their own position in  16 relation to whether their firearms channels are being  17 routinely recorded. An effective way to record channels  18 is via the bulk recording interface, which ensures that  19 the channel is always recorded. It is recognised that,  20 forces due to capacity issues may have to prioritise  21 which channels to record based on their own assessment  22 of the threat and risk associated with such  23 prioritisation. This is a decision for each individual  24 force."  25 There appears to be, according to what Mr Chesterman</p> <p style="text-align: center;">Page 95</p>	<p>1 has set out here, a potential difference between the  2 recording of radio communications solely between armed  3 officers and those conducted alongside surveillance  4 officers?  5 <b>A. I think that the distinction that Mr Chesterman is</b>  6 <b>describing here is the difference between covert and</b>  7 <b>overt.</b>  8 <b>In the overt world, which my armed officers are</b>  9 <b>involved in, all the comms are recorded.</b>  10 Q. Yes.  11 <b>A. There are a variety of different channels and you will</b>  12 <b>have seen ARV officers and perhaps CTSFO officers,</b>  13 <b>burdened with lots of different radios all blaring at</b>  14 <b>the same time. Those in the overt space are all</b>  15 <b>recorded.</b>  16 Q. Yes.  17 <b>A. But in the covert space, they are not, for reasons that</b>  18 <b>I have alluded to.</b>  19 Q. Is there likely to be any alteration in relation to that  20 policy as far as you are aware or is there always going  21 to be a reluctance to record that which is happening  22 covertly, for reasons which are obvious?  23 <b>A. This is linked, sir, in a way, to the discreet body-worn</b>  24 <b>video and I will explain why it is linked, because</b>  25 <b>I have had a significant number of problems with the</b></p> <p style="text-align: center;">Page 96</p>

24 (Pages 93 to 96)

1 different portfolio leads that I have alluded to with  
 2 regard to when the discreet body-worn video can be  
 3 turned on.  
 4 I initially wanted the discreet body-worn video to  
 5 be turned on at state amber, so that it would then pick  
 6 up all of the preparation for the actual stop. Again,  
 7 the situational awareness, the environmental factors and  
 8 all the rest of it.  
 9 The difficulty there is that as with recording  
 10 comms, the covert or the discreet camera will then pick  
 11 up all the radio transmissions that are being projected  
 12 into the vehicle, unless the officers are wearing  
 13 earpieces.  
 14 When the Met rolled out its discreet body-worn  
 15 video, we had a challenge from those portfolio holders  
 16 that manage both intelligence and surveillance in terms  
 17 of when we would be allowed to turn our discreet  
 18 body-worn videos on.  
 19 The point is that they wanted those cameras to be  
 20 turned on at state red, and state red is right at the  
 21 point of the interception.  
 22 Q. Yes, and has arrived at a stage at which a lot of  
 23 information has already been lost, if the camera is only  
 24 switched on at that point?  
 25 A. Correct. In the end, after quite a lot of negotiation,

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1 because we don't hold all the cards.  
 2 THE CHAIRMAN: How would that have fitted in in this  
 3 particular incident?  
 4 A. In this particular incident, we would have had to -- if  
 5 we were wearing discreet body-worn videos at this point,  
 6 we would have to have turned them on at state red and  
 7 because the subjects were stationary, we would have had  
 8 to have waited until we had got past all of the  
 9 surveillance assets, wherever they were, before we  
 10 turned the camera on.  
 11 THE CHAIRMAN: That would have been very late in this case,  
 12 would it not?  
 13 A. Correct.  
 14 THE CHAIRMAN: It wouldn't have addressed a number of the  
 15 issues which have arisen, would it?  
 16 A. It would have helped address some of the issues, so in  
 17 terms of threat assessment and individual decision  
 18 making by armed officers, you know, what the armed  
 19 officers could see when they alighted from their cars,  
 20 it would have captured all that. So it would have taken  
 21 us a lot further forward than we are now, but you are  
 22 quite right, sir, in that it wouldn't have provided  
 23 everything that could have been provided if we had  
 24 turned them on at state amber.  
 25 It would be difficult for me to sit here now and

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1 we have adopted an interim position which we will  
 2 explore in the review.  
 3 Q. Yes.  
 4 A. Which is in between state amber and state red, at the  
 5 point where armed officers have taken over surveillance  
 6 control of the subject but before state red, does that  
 7 make sense?  
 8 Q. Yes.  
 9 A. There might be a number of surveillance assets that  
 10 would be recorded if you are activating your camera at  
 11 state amber and the idea being that once you have come  
 12 between those and the subjects, that there is nothing  
 13 else to record, all comms and sensitive intelligence  
 14 should have been transmitted, so therefore you are not  
 15 causing any collateral issues by recording at that  
 16 point, but that is before state red, because what  
 17 families of the deceased, if somebody ends up getting  
 18 shot, or inquiries such as this will want to know, is:  
 19 what was the build up? What were the environmental  
 20 factors? What was going on? Of course that cannot  
 21 really adequately be recorded if you are only turning it  
 22 on right on the point of the interception.  
 23 We are trying to provide as much information as  
 24 possible to inquiries like this, anybody that might  
 25 scrutinise our activity but that does prove difficult,

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1 articulate what has been lost between state amber and  
 2 state red in this case, because I am not aware of all  
 3 the detail.  
 4 Q. Yes.  
 5 I am going to move on, sir, to deal with  
 6 recommendation 4, which dealt with the inconsistent use  
 7 of the CLIO system by commanders and loggists.  
 8 It goes on to say:  
 9 "The CLIO system was utilised during  
 10 counter-terrorism incidents in the MPS, therefore it can  
 11 be assumed that it is a secure and appropriate system to  
 12 record both sensitive and non-sensitive information."  
 13 Do you agree with that? What is your view as to the  
 14 way in which the CLIO system should be utilised?  
 15 A. There is no mandate from the College or armed policing  
 16 portfolio nationally that CLIO system is used for armed  
 17 operations because the forms are supposed to be used.  
 18 There are some advantages and disadvantages to using  
 19 CLIO and it is being trialled for firearms deployments,  
 20 it is being trialled for public order deployments. It  
 21 can be useful, because of the audit trail within it you  
 22 can see when somebody has made an update, there are lots  
 23 of things within it that I find useful.  
 24 However, if you are not familiar with the system,  
 25 because it operates as an interface with a number of

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1 tabs and if you are not familiar, where within that  
 2 system the information you are looking for, you might  
 3 miss it on a tab, whereas the advantage of a form in  
 4 this regard is it is linear, if you read from it from  
 5 start to finish you will read everything, whereas that  
 6 could be missed in CLIO.  
 7 Q. The inquiry has heard that the commanders were provided  
 8 with loggists --  
 9 A. Yes.  
 10 Q. -- and it wouldn't have taken a great deal of intuition  
 11 for the commander to have sat for a moment or two with  
 12 the loggist and asked him or her to take them through  
 13 how the system worked, if they were unfamiliar with it,  
 14 and how best to utilise it, would it?  
 15 A. Correct, and there is an interface with a -- what is  
 16 described as SOCTAB, which is an interface that  
 17 enables -- don't ask me what that stands for, because it  
 18 is in my statement but I can't remember it. That is  
 19 a firearms version of CLIO, so it is a CLIO which has  
 20 had specific tabs created in it that lend itself to  
 21 firearms deployments.  
 22 Q. Yes.  
 23 A. However, before the Met embarks on implementing CLIO as  
 24 its standard operating model for firearms deployments,  
 25 we are aware of another piece of software, I think it is

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1 stamped. That, in terms of providing an audit trail,  
 2 has significant advantages.  
 3 You can then see in terms of time the firearms  
 4 commander's decision making over the progression of the  
 5 operation.  
 6 The problem with that, of course, is if you are  
 7 ground assigned, you will not be able to access CLIO  
 8 unless some mobile device is available that has  
 9 excellent connectivity that will enable you to do that.  
 10 In which case you will be doing it on paper.  
 11 Q. Yes.  
 12 A. I haven't seen this alternate piece of software, I would  
 13 have to evaluate it alongside the advantages that I have  
 14 just articulated with CLIO and then the relative  
 15 advantages of just simply using reviewed FA forms that  
 16 provide a multidimensional threat assessment.  
 17 Q. Thank you.  
 18 Recommendation 5 was that when a Covert Monitoring  
 19 Post is being utilised to gather evidence or  
 20 intelligence, the MPS should consider developing an SOP  
 21 to ensure that the information received is recorded,  
 22 preferably in digital format, to provide a clear audit  
 23 trail of the information received, decisions relating to  
 24 further dissemination and to whom, for example a CLIO  
 25 loggist could be utilised within the CMP to provide this

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1 called Connect, that might be an improvement on CLIO.  
 2 Q. Right.  
 3 A. What I would not want to do is invest a great deal of  
 4 time and money and training in implementing our  
 5 management of firearms deployments with CLIO if we are  
 6 then going to replace it a year later with a different  
 7 system.  
 8 I think the way I would like to take this is to  
 9 improve the process that we have now in terms of  
 10 a review of the FA forms, because the FA forms  
 11 themselves can actually be put on CLIO under one of the  
 12 tabs.  
 13 Q. Just to pause you there, when would that be done, would  
 14 that be done prior to the operation going live, if you  
 15 like?  
 16 A. You could do that at any stage.  
 17 Q. At any stage?  
 18 A. You could.  
 19 Then you could decide that that is the FA form as  
 20 was at the time of planning, because then it cannot be  
 21 changed and once it is on CLIO that is it, it is date  
 22 stamped at the time you put it on and it is there.  
 23 You could then decide to do every subsequent spin of  
 24 the wheel within the CLIO log itself without using any  
 25 form and each time you did that it would be date

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1 functionality.  
 2 What is your view on that?  
 3 A. Covert monitoring posts are not my area of expertise but  
 4 absolutely we will need to review both the way we manage  
 5 covert monitoring posts and whatever recommendations are  
 6 found within this inquiry, but also -- you see the use  
 7 of CLIO here is the established use of CLIO within  
 8 investigations, as opposed to the non-established use of  
 9 CLIO in firearms operations. Then it may well be that  
 10 the firearms element of the CLIO becomes a subsection of  
 11 the overarching CLIO, see --  
 12 Q. Yes, I understand.  
 13 Really, what is important, perhaps, in this  
 14 recommendation is that there is some sort of electronic  
 15 log of what is going on in the Covert Monitoring Post  
 16 and the decisions that are made?  
 17 A. Yes.  
 18 Q. All right.  
 19 Recommendation 6 is:  
 20 "To review and, where appropriate, amend the MPS  
 21 firearms SOP and training, to ensure that all briefings  
 22 relating to firearms deployments are audio recorded,  
 23 including intelligence elements and that consistent  
 24 intelligence form of words are documented and supplied  
 25 to any officer delivering briefings."

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<p>1 It may be convenient now to turn to the current 2 position as set out at page 48 in your witness statement 3 on the issue of the recording of briefings, and we have 4 touched upon this already, but there is a difference 5 I think in what you are about to say between the type of 6 briefing, or determined by the type of briefing? 7 <b>A. Yes.</b> 8 Q. Right. Take us through -- 9 <b>A. Okay.</b> 10 Q. -- your evidence, please. 11 <b>A. Armed policing is a learning environment, we have 12 changed significantly over the many years since 1991 13 when ARVs were first introduced onto the streets of 14 London and a raft of changes have been made. Normally 15 as a result of learning from inquiries such as this.</b> 16 <b>One of the things that was suggested as a previous 17 point of learning is that briefings should be recorded. 18 That started with TFCs' briefings.</b> 19 <b>As you are already aware, because you have shown it 20 in evidence a couple of times, the College of Policing 21 do not mandate how a briefing is to be recorded and it 22 has become common practice around the country that all 23 TFC briefings are recorded, because that is the briefing 24 where the relevant intelligence that has been agreed, 25 the agreed intelligence picture or the form of words</b></p> <p style="text-align: center;">Page 105</p>	<p>1 <b>that has been agreed between those that manage and hold 2 the evidence and how it will be used, is disseminated to 3 the officers involved in the operation.</b> 4 <b>It then also goes through what the deployment will 5 look like, who is going to be involved and what they 6 will be doing.</b> 7 <b>That is the TFC's briefing.</b> 8 Q. Yes. 9 <b>A. Around the country, I think without exception that is 10 recorded by audio equipment.</b> 11 <b>What follows from that is a number of tactical 12 briefings. I don't think the use of the phrase 13 "tactical briefing" is helpful, because tactics are the 14 decision of the TFC and that implies --</b> 15 Q. It is confusing? 16 <b>A. It is confusing, so, again, I have reviewed that and we 17 are not going to be calling the OFC's briefings tactical 18 anymore, we will call them operational briefings, 19 because they are delivered by the operational firearms 20 commander, so hopefully that will help future enquiries.</b> 21 <b>The rather thorny issue that obviously is going to 22 come out of this is whether or not the OFC's briefing 23 should be recorded.</b> 24 Q. Yes. 25 <b>A. Currently within the Met and a number of, if not most of</b></p> <p style="text-align: center;">Page 106</p>
<p>1 <b>armed policing, do not record the OFC's briefing, there 2 may be exception to that around the country but I am not 3 aware of many.</b> 4 <b>The problems with recording the OFC's briefing is 5 which OFC's briefing are you going to record. There 6 could be one on the morning of the operation, based on 7 what the current deployment is going to look like. In 8 a MASTS deployment, where we don't know whether there is 9 going to be any interception that day, that briefing 10 will simply consist of who is going to be in what 11 vehicle, so you will have lots of names of officers, 12 where they are going to be, who they are going to be, 13 what vehicle they are going to be driving, which would 14 undermine their anonymity and you would have to redact 15 pretty much 80 per cent of that briefing, because all it 16 is is people and where they are going to be.</b> 17 <b>There might then be four or five other briefings 18 over the phone or over the radio as that operation 19 develops and the intelligence gets nailed down and 20 a decision is made as to what we are actually going to 21 do, are we going to do some kind of interception or are 22 we going let this run and come back another day because 23 we have not reached the tipping point for some kind of 24 executive action.</b> 25 <b>So which briefing do you record?</b></p> <p style="text-align: center;">Page 107</p>	<p>1 <b>There will be a huge amount of tradecraft that will 2 be divulged, which would need to be redacted, and so the 3 logistical efforts of undertaking all of that coupled 4 with the redaction requirements in terms of sensitive 5 intelligence, tradecraft and officers' details, we feel, 6 outweighs the benefit.</b> 7 <b>However, I have listened to all the evidence in this 8 inquiry, pretty much from start to finish, for obvious 9 reasons, and we will review that position. And 10 obviously keenly await any recommendations from the 11 chair about whether or not we really do need to change 12 that position.</b> 13 Q. Yes, I mean there are two issues there, aren't there? 14 There is the logistical arrangements that would need to 15 be made, because as well as the OFC briefings, you have 16 what are sometimes described as over-the-bonnet 17 briefings as well, which might come slightly later at 18 the point of deployment, and in terms of logistics, both 19 of those types of briefing could be recorded with 20 nothing more sophisticated than a dictaphone? 21 <b>A. Exactly.</b> 22 Q. The second issue that you raise relates to any 23 subsequent redaction that might have to take place for 24 an inquiry such as this. But that is a secondary 25 consideration, isn't it, because there are other</p> <p style="text-align: center;">Page 108</p>

27 (Pages 105 to 108)

1 benefits to recording those briefings than providing the  
 2 resultant material to an inquiry? For instance, for the  
 3 purpose of an internal review as to how these briefings  
 4 are carried out for which there wouldn't have to be any  
 5 redactions?  
 6 **A. Yes. I am perfectly willing, as are the Met, to review**  
 7 **that position, to see whether there are any benefits and**  
 8 **in terms of transparency and to aid inquiries like this,**  
 9 **I completely understand how it appears to the outside**  
 10 **observer.**  
 11 Q. Yes. All right.  
 12 Thank you for that.  
 13 Returning to the recommendations, recommendation 8  
 14 from the IPCC was:  
 15 "The MPS ensure that all officers briefing for  
 16 firearms deployments used a uniform briefing template  
 17 consistent with APP on armed policing and to remind TFCs  
 18 to include identity, capability and intent, or ICI,  
 19 summaries in the briefings."  
 20 You confirm that that has been addressed?  
 21 **A. Yes, I would like to go further than that.**  
 22 **We use IIMARCH, but you will have heard a great deal**  
 23 **about the NDM. The two are not incompatible, I would**  
 24 **like to see the NDM form part of the IIMARCH briefing at**  
 25 **the method part.**

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1 there being too close a relationship between the TFC and  
 2 the SIO?  
 3 **A. Yes.**  
 4 Q. You confirm at paragraph 14.29 that the MPS SOPs are  
 5 specific on this issue, that the TFC should not be SIO  
 6 or indeed involved in the investigation?  
 7 **A. That's correct.**  
 8 Q. Thank you.  
 9 Recommendation 11, which was, in this case,  
 10 apparently contradictory commands were given to the  
 11 occupants of the car by different officers to put their  
 12 hands up and to put them on the dashboard. The College  
 13 of Policing should give consideration to amending the  
 14 APP AP or the NPFTC to advise officers or OFCs to agree  
 15 the terms of the instructions that are to be  
 16 communicated during interceptions or interventions.  
 17 I appreciate that recommendation 11 is not directed  
 18 to the MPS, but do you have any comments or advice to  
 19 provide to the inquiry in terms of what have been  
 20 described during the course of this inquiry as  
 21 contradictory commands?  
 22 **A. Okay, yes, so I understand why the inquiry has formed**  
 23 **the view that the contradictory commands given by**  
 24 **different officers to different occupants of the car**  
 25 **could be construed as confusing.**

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1 Q. IIMARCH standing for Intelligence, Intention, Method,  
 2 Administration, Risk assessment, Communications and  
 3 Health and safety?  
 4 **A. Absolutely.**  
 5 **Then at the method element you could implement the**  
 6 **NDM and ICI, which is identity, capability, intent of**  
 7 **the subjects is key.**  
 8 **Whilst that might make the briefing longer, I think**  
 9 **it covers all the bases.**  
 10 Q. Is that currently in place or is that something which  
 11 you would like see in place?  
 12 **A. I have seen -- it is not currently mandated and I think**  
 13 **we have to be really careful about the difference**  
 14 **between must and should, and the College will explain or**  
 15 **evidence from the next witness about the College may**  
 16 **well go into the difference between must and should.**  
 17 **I have seen a lot of TFCs do that, I like it and**  
 18 **I wish to encourage it.**  
 19 Q. All right, thank you.  
 20 Moving to recommendation 10:  
 21 "To revise the MPS firearms SOP to be more specific  
 22 in that TFCs should not be the SIO or an officer who is  
 23 operationally involved with the operation team  
 24 whatsoever."  
 25 This is the issue of double hatting, isn't it, or

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1 **I suspect, although I don't know, I suspect that**  
 2 **that is because when you listen to the audio playback,**  
 3 **the microphone in the car does not operate like ears, in**  
 4 **that there is one microphone in one position in the car,**  
 5 **receiving all of the audio together without the benefit**  
 6 **of two ears being able to understand the direction that**  
 7 **that audio is coming from, and who is speaking to who.**  
 8 **I have stooged, and by "stooged" I mean acted in**  
 9 **a vehicle pretending to be the subject in training**  
 10 **operations where there have been multiple occupants in**  
 11 **the car and armed officers have approached the car to**  
 12 **deliver a multitude of tactics. It is much clearer to**  
 13 **the occupants of the car which officer is shouting at**  
 14 **whom when you are hearing it with ears as opposed to**  
 15 **when you are hearing it with the mic, so I listen to the**  
 16 **microphone in the court, it is really difficult to get**  
 17 **any sort of directional awareness from a microphone and**  
 18 **the microphone is not as good as your ears at picking up**  
 19 **both the information being shouted and the direction**  
 20 **that it is coming from.**  
 21 **There has never been in any of the incidents where**  
 22 **I have stooged any confusion about which officer is**  
 23 **shouting at me and directing me to do what, although**  
 24 **I do completely understand the confusion that has been**  
 25 **reached by listening to the audio.**

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1 The next point that you have raised, I think you  
 2 asked the CFI during evidence about whether or not there  
 3 should be directed phrases that officers should use when  
 4 giving instructions to the occupants of the car, and  
 5 I completely agree with the evidence that he gave in  
 6 that it would be dangerous, and potentially create more  
 7 problems that it would resolve, because you have to take  
 8 the occupants of the car based on what they are doing.  
 9 They could be hiding in the footwell, they could be  
 10 reaching into bags, they could reaching into anywhere in  
 11 the car. You have to look at what is going on within  
 12 the vehicle and then decide what is the best instruction  
 13 to give based on what that person is doing, and the  
 14 instructions to the driver might be completely different  
 15 to the instructions to the passenger, because really,  
 16 from the driver's perspective, you want to see where the  
 17 car keys are, you want the ignition to be off. The  
 18 passenger might be doing something else in relation to  
 19 the footwell, reaching for something, and the passengers  
 20 at the back of the car might be doing something else.  
 21 You really do need to base it on what you can see.  
 22 Although I totally understand why the inquiry has  
 23 focused on this area, but that is my position.  
 24 Q. Yes, and I suppose one of the dangers of having a single  
 25 command and the only command that firearms officers in

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1 don't we have a great deal of discussion about who is  
 2 going to go where, what officers are going to get out of  
 3 which car and go to which door and deal with which  
 4 subject.  
 5 That is because the training that ARVs and CTsFOs go  
 6 through is short of a system of dealing with the next  
 7 threat and the next threat, so they know where they are  
 8 going to go, because that threat is not dealt with.  
 9 The easiest way to look at this from an untrained  
 10 perspective is to look at the house. You have no idea  
 11 what the lay out of the house is going to be when you  
 12 are at the front door, so you cannot put the front door  
 13 in and then have a conversation at the threshold into  
 14 the house and say, "Look, now we have got four doors and  
 15 a pair of stairs, you are going to do this, you are  
 16 going to do that ..."  
 17 The system allows officers to know where they have  
 18 to go, based on they system. So when you have deployed  
 19 around the car and you can see in, which is now  
 20 answering your question, you don't have time for  
 21 a discussion about (a) what is going to be said and (b)  
 22 which person is going to go to which door. You simply  
 23 do, because that is the system you are following, and  
 24 then having arrived there you see whatever you can see  
 25 and you elicit commands based on what you can see, and

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1 the situation in which they found themselves in this  
 2 case could shout is that, until the point of  
 3 interception, it would not be known what the state of  
 4 the vehicle was, for instance, but what would be wrong  
 5 with the firearms officers at the point of approaching  
 6 the Audi in this case, and having seen that the windows  
 7 were misted up, that there was very little if any  
 8 visibility into the vehicle, then agreeing to provide  
 9 the same command at that stage?  
 10 A. Okay, so you have dealt a couple of times -- there is  
 11 a problem with doing that and I am trying to get there,  
 12 so forgive me if I don't answer the question  
 13 immediately.  
 14 This is one of the advantages actually of  
 15 an extraction over a containment and call out, in that  
 16 the extraction allows officers to come very close to the  
 17 car and be able to see in. So any glare created by the  
 18 sun -- if you have ever tried to look into the angled  
 19 windows of a front windscreen, from any kind of weather  
 20 patterns you find it very difficult to see into the  
 21 vehicle.  
 22 You will note, as has been mentioned a couple of  
 23 times, that there is very little discussion at the point  
 24 of getting out of the police vehicles and doing the  
 25 actual stop, and some questions have been asked, why

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1 that is an individual decision.  
 2 Q. Your evidence is that it would never be appropriate to  
 3 have a discussion in the moments prior to the  
 4 interception taking place between the firearms officers  
 5 as to where they are going to go or what they are going  
 6 to shout?  
 7 A. I wouldn't say never, you shouldn't mandate it. I think  
 8 there is a danger in mandating it, there might be  
 9 opportunities for a discussion and in fact the situation  
 10 you are dealing with is so unique you may well want to  
 11 have a conversation about it, but it is not mandated  
 12 because it is not always necessary.  
 13 I think that is what I am trying to avoid. I'm  
 14 trying to avoid a situation where we mandate that  
 15 a discussion must be had and that we must use this  
 16 language, because that would be unhelpful and cause, as  
 17 I said, as many problems as it would resolve.  
 18 Q. You would acknowledge though the danger in not having  
 19 any sort of plan, in that you may reach a situation  
 20 whereby it is impossible to extract one of the occupants  
 21 of the vehicle because of the manner in which the doors  
 22 have been opened and access has attempted to be gained  
 23 into the vehicle?  
 24 A. I understand that. The point I think you are alluding  
 25 to there could be the close proximity of other cars. We

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1 **train for that, so we will present CTSFOs and ARVs with**  
 2 **a load of really difficult stops within training, things**  
 3 **that they might face during an operational deployment.**  
 4 **That could be the driver has parked the vehicle right up**  
 5 **against a brick wall and it is actually physically**  
 6 **possible to extract them because their door would not**  
 7 **open at all, let alone even a foot. They would then**  
 8 **have to be extracted through the passenger door.**  
 9 **There won't need to be a conversation about, "Look,**  
 10 **that vehicle in a really difficult position, you are**  
 11 **going to have to get him from the passenger ..." It is**  
 12 **just obvious and they will just roll into that option.**  
 13 Q. We began that particular discussion talking about the  
 14 contradictory commands and we have completed the  
 15 recommendations within the IPCC report.  
 16 Finally you set out in your witness statement the  
 17 recommendations arising from the Anthony Grainger  
 18 Inquiry, the vast majority of which have now become --  
 19 I will not say obsolete but they have been dealt with by  
 20 the MPS, but there is one final recommendation which  
 21 I would just like to take you to and it is number 9,  
 22 which is at page 59, paragraph 15.11 of your report and  
 23 it is this:  
 24 "The police forces and all individuals involved in  
 25 the deployment of armed officers, particularly

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1 **same at training, I know training have made a lot of**  
 2 **inroads to try and address any inappropriate culture**  
 3 **that is either risk averse or risk tolerant, you know**  
 4 **excessively risk averse or risk tolerant.**  
 5 Q. Yes.  
 6 **A. And move supervisors within teams or disband teams**  
 7 **altogether if they become unhealthy, because some**  
 8 **individuals can be purveyors of an attitude that can**  
 9 **become toxic, which then affects everybody around them.**  
 10 **We are keenly aware of that and like any large**  
 11 **organisation, there are people within it that are**  
 12 **inappropriate and need to be addressed. That is the**  
 13 **point of professional standards and discipline.**  
 14 Q. May I invite you to look behind tab 1, please, in our  
 15 hard copy bundle. This is a previous witness statement  
 16 that you have provided, dated 23 April of this year,  
 17 responding to a request by the inquiry on four discrete  
 18 topics.  
 19 The first of which is the use of up-to-date  
 20 intelligence. What do you have to tell the inquiry  
 21 about that?  
 22 **A. Do you want me to read at that section out or --**  
 23 Q. Yes, well, you provide, don't you, the importance of use  
 24 of up-to-date intelligence, being covered by section 7.9  
 25 of the MPS police use of firearms standard operating

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1 commanders and supervisors, need to constantly assess  
 2 the culture of teams and the influence of dominant  
 3 groups and individuals upon policy and practice."  
 4 You confirm at paragraph 15.11 that the MPS is very  
 5 aware of this issue. I would just like to you take us  
 6 through the remainder of that paragraph, please, in  
 7 terms of your involvement in this particular issue.  
 8 **A. The MPS is very aware of this issue, as well as being**  
 9 **the head of specialist operations within SCO19 I am also**  
 10 **the head of professional standards and discipline. The**  
 11 **MPS constantly reviews the culture of its operational**  
 12 **and training teams and has taken significant steps to**  
 13 **break up teams and groups within teams if it finds**  
 14 **evidence of an unhealthy attitude towards either**  
 15 **training or operational delivery. I am currently**  
 16 **embarked on a review of decision making by firearms**  
 17 **commanders, which is part of my masters degree thesis,**  
 18 **although the exploratory analysis may not be complete in**  
 19 **time for this public environment.**  
 20 Q. Right.  
 21 **A. What I can say in expanding on that point is when I was**  
 22 **in charge of ARV operations it became necessary to move**  
 23 **from five teams to four. I reviewed both performance**  
 24 **and attitude, complaints. Any indices that are**  
 25 **measurable when choosing which team to disband and the**

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1 procedures of 2014. Which is the same content in the  
 2 current version. You, at paragraph 2.2 say:  
 3 "Commanders should seek verification of intelligence  
 4 and information, be aware of the potential for reported  
 5 information to be wrong [a concern about which this  
 6 inquiry has heard] and be aware that there may be  
 7 intelligence gaps or failures."  
 8 That is set out in the section which you quote.  
 9 What I would like to ask you about is whether or not  
 10 you agree that in terms of the provision of up-to-date  
 11 intelligence, it is abundantly apparent that there is  
 12 a constant need during the course of an operation, the  
 13 like of which this inquiry has heard, to assess as far  
 14 as possible the most up-to-date piece of intelligence,  
 15 so not to simply rest on one laurels and fail to push as  
 16 far as you can in a role where it might be possible to  
 17 seek further intelligence, but to always have in mind  
 18 the need to obtain as much as possible.  
 19 **A. Yes.**  
 20 **So intelligence gathering and intelligence**  
 21 **dissemination are two discrete areas.**  
 22 Q. I would like to you concentrate for the moment on  
 23 intelligence gathering rather than dissemination.  
 24 **A. Yes, so in terms of intelligence gathering, I as**  
 25 **a commander want to know everything it is possible to**

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1 know about all of the subjects that are involved in the  
 2 operation. Both the subjects, the environment and the  
 3 potential future intended victim, because of course they  
 4 are the parties you cannot control, you cannot control  
 5 the environment, you cannot control the subjects and to  
 6 some extent you cannot control the future intended  
 7 victims, depending on who they are. So I want to know  
 8 everything that it is possible to know.

9 It is an imprecise world, because you only get  
 10 whatever the intelligence has been able to gain, which  
 11 is only a fraction of an iceberg, if you like, of all  
 12 that is going on. So a huge amount of actual  
 13 investigation remains, like the iceberg, underneath and  
 14 you don't know exactly what it is, and you don't know  
 15 what you don't know.

16 The nature of armed deployments is such that certain  
 17 things cannot necessarily be relied on, depending on  
 18 what the source is and how they have been gained.

19 You have to then decide which bits of that  
 20 intelligence, once you have gained it and we have dealt  
 21 there with the acquisition of intelligence, you then  
 22 have to decide how you are going to deal with it and,  
 23 importantly, which bits of that intelligence you are  
 24 going to disseminate. The dissemination of evidence is  
 25 a really thorny issue, as you have heard in this

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1 Q. With that in mind, let's now turn to what appears at  
 2 page 2 in this witness statement, where you have quoted  
 3 the standard operating procedure as follows:  
 4 "In firearms-related situations information and  
 5 intelligence combined with the experience of those  
 6 responsible for directing the police response will  
 7 assist in determining the most appropriate response to  
 8 a situation. The assessment of information is a dynamic  
 9 and continuing process throughout the life of  
 10 an incident or operation. All involved have  
 11 a responsibility for updating the information and  
 12 ensuring that as far as possible a full intelligence  
 13 picture is maintained and that this is conveyed, as  
 14 appropriate, to those involved. When gathering  
 15 information the tactical firearms commander must ensure  
 16 that, as far as time permits, information and  
 17 intelligence is appropriately assessed, graded and,  
 18 where possible, verified. Information and intelligence  
 19 should be passed to officers as necessary for the  
 20 reasons that they are performing, see APP on  
 21 dissemination of intelligence. It is important that  
 22 commanders are regularly updated on changes to  
 23 information and intelligence in a timely and appropriate  
 24 manner. These updates will enable the review of  
 25 strategic objectives, tactical optics and any tactical

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1 inquiry.  
 2 Without going into individual areas, because if you  
 3 want me to I will --  
 4 Q. No, thank you.  
 5 A. In general terms, it is entirely appropriate for a TFC  
 6 to withhold certain bits of intelligence or it is  
 7 entirely appropriate for a TFC to go back to the source,  
 8 and then have a conversation about how that can be  
 9 broken out.  
 10 Q. Yes.  
 11 A. Because the TFC and the SFC will be made aware of the  
 12 intelligence that it cannot be shared, so what the TFC  
 13 or the SFC will then have to do is agree with the  
 14 handler of that, the gatekeeper if you like, about how  
 15 that can be broken out, because it might be really,  
 16 really important.  
 17 Q. Yes.  
 18 A. Equally, it could be quite damaging both to the source  
 19 and the process, so there is a balance to be struck, but  
 20 it is appropriate to withhold and sometimes not.  
 21 Q. That is entirely within the discretion of the  
 22 commanders?  
 23 A. Yes. But acknowledging that they don't hold all the  
 24 cards. They are not the sole decision maker here, but  
 25 yes.

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1 parameters set to take place."  
 2 A. Yes, that is quite right.  
 3 I would like to clarify the middle paragraph there,  
 4 if I may, because I know it came up in somebody else's  
 5 evidence.  
 6 It is not the TFC's job to grade the intelligence,  
 7 but it is one of the TFC's roles to ensure that it is  
 8 graded, ie to ask what the grade is and to clarify that  
 9 grading, but they don't provide the grading.  
 10 MS BLACKWELL: Is that a convenient moment, sir?  
 11 THE CHAIRMAN: Yes.  
 12 When would you like to resume?  
 13 MS BLACKWELL: 2.00 please.  
 14 THE CHAIRMAN: 2.00 it is.  
 15 Thank you.  
 16 (1.01 pm)  
 17 (The Luncheon Adjournment)  
 18 (2.05 pm)  
 19 MS BLACKWELL: Thank you, sir.  
 20 Before lunch, Mr McKibbin, we were looking at your  
 21 first witness statement, dated 23 April of this year,  
 22 which lies behind tab 1, and I ended the session by  
 23 reading out what you have provided at paragraph 2.1 as  
 24 being set out in section 7.9 of the MPS police use of  
 25 firearms standard operating procedure, both in 2014,

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<p>1 which is mirrored in 2019. I would just like to look at 2 the 2019 version, please.</p> <p>3 Mr Coates, it is at MPS4395, which is the whole 4 document, and if we can go to page 144, please, thank 5 you.</p> <p>6 Can we display this alongside the part of the 7 statement that I took you to before lunch, which is 8 MPS3832, at page 2, please.</p> <p>9 If we look at the standard operating procedure on 10 the left-hand side of our screen, we can see rather 11 helpfully the top part of page 144 shows the national 12 decision model, which we discussed on more than one 13 occasion this morning.</p> <p>14 <b>A. Yes.</b></p> <p>15 Q. Just to confirm your evidence, Mr McKibbin, is that at 16 all times when a commander is considering this, they 17 should start at the top, which confirms "Gather 18 information and intelligence" and work their way round 19 the model?</p> <p>20 <b>A. Correct.</b></p> <p>21 Q. It is paragraphs 7.9 to 7.11 that I would like us to 22 look at please, so can we scroll up, please, on the 23 document on the left-hand side, Mr Coates. Thank you.</p> <p>24 If we compare the standard operating procedure on 25 the left-hand side to your statement on the right-hand</p> <p style="text-align: center;">Page 125</p>	<p>1 side, it appears that there is an additional part which 2 is at paragraph 7.11, which doesn't appear in your 3 summary, which reads as follows:</p> <p>4 "Where only limited information is available, it is 5 important to establish and maintain an effective 6 information gathering process at an early stage. In 7 a protracted or more complex incident, there may be 8 a need to establish a dedicated intelligence function in 9 support of the tactical firearms commander."</p> <p>10 What does that tell us, Mr McKibbin, about the need 11 in a more complex incident to establish what is 12 described as a dedicated intelligence function in 13 support of the TFC?</p> <p>14 <b>A. First of all, it may be that I was cutting and pasting 15 whichever version of the SOP was in force at the time of 16 this operation, which is why that paragraph is missing.</b></p> <p>17 Q. I can tell you that they are both exactly the same.</p> <p>18 <b>A. Okay, so --</b></p> <p>19 Q. I am not identifying it to show a mistake, I am 20 genuinely interested in what that tells us.</p> <p>21 <b>A. Yes, it is a massive document so ...</b></p> <p>22 Q. Yes.</p> <p>23 <b>A. Basically it tells us that, ensuring that we have 24 a focus on the intelligence, and ensuring that we make 25 all of our decisions based on intelligence, it is</b></p> <p style="text-align: center;">Page 126</p>
<p>1 <b>fundamental to any police deployment.</b></p> <p>2 Q. Is it suggesting that the dedicated intelligence 3 function in support of the TFC should be undertaken by 4 a different individual?</p> <p>5 <b>A. Potentially, yes.</b></p> <p>6 Q. Right.</p> <p>7 <b>A. You could, for example, have a bronze intelligence 8 function, I mean that is quite common in large complex 9 public order deployments to have a bronze intelligence 10 whose sole purpose it is to collate all the available 11 intelligence and then provide that through to whoever 12 silver is, and in this case silver would be the TFC, so 13 yes.</b></p> <p>14 Q. That demonstrates or acknowledges the importance of 15 intelligence to the decision making that falls to the 16 TFC?</p> <p>17 <b>A. Yes. It is the TFC's job to assess the importance of 18 that intelligence, how it affects their decision making, 19 and then what they want to do with it, but, yes, having 20 somebody bespoke that brings all that into focus and 21 highlights particularly important bits could be of real 22 benefit, yes.</b></p> <p>23 Q. Thank you.</p> <p>24 THE CHAIRMAN: It goes without saying that this exercise 25 must be undertaken with a completely open mind.</p> <p style="text-align: center;">Page 127</p>	<p>1 <b>A. Quite. Yes.</b></p> <p>2 THE CHAIRMAN: Yes.</p> <p>3 MS BLACKWELL: Thank you. You can take those down now.</p> <p>4 I am now going to ask you about a series of discrete 5 topics which you have provided in various witness 6 statements, and begin with asking you about the 7 transmission of information in a firearms operation, 8 which I think in the main we have covered, but I would 9 like to talk about, in specific terms, "firearms 10 enabled" and that particular piece of terminology.</p> <p>11 <b>A. Hmm.</b></p> <p>12 Q. This is dealt with in the witness statement that we were 13 looking at, at the end, in paragraph 5, and it is at 14 page 8, behind tab 1.</p> <p>15 I would really just like you to reiterate in your 16 own words what is set out in that paragraph in terms of 17 differentiating between officially recognised terms and 18 widely understood terms.</p> <p>19 <b>A. Okay, so it is important to differentiate between 20 officially recognised terms used to describe tactics and 21 descriptors, which are widely understood and may be 22 commonly used but which ultimately reflect 23 an individual's preference for certain wording. 24 "Firearms enabled" as a descriptor term has no 25 official nationally agreed definition, however the term</b></p> <p style="text-align: center;">Page 128</p>

<p>1 is commonly used in policing to denote the commission or 2 attempted commission of an offence involving the use or 3 potential use of a firearm, whether it is real or 4 otherwise.</p> <p>5 Q. It has the potential to be understood as referring to 6 a live firearm or some other sort of firearm?</p> <p>7 A. Yes.</p> <p>8 THE CHAIRMAN: Your statement actually doesn't refer to 9 whether real or live.</p> <p>10 A. No, I have added that.</p> <p>11 THE CHAIRMAN: You have just added that now?</p> <p>12 A. To clarify that point, exactly. I think that is 13 a really important point, sir.</p> <p>14 THE CHAIRMAN: That is somewhat at odds with the evidence 15 that we have heard from a number of officers on the 16 ground.</p> <p>17 A. Which is the reason, I think, that I have added that 18 additional piece, because there are so many types of 19 firearm out there. For example, there are real firearms 20 that are simply unloaded, there are air weapons, there 21 are weapons that have been inactivated, so they were 22 real once but they have the firing pin removed, they 23 have had the barrel filled with metal, those same 24 firearms could then be drilled out and then reconverted 25 back into a firing weapon.</p> <p style="text-align: center;">Page 129</p>	<p>1 There are lots of people, including criminals 2 themselves, that handle weapons that really have no idea 3 what it is that they have and so if they don't know and 4 they are talking about them, how much can you rely on 5 what kind of a weapon it is.</p> <p>6 MS BLACKWELL: You understand the danger of using a term 7 which is capable of being interpreted by the officers on 8 the ground in a variety of ways?</p> <p>9 A. Absolutely, I do, yes.</p> <p>10 THE CHAIRMAN: Does it surprise you, given what you have 11 just said, namely that it covers real as well as 12 imitation, that almost to a man every firearms officer 13 assumed from the use of the phrase "firearms enabled" 14 that it referred to a live firearm?</p> <p>15 A. Yes, and I think the reason that they feel that way is 16 because it is embedded within training and that training 17 goes beyond firearms officers, so even the officer that 18 used that phrase over the radio, who wasn't a TFC, would 19 know that everyone treats a firearm as real until it is 20 examined.</p> <p>21 I think it is important that everybody that 22 transmits over the radio has an understanding of exactly 23 how their words could be interpreted, which is the point 24 you are making, and actually although the individual 25 that used those words asked the TFC permission to</p> <p style="text-align: center;">Page 130</p>
<p>1 transmit that, I think we have to be really clear on who 2 is communicating with AFOs on the ground --</p> <p>3 MS BLACKWELL: Yes.</p> <p>4 A. -- because, you know, it might not always be possible 5 for the TFC to be using the radio, there might be 6 a number of different reasons why that is not possible 7 but I think agreeing what words are going to be said is 8 quite clearly important.</p> <p>9 Q. Is there any nationally agreed term that you can think 10 of that could have been used in place of "firearms 11 enabled"?</p> <p>12 A. Not really. I think that officers that are in command 13 of operations sometimes have difficulty differentiating 14 between intelligence that cannot be repeated over the 15 radio without an agreed form of words and evidential 16 intelligence. In some circumstances where that 17 intelligence can be evidential, because it is going to 18 be broken out during court proceedings, there is nothing 19 wrong with actually communicating what was said. If 20 that makes sense?</p> <p>21 Q. Yes.</p> <p>22 A. You have to be really confident in knowing.</p> <p>23 Q. Yes, of course, but the greater clarity, the greater 24 confidence the TFC would have that the right message has 25 been passed across?</p> <p style="text-align: center;">Page 131</p>	<p>1 A. Absolutely.</p> <p>2 I think we need to use language that is unambiguous, 3 plain English, and we need to steer away from using 4 phrases that are both verbs but are also phrases that 5 are recognised police tactics, such as using the word, 6 you know -- I've lost my train of thought there.</p> <p>7 Dynamic intervention for example, the words "dynamic" 8 and "intervention" separately are verbs, but when 9 combined together they are a recognised tactic.</p> <p>10 THE CHAIRMAN: They are not verbs at all.</p> <p>11 A. Well, they are descriptors.</p> <p>12 THE CHAIRMAN: "Dynamic" is an adjective and "intervention" 13 is a noun.</p> <p>14 A. I am not going to disagree with you, you are probably 15 right.</p> <p>16 THE CHAIRMAN: I am right. I don't understand the point you 17 are trying to make. I am not trying to score a point, 18 believe me.</p> <p>19 A. The point I am trying to make, rather ineloquently, is 20 that the term "dynamic intervention" is a recognised 21 phrase that is the name of a tactic, whereas you could 22 use the word "dynamic" separately and the word 23 "intervention" separately.</p> <p>24 MS BLACKWELL: Yes, so the words used separately may take on 25 a different meaning to how they are interpreted in</p> <p style="text-align: center;">Page 132</p>

<p>1 police speak when they are together?</p> <p>2 <b>A. That is the point I am trying to make.</b></p> <p>3 Q. Yes, yeah.</p> <p>4 That is a good example of a phrase which may be</p> <p>5 misunderstood by somebody outside of the policing</p> <p>6 fraternity?</p> <p>7 <b>A. Yes, so going back to the point that you have raised</b></p> <p>8 <b>here about firearms enabled, plain English, which is not</b></p> <p>9 <b>open to interpretation, would be better.</b></p> <p>10 Q. Or misinterpretation?</p> <p>11 <b>A. Or misinterpretation, would be better.</b></p> <p>12 THE CHAIRMAN: What words should have been used on this</p> <p>13 occasion?</p> <p>14 <b>A. There is conflicting intelligence about the presence of</b></p> <p>15 <b>real or not real firearms, it is unclear whether a real</b></p> <p>16 <b>or imitation firearm would be used so treat all firearms</b></p> <p>17 <b>as real.</b></p> <p>18 <b>But that's a bit of a mouthful, isn't it?</b></p> <p>19 THE CHAIRMAN: No, no, it is perfectly understandable. It</p> <p>20 is completely clear. It may take a few more seconds but</p> <p>21 it leaves nobody in any doubt as to what the position</p> <p>22 is.</p> <p>23 <b>A. Agreed.</b></p> <p>24 THE CHAIRMAN: Thank you.</p> <p>25 MS BLACKWELL: The next topic I would like to ask you about</p> <p style="text-align: center;">Page 133</p>	<p>1 is the procedure for AFOs' firearms authorisations, both</p> <p>2 in 2015 and now.</p> <p>3 This is dealt with in your witness statement behind</p> <p>4 tab 3, which is also dated 9 June, but is mercifully</p> <p>5 much shorter than the one that we went through this</p> <p>6 morning.</p> <p>7 It is at paragraph 2, and you are providing the</p> <p>8 information that sits here as a direct result of</p> <p>9 a request from the inquiry. Can you take us through,</p> <p>10 please, the procedure for renewal in 2015 and how, if at</p> <p>11 all, that has changed.</p> <p>12 <b>A. Sorry:</b></p> <p>13 <b>"The procedure for the renewal of AFO's firearm</b></p> <p>14 <b>authority is covered by form F6620 and there has been no</b></p> <p>15 <b>change to this form since 2015. The current form 6620</b></p> <p>16 <b>is identical to that which W80 authorisation dated</b></p> <p>17 <b>16 March 2015 and may well still be used by some</b></p> <p>18 <b>firearms commands.</b></p> <p>19 <b>"Since 2019, however, SCO19 has moved away from</b></p> <p>20 <b>using the annual F66 [that should be '20' not '30', that</b></p> <p>21 <b>is a typo] form in favour of using a model of daily</b></p> <p>22 <b>authorisation, which takes place when an officer signs</b></p> <p>23 <b>out their weapon at the start of their shift, reminding</b></p> <p>24 <b>them of their responsibilities."</b></p> <p>25 <b>Then I have included a number of different ways that</b></p> <p style="text-align: center;">Page 134</p>
<p>1 <b>this is achieved.</b></p> <p>2 Q. Yes.</p> <p>3 <b>A. What we are moving towards is rather than having</b></p> <p>4 <b>a single annual appraisal of an officer's suitability or</b></p> <p>5 <b>fitness, or that they have completed all their requisite</b></p> <p>6 <b>training, we are moving towards an electronic asset</b></p> <p>7 <b>management process, by which case when an officer wishes</b></p> <p>8 <b>to sign out the firearm for the use of their duties, the</b></p> <p>9 <b>computer system knows whether they have completed all</b></p> <p>10 <b>the requisite training, whether they have been signed</b></p> <p>11 <b>off by training and their line managers as being</b></p> <p>12 <b>appropriately in date and everything and then which</b></p> <p>13 <b>weapon is assigned to them at the point of taking</b></p> <p>14 <b>receipt of it electronically. If they were out of date,</b></p> <p>15 <b>it would prevent the weapons issuing officer from being</b></p> <p>16 <b>able to allocate them with a weapon, because we think</b></p> <p>17 <b>interest are advantages to a regular assessment</b></p> <p>18 <b>throughout the year rather than a single annual</b></p> <p>19 <b>appraisal.</b></p> <p>20 Q. Before we leave this topic, I would like to ask you</p> <p>21 about the MPS procedure for retaining blue cards,</p> <p>22 because is it right that there is no policy for</p> <p>23 retaining them centrally because they are not themselves</p> <p>24 a training record?</p> <p>25 <b>A. That's correct.</b></p> <p style="text-align: center;">Page 135</p>	<p>1 Q. But they are a record of scores which the officer has</p> <p>2 obtained or attained in relation to each classification</p> <p>3 of shooting?</p> <p>4 <b>A. Not on their blue card.</b></p> <p>5 Q. What did we see when we looked at W80's blue card and</p> <p>6 there were a series of confirmation dates in terms of --</p> <p>7 <b>A. Sorry, to interrupt you.</b></p> <p>8 Q. No, you go ahead, you know what I am talking about.</p> <p>9 <b>A. They are the dates I think that he has done --</b></p> <p>10 Q. They are not the scores?</p> <p>11 <b>A. If they had it on there, then they might well have done,</b></p> <p>12 <b>I don't think that that's on there.</b></p> <p>13 <b>I am worried now that I am wrong.</b></p> <p>14 Q. Is there any reason why they shouldn't be preserved?</p> <p>15 <b>A. No, I don't think so.</b></p> <p>16 MS BLACKWELL: Sir, we will check the extent of the data</p> <p>17 that is recorded on the cards --</p> <p>18 THE CHAIRMAN: Thank you.</p> <p>19 MS BLACKWELL: -- in case it is of assistance.</p> <p>20 Next topic, the MPS police weapons selection and</p> <p>21 training, including the strobe lights and this is at</p> <p>22 part 4 of the statement we are looking at.</p> <p>23 Let's deal first of all, if we may, with the MCX</p> <p>24 weapon system, and particular reference to the laser or</p> <p>25 strobe light sight used by the CTSFOs in this case.</p> <p style="text-align: center;">Page 136</p>

<p>1 <b>A. Yes.</b></p> <p>2 Q. You set out that this particular weapon was tested by</p> <p>3 the MPS in 2015 as part of a capability uplift</p> <p>4 requirement for SCO19 ARV weapons with the aim to move</p> <p>5 both to a 5.56-millimetre weapon system and in line with</p> <p>6 national colleagues. Is this weapon still used in the</p> <p>7 form in which it was in this incident on</p> <p>8 11 December 2015?</p> <p>9 <b>A. Yes, and no.</b></p> <p>10 Q. Right.</p> <p>11 <b>A. So the exact configuration of the weapon, firing a 5.56</b></p> <p>12 <b>round is still in use by ARV officers but CTSFOs have</b></p> <p>13 <b>now moved to the 7.62 by 35-millimetre round, which is</b></p> <p>14 <b>fired out of the MCX still, but has a different barrel</b></p> <p>15 <b>to accommodate the slightly larger round and a different</b></p> <p>16 <b>receiver.</b></p> <p>17 Q. I would like us to look for a moment at a training</p> <p>18 document, please, which is at MPS4424, page 7, please,</p> <p>19 at paragraph 2.12.</p> <p>20 Just talk for a moment about the strobe torch, does</p> <p>21 the weapon used by the CTSFO team now have a different</p> <p>22 strobe or is it without that capability?</p> <p>23 <b>A. We have a different light that doesn't have the strobe</b></p> <p>24 <b>capability.</b></p> <p>25 Q. It doesn't have the strobe capability?</p> <p style="text-align: center;">Page 137</p>	<p>1 <b>A. But the ARVs still have exactly the same model that you</b></p> <p>2 <b>are showing there.</b></p> <p>3 Q. Right, so why was the decision taken -- if indeed it was</p> <p>4 a conscious decision -- not to utilise or provide the</p> <p>5 capability of utilising a strobe facility?</p> <p>6 <b>A. Okay. We have moved to a different torch system, for</b></p> <p>7 <b>reasons that have absolutely nothing to do with the</b></p> <p>8 <b>strobe. In fact, when we bought this tactical</b></p> <p>9 <b>illuminator, we didn't buy it with the intention of</b></p> <p>10 <b>having the strobe function, it simply came with the</b></p> <p>11 <b>strobe, that was a byproduct of that device.</b></p> <p>12 <b>I really don't want to get into, in open, why we</b></p> <p>13 <b>have gone into a different illuminator, because there</b></p> <p>14 <b>are various different reasons that I would mark as</b></p> <p>15 <b>secret as to why we have moved to a different torch, it</b></p> <p>16 <b>has different capabilities that we would make use of</b></p> <p>17 <b>that have no bearing on this case.</b></p> <p>18 Q. I don't want to draw you into evidence that provides</p> <p>19 a level of discomfort for you, but I would like to ask</p> <p>20 you about the statements on this document that the</p> <p>21 strobe light can be enabled to distract subjects and can</p> <p>22 be used to dysfunction or distract subjects.</p> <p>23 Is it your evidence then, Mr McKibbin, that the</p> <p>24 strobe light was an incidental and the concern, or any</p> <p>25 concern that there may be in terms of the effect that</p> <p style="text-align: center;">Page 138</p>
<p>1 that might have on a subject has formed no part of the</p> <p>2 decision to change the weapon system or the weapon to</p> <p>3 remove that facility?</p> <p>4 <b>A. Absolutely.</b></p> <p>5 Q. Right.</p> <p>6 <b>A. We didn't purchase it with any requirement for a strobe,</b></p> <p>7 <b>it simply had a strobe. In daylight hours it is barely</b></p> <p>8 <b>noticeable when the tactical illuminator is activated or</b></p> <p>9 <b>whether it is in strobe. Obviously at night that would</b></p> <p>10 <b>make more of a difference.</b></p> <p>11 <b>We have moved to a new device that has absolutely</b></p> <p>12 <b>nothing to do with the capabilities of the torch or the</b></p> <p>13 <b>strobe and provides us with other advantages.</b></p> <p>14 Q. If the strobe facility was an incidental, does it follow</p> <p>15 that the MPS firearms officers were not provided with</p> <p>16 any guidance or training in relation to its usage?</p> <p>17 <b>A. I think because it came with a strobe, I think there was</b></p> <p>18 <b>a lesson plan that said, "This comes with a strobe,</b></p> <p>19 <b>these are some of the possible consequences of its use",</b></p> <p>20 <b>but we never acquired it with the intention of utilising</b></p> <p>21 <b>those facilities.</b></p> <p>22 Q. All right, was there any consultation with the Home</p> <p>23 Office before that particular weapon was introduced?</p> <p>24 <b>A. Not that I am aware of.</b></p> <p>25 Q. Right.</p> <p style="text-align: center;">Page 139</p>	<p>1 I am now going to move to deal with a series of</p> <p>2 discrete issues about the actions of the SFC, the TFC</p> <p>3 and the OFC in general.</p> <p>4 Thank you, Mr Coates.</p> <p>5 I want to ask you about something which you spoke of</p> <p>6 this morning. That was the difference in function</p> <p>7 between the overarching TFC and the ground TFCs, whether</p> <p>8 or not you support the use of ground TFCs, despite the</p> <p>9 fact that they are clearly not in the same position as</p> <p>10 an overarching TFC, and how often and in what sorts of</p> <p>11 circumstances, that system was utilised.</p> <p>12 <b>A. Okay.</b></p> <p>13 <b>As I mentioned this morning there are advantages and</b></p> <p>14 <b>disadvantages to being in a control room or being ground</b></p> <p>15 <b>assigned. I think the gold standard is to have both.</b></p> <p>16 <b>Obviously bringing both into the equation brings with it</b></p> <p>17 <b>more requirements for more TFCs, so it can be quite</b></p> <p>18 <b>difficult in terms of logistics to manage having that</b></p> <p>19 <b>many TFCs and you might have more than one</b></p> <p>20 <b>ground-assigned TFC, it is not a case of having one in</b></p> <p>21 <b>a control room and then one on the ground. If there are</b></p> <p>22 <b>geographical and functional areas of responsibility, you</b></p> <p>23 <b>might have multiple TFCs on the ground and if you are</b></p> <p>24 <b>running an operation over several weeks, then you are</b></p> <p>25 <b>making that requirement every day, so there could be</b></p> <p style="text-align: center;">Page 140</p>

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<p>1 a logistical requirement to have multiple TFCs on every 2 shift, which brings with it more difficulties. And, for 3 smaller forces, makes that kind of large-scale 4 deployment almost impossible over multiple deployments. 5 For complex CT operations, complex crime in action 6 operations, operations like the one that you have been 7 exploring here in depth, there are real advantages to 8 it, which is why I think the SFC required it, and 9 I would consider that to be gold standard. 10 Q. What level of contact would you expect there to be 11 between the overarching TFC and one or a number of 12 ground TFCs during the course of the deployment? 13 A. So that would depend very much on what is happening and 14 what the overarching TFC expects and whether they have 15 devolved certain responsibilities to the ground TFC. If 16 they have devolved certain responsibilities, then there 17 should be command protocols setting that out. 18 For example, you could have two footprints, two 19 operations, coming together and then you wouldn't want 20 a situation where two ground TFCs are trying to take 21 command where their relative footprints converge. 22 Q. Come together, yes. 23 A. The overarching TFC or indeed the SFC would then 24 stipulate the command protocols so that if (a) happens 25 you are taking command or you are in command of the</p> <p style="text-align: center;">Page 141</p>	<p>1 interception phase, you are in command of this phase. 2 If those haven't been established, then the TFC that 3 is in overarching command would have to communicate 4 that. It would depend very much on the nature of the 5 deployment, what intelligence is coming in and what the 6 TFC's expectations are as to how much communication is 7 taking place with their ground commanders. 8 Q. The more that has been planned or has been able to be 9 planned beforehand, the less need there would be for 10 direct contact between the two during the course of the 11 deployment? 12 A. Correct. 13 Q. But each deployment would be fact specific in terms 14 of -- 15 A. It would be unique. 16 Q. It would be unique in terms of how much could be planned 17 beforehand? 18 A. Yes. 19 Q. Thank you. 20 You have touched upon the role of the SFC there, 21 what do you take to be meant by intrusive supervision 22 and how does that manifest itself? 23 A. Yes. The really intrusive stage of an SFC's duties is 24 when they are testing the tactical plan against the 25 intelligence, against the threat assessment and the</p> <p style="text-align: center;">Page 142</p>
<p>1 working strategy, to ensure that it is going to meet the 2 working strategy, to make sure that it deals with the 3 threat hierarchically, ie that it actually mitigates the 4 threat to the public first, if they are at the top of 5 the threat assessment, or the future intended victim if 6 they are at the top of the threat assessment, to make 7 sure that it is achievable, to make sure that the right 8 number of assets are available, to really probe it and 9 test to see that it works. 10 After that point, when the SFC has authorised the 11 plan, they need to remain on hand to provide support and 12 guidance if it is necessary and possibly to authorise 13 new tactics if the operation takes a completely 14 different direction. 15 Q. Yes. 16 A. There is not actually a requirement anywhere in APP for 17 the SFC to be present in the control room. In fact, as 18 you have heard in evidence, some SFCs are chief 19 constables or assistant chief constables in some forces 20 that will go on and have other duties after they have 21 intrusively managed that part of the deployment, but 22 they need to remain on hand. 23 Q. And available for the situation that you have described 24 in which matters might change or develop dynamically and 25 they would be expected to, at that stage, step in and</p> <p style="text-align: center;">Page 143</p>	<p>1 provide their level of supervision? 2 A. Absolutely, but it is not the role of the SFC to sit on 3 the shoulder of the TFC and second guess every decision. 4 In fact, when you see that happening in various 5 courses, and I do assess on the SFCDP course, that would 6 be a fail if the SFC kept chipping in and second 7 guessing the decisions of the TFC. 8 Q. Right. Thank you. 9 A. There is a balance to be struck. 10 Q. The nature of an intervention and an interception. You 11 will be aware there has been substantial evidence on 12 this point. I don't want or need, I think, to take you 13 through the difference in definition between the two 14 words, the inquiry has heard that from several 15 witnesses. 16 A. Sure. 17 Q. I would like to ask you to comment on this. 18 Could an extraction look the same if it has been 19 generated as a result of an intervention and 20 an interception or would an extraction in relation to 21 each necessarily look different? 22 A. That depends very much on where the victims are. 23 Q. Right. 24 A. So the only time in my mind that an extraction for 25 an interception or an intervention would look exactly</p> <p style="text-align: center;">Page 144</p>

36 (Pages 141 to 144)

1 **the same is if we are talking about a hostage scenario**  
 2 **and the hostage is in the boot, because then you really**  
 3 **don't have to get in between the subjects in the vehicle**  
 4 **and the hostage.**  
 5 Q. Right.  
 6 **A. In this scenario, if that was an intervention, I don't**  
 7 **think you would be doing an extraction at all. Because**  
 8 **in reality, an intervention in this case would involve**  
 9 **the subjects of the vehicle being out of the vehicle and**  
 10 **threatening the guards of the Serco van.**  
 11 Q. Right.  
 12 **A. So an intervention in this case would involve the**  
 13 **officers having to do foot stops on people that were**  
 14 **pointing weapons at the guards at the moment --**  
 15 Q. The guards being the victims?  
 16 **A. The guards being the victims, at the moment of the**  
 17 **commission of the offence.**  
 18 **This being an interception it happened prior to all**  
 19 **of that, so actually an intervention and interception**  
 20 **would look very different in this case.**  
 21 Q. Just going back to a point which we touched upon before  
 22 lunch, the inquiry has heard that at the point of  
 23 interception when the officers go towards the vehicle,  
 24 the -- I am going to use your phrase -- gold standard,  
 25 or the ideal situation, is that there are two officers

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1 **they know to fill in the next blanks and people come up**  
 2 **behind them and fill in the next blanks.**  
 3 Q. From what you have said, there is no need for there to  
 4 be any prior discussion between the officers as to which  
 5 role they are going to take. It will come naturally to  
 6 them based upon their training?  
 7 **A. Exactly. In fact, you have hit on a really good point**  
 8 **there, because the training removes that requirement,**  
 9 **that is the whole point, because a conversation on the**  
 10 **street will actually slow everything down and put**  
 11 **officers at risk, because there will be no dynamism, we**  
 12 **will not be covering the risks instantly, people need to**  
 13 **know where they will be without a conversation.**  
 14 Q. Right.  
 15 The acronym "BUGEEC" or "BUGEEL" and whether or not  
 16 this was in use in 2015, and the principles underlying  
 17 the mnemonic, what can you tell us about that, please?  
 18 **A. Okay, so BUGEEL -- I mean that is just the way I am**  
 19 **saying it, I am not saying that is correct by any**  
 20 **stretch -- is a concept that is actually using different**  
 21 **terminology already in the curriculum, but it was**  
 22 **specifically introduced as far as I understand it to**  
 23 **deal with issues where the subjects of the operation**  
 24 **were declared to be EMD, so emotionally or mentally**  
 25 **distressed.**

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1 heading towards each occupant of the vehicle, one  
 2 providing cover and the other actioning the extraction.  
 3 Is there any point at which you would expect there  
 4 to be any conversation between the officers heading  
 5 towards the vehicle as to which of the two is going to  
 6 take which role?  
 7 **A. As I tried to allude earlier, and I used the premises as**  
 8 **a really useful example way of articulating how the**  
 9 **officers just simply know. They will use a hierarchy of**  
 10 **threat based on their training and multiple deployments**  
 11 **within training to highlight where they need to be.**  
 12 **They will assess the risks based on the intelligence**  
 13 **and what they can see. The driver is normally the**  
 14 **principal point of threat, because they can drive the**  
 15 **vehicle away and initiate a pursuit, which -- as you**  
 16 **have heard from other witnesses -- is far more lethal**  
 17 **potentially to the public.**  
 18 **Then depending on what the intelligence says about**  
 19 **who has got what weapon, if indeed the intelligence is**  
 20 **that specific, they will base their next assessment on**  
 21 **where they need to be, and officers will fill in the**  
 22 **gaps. You saw and heard from my CTSFOs where they**  
 23 **talked about moving other officers forward, so there was**  
 24 **a tap on the shoulder and one of the officers moved**  
 25 **forward -- so that is how they operate in training, how**

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1 **It invites the officers and the commanders to**  
 2 **consider its principles, which as I have said are**  
 3 **already in the curriculum but using different**  
 4 **terminology, in terms of: back off, if safe to do so;**  
 5 **using effective cover, which is the U; give time and**  
 6 **space for escalations or deescalations; to evacuate the**  
 7 **area; to consider early negotiations; and to consider**  
 8 **less-lethal options.**  
 9 **We could go through each of those in relation to**  
 10 **this particular deployment.**  
 11 **Back off --**  
 12 Q. I am not going to ask you to do that. What I am  
 13 interested in is whether or not that acronym provides  
 14 a different set of criteria through which the commanding  
 15 officers should determine the nature of the intervention  
 16 or interception, or whether or not it is a different way  
 17 of looking at the same thing?  
 18 **A. I think the terminology that we have in the curriculum**  
 19 **already invites firearms commanders to consider these**  
 20 **principles, albeit that they are not articulated with**  
 21 **that mnemonic, but the principles themselves are already**  
 22 **in the curriculum.**  
 23 Q. Okay.  
 24 **A. Specifically when dealing with subjects who are EMD,**  
 25 **which I don't think is the case in this scenario.**

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<p>1 Q. I am finally going to ask you whether or not the MPS has 2 a predisposition in favour of always using the tactic of 3 extraction?</p> <p>4 <b>A. We don't. However, when you look at the risk assessment 5 and the working strategy, you have to consider who is at 6 the top of that working strategy. At the top of that 7 working strategy is the public.</b></p> <p>8 <b>If you introduce a tactic and you decide that that 9 is the tactic that you are going to use, you have to 10 consider: is that going to minimise risk to the public? 11 Which is the person or the group at the top of your 12 threat assessment. With containment and call out, you 13 will have seen from YouTube, people and the public 14 generally inject themselves into scenarios on the 15 street, whether or not firearms officers are present. 16 So it would be inappropriate to introduce a tactic or 17 decide that that is the tactic you are going to use if 18 you cannot adequately minimise the risk to the public by 19 ensuring that they are no longer present at the scene, 20 and there are a number of situations where it is 21 possible to do a containment and call out because you 22 have appropriately mitigated the risk from the public, 23 because you have managed to get a sterile area, either 24 because the road you are doing the stop on is self 25 contained and there are minimum members of the public</b></p> <p style="text-align: center;">Page 149</p>	<p>1 <b>around, or in fact no members of the public at all. It 2 is quite often that officers find themselves in London, 3 and urban areas of other parts of the country where 4 a containment and call out is simply not an option, 5 because you cannot eliminate the risks to the public 6 sufficiently, which is why it is not uncommon for 7 an extraction to be done when there are lots of members 8 of the public around.</b></p> <p>9 Q. Right.</p> <p>10 THE CHAIRMAN: Presumably, whether or not that risk could be 11 eliminated would be something which would be considered 12 by the TFC throughout the currency of the operation, 13 before the deployment and the extraction and 14 intervention?</p> <p>15 <b>A. Absolutely, sir.</b></p> <p>16 THE CHAIRMAN: It wouldn't be abandoned on day 1?</p> <p>17 <b>A. No, no tactics are ever abandoned on day 1. You will 18 see from the FA5 that a variety of tactical options are 19 introduced with relative merits to the TFC. You cannot 20 account for where the subject vehicle is going to be at 21 the time the interception takes place, so you have to 22 account for every kind of tactic, but what we are trying 23 to avoid in London specifically is the risk of 24 a pursuit, all TFCs are acutely aware that far more 25 deaths occur on the streets of London, and indeed</b></p> <p style="text-align: center;">Page 150</p>
<p>1 <b>nationally, as a result of police pursuits where 2 vehicles have tried to ram their way out and that 3 happens frequently. In fact last week I had a CTSFO on 4 the bonnet of a vehicle where a vehicle tried to ram its 5 way out of a stop. It is just very, very common.</b></p> <p>6 MS BLACKWELL: Your evidence is there is no predisposition 7 to an extraction --</p> <p>8 <b>A. Correct.</b></p> <p>9 Q. -- but it is important for those in command to consider 10 and weigh up whether or not an alternative to 11 an extraction is a possible safe option in the 12 circumstances that arise?</p> <p>13 <b>A. Whether all of the tactics are an option.</b></p> <p>14 Q. All right.</p> <p>15 <b>A. Yes.</b></p> <p>16 Q. You don't start from extraction and look at 17 alternatives, the commander has to look at all of the 18 options and decide upon the most appropriate in the 19 circumstances?</p> <p>20 <b>A. Following the hierarchy of the working strategy. The 21 first thing you have to consider is although obviously 22 we want to mitigate the risk to the subjects, of course 23 we do, but that is not the primary objective. The 24 primary objective is to mitigate risk against the 25 public, so we look at tactics and we go: which one of</b></p> <p style="text-align: center;">Page 151</p>	<p>1 <b>these tactics successfully mitigates the risk to the 2 public? Then we work down.</b></p> <p>3 <b>It may be that I have to put my officers in harms 4 way because they are actually lower down the threat 5 assessment and working strategy than the public, so 6 I will have to expose my officers to risk in order to 7 mitigate risk to the public.</b></p> <p>8 <b>Then, as you work down that threat assessment, you 9 get to the subjects, however unpalatable that is, they 10 are not as important as the public, for obvious reasons.</b></p> <p>11 Q. Right.</p> <p>12 Before I conclude, I would like to ask you about 13 sustained public protection and to invite you to provide 14 the inquiry with your opinion as to its importance in 15 policing and where it sits in terms of the 16 decision-making process that a commander has to 17 undertake.</p> <p>18 <b>A. Okay, so sustained public protection is fundamental. 19 I like to see it as an overarching principle within the 20 working strategy at the top, ie you have seen the 21 working strategy that has all the hierarchy, and at the 22 top the overarching principle. I would quite like to 23 see sustained public protection appear as an overarching 24 principle, because it remains the commanders that simply 25 choosing an activity that will mitigate threat in the</b></p> <p style="text-align: center;">Page 152</p>

<p>1 <b>short term will not necessarily mitigate threat to the</b>  2 <b>public in the longer term.</b>  3 <b>Trying to avoid risk is not managing the risk, so</b>  4 <b>I have often said to commanders on courses that risk</b>  5 <b>avoidance is not risk management. You have to manage</b>  6 <b>a risk and balance them all off effectively, achieving</b>  7 <b>the best possible outcome for the public in the longer</b>  8 <b>term. That may mean you have to do something more</b>  9 <b>involved in order to achieve a greater sentence, to</b>  10 <b>achieve a greater risk management if you like, and that</b>  11 <b>is what sustained public protection means to me.</b>  12 MS BLACKWELL: Thank you.  13 Sir, I have finished the questions I wanted to ask.  14 Do you have any questions?  15 Questions from THE CHAIRMAN  16 THE CHAIRMAN: Yes.  17 Does it follow from your answers to questions about  18 the use of the phrase "firearms enabled" that you agree  19 with Mr Arundale that firearms officers should not be  20 kept in the dark about the reality of reliable  21 intelligence?  22 <b>A. If that intelligence is reliable, and we are absolutely</b>  23 <b>certain about it, then that intelligence should be</b>  24 <b>shared. As I have said, TFCs need to be really</b>  25 <b>confident about the difference between intelligence that</b></p> <p style="text-align: center;">Page 153</p>	<p>1 <b>is sensitive, and intelligence that could end up being</b>  2 <b>evidential, in which case we can be more free in sharing</b>  3 <b>exactly the nature of it.</b>  4 THE CHAIRMAN: You -- albeit in a phrase which you thought  5 was inelegant and long -- highlighted the reality of the  6 intelligence in this case, which was to the effect that  7 it wasn't clear whether the firearm would be live or  8 imitation, but that the operation should proceed on the  9 assumption that it was live.  10 <b>A. Yes, sir.</b>  11 THE CHAIRMAN: I infer from your answer that you see no  12 objection whatsoever to that approach and information  13 being shared with the firearms officers?  14 <b>A. Yes and no. The reason I am saying that, and I will</b>  15 <b>qualify that answer because that is unhelpful, it</b>  16 <b>depends on the nature of intelligence. If the</b>  17 <b>intelligence is coming from sources where you do not</b>  18 <b>have that degree certainty, you might have to go in one</b>  19 <b>direction.</b>  20 THE CHAIRMAN: Yes.  21 <b>A. But if we have probe intelligence that is a bit more</b>  22 <b>specific, you can then be more specific and use exact</b>  23 <b>English, you know, easy-to-understand phrases.</b>  24 <b>I think that is certainly some learning for me and</b>  25 <b>for the Met to take away here. Use plain English, where</b></p> <p style="text-align: center;">Page 154</p>
<p>1 <b>possible share the intelligence and don't use phrases</b>  2 <b>that are open to interpretation.</b>  3 THE CHAIRMAN: Thank you.  4 MS BLACKWELL: May I have a follow-on question to yours,  5 please, sir?  6 THE CHAIRMAN: Of course you may.  7 Further questions from MS BLACKWELL  8 MS BLACKWELL: Is the decision about whether and how to  9 brief intelligence one of policy or is it an individual  10 decision in each operation?  11 <b>A. It is an individual decision in each operation.</b>  12 MS BLACKWELL: All right.  13 Thank you.  14 I know, sir, that my learned friend Ms Kaufmann has  15 an application to make in relation to a discrete series  16 of questions that touch upon a topic which I have  17 already covered. That is of multidimensional threat and  18 risk assessments, but she wishes permission to expand  19 the areas that I have covered and to deal with any  20 considerations in relation to Article 2.  21 She has set out in writing the particular questions  22 which she wants to ask. They do not seem objectionable  23 to me, but of course it is a matter for you, sir, to  24 provide her with the permission to ask them.  25 THE CHAIRMAN: If you don't think they are objectionable,</p> <p style="text-align: center;">Page 155</p>	<p>1 I won't think so either.  2 MS BLACKWELL: Thank you.  3 MS KAUFMANN: I am grateful, sir.  4 THE CHAIRMAN: Yes, Ms Kaufmann.  5 Questions from MS KAUFMANN  6 MS KAUFMANN: I shouldn't detain you for too long, but what  7 I am trying to get clarity on is how you deploy the  8 national decision making model at the stage when you are  9 deciding whether or not there is going to be an armed  10 operation at all. Then how you apply it once you have  11 made that decision.  12 Because in the former, I think I am right, am I not,  13 that sustained public protection is very much something  14 that goes into one side of the balance, again the risk  15 of running the operation. Whereas later on, once you  16 have made the decision to run the operation, then you  17 are really looking at the relative risks to each  18 individual or subject who will be affected by the  19 running of the operation. Does that distinction make  20 sense to you? Then I would like to ask you some  21 questions about it.  22 <b>A. It does make sense to me, yes.</b>  23 Q. Let's start with, say we are at 10 November, and this is  24 the first meeting to plan what is going to happen.  25 There is intelligence. I am not going to ask you to</p> <p style="text-align: center;">Page 156</p>

<p>1 comment on the decisions that were actually made and the 2 quality of those decisions, but just the sorts of 3 considerations they would have to have in mind. 4 At that point, they know they have intelligence that 5 there is going to be a breakout, and that is when 6 sustained public protection comes in, does it not, 7 because they have to think, okay, if we disrupt it now, 8 then we remove this immediate risk, but there is then 9 the longer-term risk that we are not tackling? 10 <b>A. Yes.</b> 11 Q. At that stage, it is right, isn't it, that what you have 12 to do, on the sustained public protection side of the 13 balance, is you have got to ask yourself: how likely is 14 it that an escape will happen at some point later in the 15 future if we disrupt it now? 16 That is one of the elements? 17 <b>A. That is one of the elements, yes.</b> 18 Q. And then: what is the severity of the risk? What is the 19 threat? How serious is it, if that is the outcome, in 20 terms of injury to the public or Serco officers or 21 whoever? 22 That is the second element, yes? 23 <b>A. Yes.</b> 24 Q. Then you come up with a grading effectively of the 25 combination of those two factors?</p> <p style="text-align: center;">Page 157</p>	<p>1 <b>A. Yes.</b> 2 Q. Against that, at that stage, so we are thinking back on 3 10 November, you have to then put into the equation: 4 what are the risks if we let the operation run? 5 <b>A. From who?</b> 6 Q. What are the risks -- my general question is, what are 7 the risks if we let the operation run? You have -- 8 <b>A. At all times the risk that you are assessing is from the</b> 9 <b>subjects, not the risks generally. It is not a general</b> 10 <b>risk assessment that you might have when working at</b> 11 <b>height, for example, that would be a general risk</b> 12 <b>assessment.</b> 13 <b>You are, at each stage, referencing the risks from</b> 14 <b>the subjects to all of the other principals on the list,</b> 15 <b>including from the subjects to themselves.</b> 16 Q. Exactly, so what you have to do in order then to make 17 a decision about where the balance of threat lies, 18 because that is ultimately what you are deciding when 19 you decide to run the operation on grounds of sustained 20 public protection, is that the risk of disruption now is 21 greater than the overall risk of letting the operation 22 run. You have to factor into that equation each of the 23 risks, ie the likelihood and the level of danger, should 24 the risk materialise, in relation to all the different 25 individuals that will be affected by the operation</p> <p style="text-align: center;">Page 158</p>
<p>1 running, don't you? 2 <b>A. Potentially, and of course you have the side issues of</b> 3 <b>the fact that there are guns potentially on the streets</b> 4 <b>and the fact that you have individuals that have made it</b> 5 <b>clear that they wish to commit offences. Quite often it</b> 6 <b>would be, you know, possible to deal with those risks by</b> 7 <b>removing the firearm from the street. That would be one</b> 8 <b>element of it.</b> 9 Q. That is the sustained public protection, isn't it? 10 <b>A. Correct.</b> 11 Q. That is exactly why you are thinking about letting the 12 operation run, because it is an opportunity to remove 13 firearms from the street -- 14 <b>A. Hmm.</b> 15 Q. -- and it is also an opportunity to stop those firearms 16 being used at a future date to effect another escape 17 attempt? 18 <b>A. Exactly.</b> 19 Q. That's that side of the equation, now I am asking you to 20 look at the other side of equation, because before you 21 decide to do that, you have to decide that it is less 22 risky to take that course and let the operation run than 23 it is to let the operation run. 24 You need to factor in, in deciding to let the 25 operation run: what is the risk to the members of the</p> <p style="text-align: center;">Page 159</p>	<p>1 public if the operation runs? 2 Do you not? You have to think, if this runs, and 3 there are members of the public present at the time that 4 the Serco van is to be targeted by the escapers, should 5 things go wrong, we have to factor in that risk? 6 <b>A. We do.</b> 7 Q. We have to factor in the risk to the members of the 8 public should there be an interception of the mission 9 vehicle before it gets to the Serco van -- 10 <b>A. Correct.</b> 11 Q. -- at 9.00 in the morning on a public street in Wood 12 Green? 13 <b>A. Then the flipside of that coin, you are right, I am with</b> 14 <b>you, sorry.</b> 15 Q. You have to go through that exercise? 16 <b>A. Let me just explain the flipside of that coin. The</b> 17 <b>flipside of that coin is also considering to yourself</b> 18 <b>that if you believe that that kind of mission, for want</b> 19 <b>of a better expression, is going to take place</b> 20 <b>regardless of whether you allow it to run on the morning</b> 21 <b>of the operation as was done in this case or whether</b> 22 <b>that mission will take place at the time when you have</b> 23 <b>no control over the subjects, where they may do it in</b> 24 <b>hospital, where there are nurses and doctors and other</b> 25 <b>members of the public around, officers that are trained</b></p> <p style="text-align: center;">Page 160</p>

40 (Pages 157 to 160)

<p>1 <b>to a lesser standard than CTSFOs who may have to</b>  2 <b>respond, like ARVs. That's all part of the equation.</b>  3 Q. I'm sorry to interrupt, I am just trying to establish at  4 the moment the two sides of the equation, what you have  5 to consider and absolutely part of your sustained public  6 protection is exactly taking into account all those  7 other potentialities, but you have to do it  8 systematically by weighing it against all the other  9 potentialities if the operation runs. That includes  10 risks to the members of the public, risk to armed  11 officers, risks to unarmed surveillance officers and  12 risks to the subjects themselves?  13 <b>A. Yes, although the risks to the subjects themselves would</b>  14 <b>come after everybody else, but yes.</b>  15 Q. I understand that but you have, do you not, as the  16 police a duty under Article 2 of the European Convention  17 on Human Rights to consider that risk?  18 <b>A. Absolutely.</b>  19 Q. The risk of an armed interception is going to be  20 a significant one to the subjects. I know that you are  21 going to say it depends on how they behave, but it is  22 a significant risk, isn't it, which you have to factor  23 in?  24 <b>A. I don't think it is a significant risk, when you</b>  25 <b>consider the number of armed deployments we do each year</b></p> <p style="text-align: center;">Page 161</p>	<p>1 <b>and no members of the public, including the subjects,</b>  2 <b>are harmed but it is a risk.</b>  3 Q. It is a risk you have to factor in?  4 <b>A. When you consider we have 4,000 operations a year and</b>  5 <b>I think I have already articulated in my witness</b>  6 <b>statement that the number of shots fired in an armed</b>  7 <b>operation is 0.054 per cent.</b>  8 Q. Yes, and the nature of the risk, of course, varies  9 according to the circumstances and so one of the things  10 you will factor into this situation is the nature of the  11 arms that you think they are going to be carrying?  12 <b>A. Yes.</b>  13 Q. That would make it a more risky operation to the armed  14 officers than many of these other interceptions that you  15 have spoken about?  16 <b>A. It would be a risk to be mitigated, yes.</b>  17 Q. It is a risk to be taken into account and then it is  18 a risk to be mitigated if the operation runs.  19 Moving forward, you have made clear that the  20 national decision making model is such that you have to  21 constantly reconsider the decisions that you have made  22 in light of new intelligence?  23 <b>A. Yes.</b>  24 Q. Let me put this scenario to you.  25 Say, for example, all those risks and benefits have</p> <p style="text-align: center;">Page 162</p>
<p>1 been balanced against each other and a decision has been  2 taken to let the operation run, for all the reasons that  3 you have just given. If at some stage information and  4 intelligence comes to light along these lines, firstly,  5 that they have not succeeded in securing real firearms  6 and, secondly, that one of the ways to mitigate or  7 rather to overcome the problem of the long-term threat  8 they present from attempting another escape attempt,  9 should you thwart this one, would be to secure their  10 high risk category A security classification, so that it  11 is impossible for them to escape. Would you agree that  12 both those factors are ones that ought to be considered  13 in a rerun of that wheel under the national decision  14 model?  15 <b>A. Okay, so there are a lot of what ifs there, so if we</b>  16 <b>separate those into the two areas, let's deal with the</b>  17 <b>firearm first.</b>  18 <b>You can have a situation where on Monday the</b>  19 <b>individuals are having difficulty in finding a firearm,</b>  20 <b>and we are dealing with a hypothetical situation here,</b>  21 <b>I gather.</b>  22 <b>Then, on the Tuesday, they have managed to get</b>  23 <b>a AK47.</b>  24 <b>So, you know, the what ifs are very difficult to</b>  25 <b>manage.</b></p> <p style="text-align: center;">Page 163</p>	<p>1 Q. Yes --  2 THE CHAIRMAN: Okay, but let's move away from the firearm  3 situation, because that, having regard to the nature of  4 the beast, if I can so describe it, was something which  5 might very well change, let us assume.  6 <b>A. Exactly.</b>  7 THE CHAIRMAN: Ms Kaufmann also poses, as something to be  8 put in the balance, the likelihood of an escape attempt  9 being made or being successful if the prisoner who is  10 said to be the danger is upgraded to category A, thereby  11 reducing the risk at a stroke.  12 <b>A. So I understand --</b>  13 THE CHAIRMAN: Is that the point, Ms Kaufmann?  14 MS KAUFMANN: Yes, that's a new factor, so imagine --  15 THE CHAIRMAN: We have moved away from firearms.  16 <b>A. Yes.</b>  17 THE CHAIRMAN: You have made the point.  18 <b>A. I am trying to be helpful, I promise.</b>  19 THE CHAIRMAN: I know you are, and so am I.  20 The point about firearms and the position and the  21 intelligence and the nature of the gang and their  22 previous access to firearms is a very good reason for  23 treating with skepticism any difficulty that they have  24 had so far in getting hold of a live one, right?  25 <b>A. Yes.</b></p> <p style="text-align: center;">Page 164</p>

41 (Pages 161 to 164)

<p>1 THE CHAIRMAN: You are now considering the risk of an escape 2 if this operation does not result in the removal from 3 circulation of those who are seeking to enable his 4 escape.</p> <p>5 <b>A. I understand the point you are making, sir.</b></p> <p>6 <b>I think the risks of the prisoner escaping which are 7 mitigated by changing them to category A is only one 8 half of the problem.</b></p> <p>9 <b>There you have potentially prevented some of the 10 risk of escape, but actually as a category A prisoner 11 I have no idea what the stipulations are around hospital 12 visits and other things, so I don't know for certain if 13 that is eradicated, but let's assume that it is --</b></p> <p>14 THE CHAIRMAN: Let's assume, if you don't know, and you are 15 a TFC, you find out.</p> <p>16 <b>A. Exactly, so that is one half of it.</b></p> <p>17 THE CHAIRMAN: Right.</p> <p>18 <b>A. Then the other half of it is you have offenders out on 19 the street who are willing to take part in that kind of 20 an audacious plan, with firearms, that are actively 21 seeking firearms in order to do it. There is 22 an obligation on the police to tackle that kind of 23 offending, because what else are they doing?</b></p> <p>24 MS KAUFMANN: It's a very relevant consideration, isn't it? 25 My question to you was you get that kind of information</p> <p style="text-align: center;">Page 165</p>	<p>1 and you really have to put it into the equation because 2 the balance becomes a very different kind of balance 3 from the balance you are facing when you think that 4 actually there is nothing to stop them doing this all 5 again in the future?</p> <p>6 <b>A. I think it enters into the equation, but the reality is 7 you must never put the needs of the suspects ahead of 8 the needs of the public, so if the subjects are 9 attempting or considering to carry out that kind of 10 an audacious plan, you need to factor in the danger they 11 represent to the public above the relative risk to them 12 by their capture.</b></p> <p>13 Q. Except it is a very, very specific danger that they 14 present. The danger they present is by reason of the 15 fact that they are going to seek to perpetrate this 16 escape attempt. If that escape attempt is no longer 17 available to them, they will not be committing such 18 an offence and posing a danger to the public, will they?</p> <p>19 MR BUTT: Sir, I am very sorry to rise. We made an evidence 20 proposal in which we asked for many questions about the 21 specifics of the operation to be asked. Most of those 22 were removed on the basis that the witness would not be 23 asked specifics.</p> <p>24 THE CHAIRMAN: Of course I know nothing about that. 25 MR BUTT: There was then a second evidence proposal that had</p> <p style="text-align: center;">Page 166</p>
<p>1 a number of questions we had asked to be asked dealing 2 with specifics and those have not been asked because 3 your team have said we are not going to go into 4 specifics.</p> <p>5 THE CHAIRMAN: Right.</p> <p>6 MR BUTT: We are now moving into a multiple-hypothetical 7 scenario, based upon questions about hospital visits 8 that the witness does not know the answer to.</p> <p>9 THE CHAIRMAN: We have established that.</p> <p>10 MR BUTT: Then pressing a very specific scenario, which did 11 not arise and does not reflect the evidence.</p> <p>12 THE CHAIRMAN: Mr Butt has a point, Ms Kaufmann. 13 Can we take the matter any further.</p> <p>14 MS KAUFMANN: I will happily move on, sir.</p> <p>15 THE CHAIRMAN: Thank you.</p> <p>16 MS KAUFMANN: Moving then on to having the situation in 17 which you have decided to let the operation run, you 18 have explained to us the hierarchy of threat that you 19 were talking about, so at the top of it is there is the 20 threat to the public.</p> <p>21 Can I ask you this, alongside making sure that you 22 have established a hierarchy, by reference, am I right, 23 both at looking at the nature and extent of the threat 24 to all those groups, but also I think the hierarchy is 25 also based upon who is creating the risk and who is at</p> <p style="text-align: center;">Page 167</p>	<p>1 risk, so members of the public are at risk from the 2 subjects.</p> <p>3 <b>A. That's correct, yes.</b></p> <p>4 Q. Once you have created that hierarchy, and decided to let 5 the operation run on the basis of it, another very 6 important aspect of the operational planning and the 7 actual deployments is the need then to take steps to 8 minimise the risk, to everybody concerned, in that 9 hierarchy. Is that right?</p> <p>10 <b>A. In the order of the hierarchy, yes.</b></p> <p>11 Q. In the order of the hierarchy?</p> <p>12 <b>A. Yes.</b></p> <p>13 Q. If, for example, we are looking at the subjects 14 themselves, then you would agree, would you not, that 15 you would need to seek to minimise the risk to them from 16 whatever tactic is deployed in relation to them in order 17 to minimise the risks to the public for example? To 18 make that concrete, say you conclude, "We are going to 19 go for an extraction, because that is a safer option 20 than containment and call out vis-a-vis the public", you 21 are still under a duty to take steps to minimise the 22 risk presented by an interception, for example, and 23 an extraction?</p> <p>24 <b>A. Yes, but never at the expense of the people that appear 25 above them in the risk.</b></p> <p style="text-align: center;">Page 168</p>

42 (Pages 165 to 168)

<p>1 Q. Exactly, I understand that.</p> <p>2 <b>A. Yes.</b></p> <p>3 Q. You would agree that you are still under a duty to do</p> <p>4 that. To the extent, for example, that you can plan in</p> <p>5 advance of an extraction, I am not talking about</p> <p>6 standing outside the cars the moment you have got out</p> <p>7 and parked up and having a chat about what you are going</p> <p>8 to do, but in advance of getting to that point in time,</p> <p>9 would you agree that it is a good thing to do, for</p> <p>10 example to learn about the environment that the</p> <p>11 extraction is going to take place in? So you could</p> <p>12 understand that environment better and better inform the</p> <p>13 officers?</p> <p>14 <b>A. Yes, environmental factors are always a factor but</b></p> <p>15 <b>having less-lethal options available, having surrender</b></p> <p>16 <b>plans, are always a part of the tactical plan and armed</b></p> <p>17 <b>officers would always prefer a peaceful resolution to</b></p> <p>18 <b>any incident. The last thing they want to do, I can</b></p> <p>19 <b>assure you, the last thing they want to do is have to</b></p> <p>20 <b>recourse to lethal force, it is an officer's worst</b></p> <p>21 <b>nightmare to fire shots. Nobody wants to do that, which</b></p> <p>22 <b>is why we have a raft of factors in training to ensure</b></p> <p>23 <b>that wherever possible a safe resolution is achieved,</b></p> <p>24 <b>either by less-lethal option or just simply talking</b></p> <p>25 <b>people down, which is why we invest so much in</b></p> <p style="text-align: center;">Page 169</p>	<p>1 <b>negotiation and things like that. Does that answer your</b></p> <p>2 <b>question?</b></p> <p>3 MS BLACKWELL: I hesitate to interrupt. I now do not know</p> <p>4 where Ms Kaufmann is going.</p> <p>5 MS KAUFMANN: I am done.</p> <p>6 MS BLACKWELL: There we are.</p> <p>7 THE CHAIRMAN: You missed that she had sat down.</p> <p>8 MS BLACKWELL: Thank you.</p> <p>9 Sir, do you have any additional questions?</p> <p>10 THE CHAIRMAN: No, thank you very much.</p> <p>11 MS BLACKWELL: Thank you.</p> <p>12 May this witness be released?</p> <p>13 THE CHAIRMAN: He may.</p> <p>14 Thank you for your time and trouble.</p> <p>15 <b>A. Thank you, sir.</b></p> <p>16 THE CHAIRMAN: Ms Blackwell, I don't know how long the</p> <p>17 remaining witness is going to be and whether if we are</p> <p>18 going to have a mid afternoon break we should take it</p> <p>19 now.</p> <p>20 MS BLACKWELL: I am happy to continue. I don't know how</p> <p>21 long he is going to be.</p> <p>22 With the assistance of Ms McNeill we have spoken to</p> <p>23 Mr Nicholson and we have established those areas in his</p> <p>24 60-page witness statement that will still assist you</p> <p>25 because, as you will be aware, sir, he comes as the last</p> <p style="text-align: center;">Page 170</p>
<p>1 in a long line of witnesses and a lot of what he has</p> <p>2 provided in his witness statement has already been dealt</p> <p>3 with, and more.</p> <p>4 I am hoping that it will not be longer than perhaps</p> <p>5 30 or 40 minutes.</p> <p>6 THE CHAIRMAN: I am thinking if we sit for that long, then</p> <p>7 we are going to have to consider the position of the</p> <p>8 stenographers and the like.</p> <p>9 Shall we take 10 minutes now?</p> <p>10 MS BLACKWELL: Thank you.</p> <p>11 (3.05 pm)</p> <p>12 (A short adjournment)</p> <p>13 (3.20 pm)</p> <p>14 MS BLACKWELL: Thank you, sir, may the witness be sworn,</p> <p>15 please.</p> <p>16 MR KEVIN NICHOLSON (sworn)</p> <p>17 Questions from MS BLACKWELL</p> <p>18 MS BLACKWELL: Thank you.</p> <p>19 Is your full name Kevin Nicholson?</p> <p>20 <b>A. It is, yes.</b></p> <p>21 Q. Mr Nicholson, you are a retired Metropolitan Police</p> <p>22 Service chief inspector. Currently employed as</p> <p>23 a specialist firearms policing business manager within</p> <p>24 the specialist operations faculty of the College of</p> <p>25 Policing?</p> <p style="text-align: center;">Page 171</p>	<p>1 <b>A. Yes.</b></p> <p>2 Q. Prior to your retirement from the police service in</p> <p>3 February 2015 you had been on secondment to the College</p> <p>4 of Policing and its precursor organisations for</p> <p>5 10 years, and during that time your core responsibility</p> <p>6 was the development and standardisation of national</p> <p>7 training for firearms commanders, tactical advisers and</p> <p>8 post-incident managers?</p> <p>9 <b>A. That's correct.</b></p> <p>10 Q. Since your full-time employment by the College of</p> <p>11 Policing in June 2015, you have taken responsibility for</p> <p>12 managing the team that develops the National Police</p> <p>13 Firearms Training Curriculum, or the NPFTC?</p> <p>14 <b>A. Yes.</b></p> <p>15 Q. Authorised professional practice for armed policing and</p> <p>16 has responsibility for licensing of UK police forces to</p> <p>17 deliver training related to firearms and less-lethal</p> <p>18 weapons?</p> <p>19 <b>A. Yes.</b></p> <p>20 Q. The NPFTC provides the training material and assessment</p> <p>21 standards for all elements of the training provided to</p> <p>22 all armed police associated roles, including tactical,</p> <p>23 command and adviser roles?</p> <p>24 <b>A. Yes, sir.</b></p> <p>25 Q. While your role has evolved to some degree in response</p> <p style="text-align: center;">Page 172</p>

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<p>1 to the requirements placed upon the College of Policing, 2 your core responsibilities in terms of the NPFTC and APP 3 for armed policing and the licensing of police forces to 4 deliver firearms training have not changed since 5 June 2015? 6 <b>A. Correct.</b> 7 Q. Thank you. 8 You have provided four witness statements, three to 9 the IPCC on 24 June, 25 July and 23 September 2016 -- 10 <b>A. Yes.</b> 11 Q. -- and, more recently, a lengthy witness statement to 12 this inquiry dated 27 May of this year? 13 <b>A. Yes.</b> 14 Q. You may have been in the inquiry to hear me say before 15 you were called that one of the benefits of coming as 16 a long line of witnesses is that a lot of what you have 17 assisted the inquiry with on paper has already been 18 dealt with. 19 But I know that you have spent some time today with 20 Ms McNeill setting out a series of issues and topics 21 which you would like to assist the inquiry with and that 22 we would like your assistance with. 23 I am going to turn to those and then deal with 24 a number of discrete areas thereafter, if I may? 25 <b>A. Of course.</b></p> <p style="text-align: center;">Page 173</p>	<p>1 Q. Could I invite you first of all, please, Mr Nicholson, 2 to explain the role of the curriculum and how it has 3 developed? 4 <b>A. Okay, the curriculum was first introduced in 5 November 2004. That was the first attempt by UK 6 policing to standardise firearms training and that came 7 very soon after the 2003 Code of Practice on police use 8 of firearms, as it was, which was December 2003. 9 In its first iteration, the curriculum in the main 10 was -- I use the term advisedly, because I know it is 11 not something that the inquiry has been involved in, was 12 largely cutting and pasting from the manual of guidance.</b> 13 Q. Right. 14 <b>A. The curriculum in its first iteration was a number of 15 references back to the national guidance at the time.</b> 16 Q. Yes. 17 <b>A. The national guidance at the time included a little bit 18 more tactical detail which was restricted from the 19 public. Over time that curriculum has evolved, so 20 I think as you have heard from other witnesses, it now 21 sits at just under 5,000 pages, made up of units and 22 modules that describe each of the requirements for the 23 21 role profiles within armed policing. What their 24 training needs to include, the assessment standards that 25 they will be assessed to, the regularity with which that</b></p> <p style="text-align: center;">Page 174</p>
<p>1 <b>happens, the competence of instructors to instruct them 2 and everything else to do with training.</b> 3 Q. Right. 4 In terms of the extent to which it has been 5 developed since its introduction, was there any need of 6 development in 2015, so the time that this inquiry is 7 understandably interested in? 8 <b>A. My personal view, sir, is that the curriculum will never 9 be finished. It is always in need of development, and 10 for that reason it is always being developed.</b> 11 <b>The curriculum evolves, it doesn't get a routine 12 review from start to finish, because of the extent of 13 the document and because all of the units and modules to 14 some extent are separate, but it is constantly 15 evaluated. I have a network of chief firearms 16 instructors around the country that deliver training to 17 firearms officers. We are in constant dialogue in 18 respect of how the curriculum is evolved, what needs to 19 be included, we don't knee jerk to a particular force 20 saying something needs to be in the curriculum, we 21 identify themes and then we consult on how relevant that 22 is or not, we manage over 20 practitioner groups, we get 23 our operational experience from those practitioner 24 groups and so the curriculum evolves in that way. 25 <b>In 2015, if I was asked at that point is the</b></b></p> <p style="text-align: center;">Page 175</p>	<p>1 curriculum as good as it could be, then I would have 2 said yes and I would say that now. That said, since 3 2014 the module which is at the centre of this inquiry, 4 module D8, MASTS as it is now known, armed support to 5 covert operations, has evolved from I think it is 6 something like 55 pages to 157, so there has been a huge 7 amount of evolution of that module and that happens with 8 the other modules as well, depending on what is going on 9 and what we are learning operationally and from 10 inquiries and investigations. 11 Q. Right, so constantly evolving. 12 If I were to ask you if there are still topics under 13 review, you would presumably say that there are and that 14 will always be the case? 15 <b>A. They are all under review all the time.</b> 16 Q. Can you describe to the inquiry, please, the interplay 17 between the role of the curriculum and force-specific 18 training? 19 <b>A. Yes, of course.</b> 20 <b>The curriculum is exactly what you would expect of 21 a curriculum, it is a source document, it provides the 22 source material from which forces develop their own 23 local training, for want of a better phrase. So it 24 doesn't include lesson plans and risk assessments and 25 the like, it provides source content and material, so it</b></p> <p style="text-align: center;">Page 176</p>

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<p>1 provides sufficient detail for them to develop their own 2 local training, which they then build scenarios to 3 develop and explore from all the different angles with 4 the nuances that their local environment and the force 5 operational risk assessment, strategic threat and risk 6 assessment, requires them to explore in the detail that 7 they do.</p> <p>8 It is not a training manual, it is a source document 9 from which forces then develop their training. In some 10 respects it is extremely detailed and it will describe 11 mechanics, footsteps, in others it will be lists of 12 considerations for instance or implications of different 13 things and what you might want to consider.</p> <p>14 Q. How do you describe the way in which there is a balance 15 between the need for a force to be specific to its own 16 requirements and needs and at the same time maintaining 17 a consistency that is required presumably within the 18 College of Policing?</p> <p>19 A. There always has to be a degree of flexibility in the 20 way that the training is delivered, one size simply does 21 not fit all. We currently license within the UK 51 22 organisations and agencies.</p> <p>23 The control measure, if you like, on the 24 standardisation of that training is firstly the 25 practitioner groups, and, secondly, the licensing</p> <p style="text-align: center;">Page 177</p>	<p>1 process. My team and I will routinely travel round the 2 forces, on a scheduled basis, examine their training 3 material, make sure that it complies with the curriculum 4 that has been written in the first place. We expect to 5 see some differences in terms of the scenarios that they 6 are using, that is absolutely right. But we do make 7 sure that the curriculum is reflected in their training 8 and they have a licence, a sort of a formal licence 9 rather than a firearms training licence, which requires 10 them to comply with that licence to deliver the 11 curriculum, and nothing else.</p> <p>12 Q. What has been the College of Policing role in the 13 development of authorised professional practice?</p> <p>14 A. The College of Policing took the manual of guidance, as 15 it was at the time --</p> <p>16 Q. The ACPO?</p> <p>17 A. The ACPO manual of guidance, which had been in place in 18 various versions and names up until the birth of the 19 College in 2013. There was a strategic desire at the 20 time to sort of blend all national guidance across all 21 of the portfolios and ensure that there was consistency, 22 and there wasn't contradiction more importantly. The 23 decision was taken that that would be done through the 24 development of authorised professional practice. 25 Authorised professional practice for armed policing is</p> <p style="text-align: center;">Page 178</p>
<p>1 just one of those documents and so it became a College 2 product in 2013, largely based on the manual of guidance 3 that preceded it.</p> <p>4 To this day -- although the College owns the APP and 5 is the sort of gatekeeper for changes to ensure that 6 there is sufficient consultation et cetera -- the key 7 stakeholder in the development of that guidance is of 8 course armed policing operationally through the National 9 Police Chiefs' Council lead, Mr Chesterman.</p> <p>10 Q. Between 2013, at the point of its inception, and today, 11 had there been piecemeal changes relating to 12 recommendations et cetera?</p> <p>13 A. Yes, that happens -- I wouldn't say regularly, but 14 fairly often. Examples of that, I think that you have 15 discussed recently in the inquiry, examples of that, two 16 examples of that from 2014, would be the introduction of 17 organisational learning debriefs in a post-incident 18 context, that was around about September 2014 as 19 a result of the Azelle Rodney public inquiry and 20 a recommendation made by the chairman.</p> <p>21 Q. Yes.</p> <p>22 A. Soon after that came sustained public protection and 23 a significant amount of detail on APP that you have 24 heard about as well.</p> <p>25 Q. Yes.</p> <p style="text-align: center;">Page 179</p>	<p>1 A. There are two examples of without the APP being 2 fundamentally reviewed, where operational learning, 3 investigations and recommendations then created a change 4 in the APP.</p> <p>5 It wasn't start to finish reviewed between 2013 and 6 2020. In 2020 it was. I undertook that initial review 7 and then, obviously following the appropriate level of 8 consultation et cetera, we published a new version in 9 May this year.</p> <p>10 Q. What was the catalyst, if there was a catalyst, to 11 perform and undertake that fundamental review in 2020?</p> <p>12 A. I think there were a number of things that sort of 13 conspired, for the want of a better phrase. The 14 Anthony Grainger public inquiry, there were a number of 15 recommendations there that needed to be considered and 16 reflected in the APP.</p> <p>17 It hadn't been done for a while. There was new 18 terminology that needed to be updated, there was 19 reference documentation within the APP that needed to be 20 updated.</p> <p>21 Q. Yes.</p> <p>22 A. And there was a new Code of Practice for armed policing 23 and police use of less-lethal weapons, which was 24 published in January 2020 --</p> <p>25 Q. Right?</p> <p style="text-align: center;">Page 180</p>

45 (Pages 177 to 180)

1 A. -- which the APP then wasn't consistent with, so there  
 2 were a number of things that required that fundamental  
 3 review.  
 4 Q. I am only going to ask you about key changes that are  
 5 relevant to this inquiry. In relation to the following  
 6 topics, are you able, please, to explain any change that  
 7 has been made and the reason behind it.  
 8 I am going to start, please, with the roles of TFC,  
 9 SFC and tactical adviser.  
 10 A. Okay. The roles of those three haven't changed,  
 11 materially, so you have still one responsible for  
 12 strategic direction, tactical parameters and overall  
 13 accountability. You have the TFC is responsible for  
 14 developing a tactical plan, based on those tactical  
 15 parameters, and the OFC in delivering or implementing  
 16 that tactical plan. Their roles haven't changed.  
 17 What has changed is their responsibilities that they  
 18 hold and have to discharge within those. I think if  
 19 I was to describe in a nutshell what most of those  
 20 changes relate to, is the creation, the quality  
 21 assurance or the assurance, and the review of threat  
 22 assessment or threat and risk assessment, as you would  
 23 have heard it referred to.  
 24 Q. Yes.  
 25 A. Not all but most of the changes in all of the roles,

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1 curriculum is evolving significantly in terms of how  
 2 people approach and apply a multidimensional threat  
 3 assessment.  
 4 Q. Does multi-level just mean low at the outset and high at  
 5 intervention or interception?  
 6 A. No. No, it doesn't. You will have heard the low,  
 7 medium, high and unknown scalar.  
 8 Q. Yes.  
 9 A. I attend and observe quite a lot of training and I have  
 10 seen it done a few times, where people will articulate  
 11 the threat assessment as low now, rising to high at the  
 12 point the police and the subject come together.  
 13 I normally describe that as lazy threat assessment,  
 14 because I think it is because there are too many  
 15 unknowns in the middle.  
 16 The whole point of a multidimensional threat  
 17 assessment is that you consider the timeline, the event  
 18 line, between the point that you start considering armed  
 19 activity to the point that you deliver any plan or any  
 20 contingency within that plan, and what might happen  
 21 between then and now.  
 22 In very basic terms, if we are talking about a TFC  
 23 creating a tactical plan in order to present that to  
 24 an SFC for approval, that would have to include, if one  
 25 is available at the time, the core tactical plan and any

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1 tactical adviser included, better reflect and  
 2 articulate, based on some of the recommendations and one  
 3 particular recommendation from the Anthony Grainger  
 4 public inquiry, they reflect a more updated and better  
 5 articulated view of the role that all of those people  
 6 play or all of those roles play within the creation,  
 7 assurance and review of threat assessments.  
 8 Q. Right.  
 9 In terms of threat assessments, what is authorised  
 10 professional practice position on a multi-level or  
 11 multidimensional threat assessment?  
 12 A. The authorised professional practice mentions  
 13 multidimensional threat assessment, but doesn't go into  
 14 specific details as to how one of those would be  
 15 created. That is often the case with APP, because it is  
 16 a more strategic public-facing document that provides,  
 17 in some respects, broad principles.  
 18 Multidimensional threat assessment and the concept  
 19 is expanded in the curriculum, some of the areas that it  
 20 needs to be expanded are under review at the moment, but  
 21 it has been very recently more comprehensive  
 22 understanding of multidimensional threat assessment, has  
 23 been rolled out through the command refresher programme  
 24 that the College publish every year and that was visited  
 25 in 2020/2021 and will be revisited in this year, so the

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1 contingencies related to it. That briefing would also  
 2 have to convince the SFC that between the point that the  
 3 briefing has taken place and the operational stage, it  
 4 could be days or weeks, every conceivable eventuality  
 5 has been considered so could the subjects come together  
 6 with another OCG? Could there be a driving issue  
 7 because the subject is an alcoholic? For instance.  
 8 There are some primary risks within that and there  
 9 are some secondary risks, so the main focus is about  
 10 firearms and the commission of a criminal offence.  
 11 There may be some secondary risks that you would  
 12 need to consider in terms of just the interaction with  
 13 those subjects and unarmed members of the police that  
 14 they might come across, members of the public, criminal  
 15 activity between now and then. All of those things need  
 16 to be considered and that is the concept of  
 17 a multidimensional threat assessment.  
 18 Q. You would expect that level of detail to be provided by  
 19 the TFC to the SFC in the presentation of the TFC's  
 20 plan?  
 21 A. Yes.  
 22 Q. Has there been a change or a development in relation to  
 23 the separation of roles as between the commanding  
 24 officers and the SIO of an investigation and is the  
 25 MPS's attitude towards that any different from another

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1 police force and, if so, why?

2 **A. I don't think their attitude towards it is any**

3 **different, I think there is an absolute agreement**

4 **nationally that the roles need to be separated.**

5 Q. Yes.

6 **A. The APP, or the manual of guidance as it was at the time**

7 **in 2009, was the first time that that was reflected.**

8 **Again, that was a result of a recommendation.**

9 **That guidance has remained constant ever since that**

10 **point. That has been developed to the point that the**

11 **tactical adviser has to be independent of the command**

12 **structure as well as, and that was because there was**

13 **some suggestion that where somebody was a competent**

14 **commander and a tactical adviser, that they could**

15 **combine those two things. It wasn't just about the SIO**

16 **and the TFC, it was about, as you have described it,**

17 **multi-hatting in a number of different areas.**

18 Q. Yes.

19 **A. That was added a year or two later to prevent the**

20 **tactical adviser being a part of the command structure.**

21 **I think the approach that is taken by the Met to the**

22 **best of my knowledge is unique and I think there is**

23 **a reason for that, in that they are the only force in**

24 **the country that has a number of different operational**

25 **directorates who carry guns. Some of them are**

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1 **investigators, some of them are armed policing.**

2 Q. Yes.

3 **A. In most Home Office forces there is an armed policing**

4 **capability, an operational and training capability,**

5 **which is distinct from any investigative function.**

6 Q. Yes.

7 **A. So there is a natural separation, your SIOs sit over**

8 **here, and your investigation teams and your tactical**

9 **firearms, strategic firearms commanders sit over here**

10 **and the two don't come from the same pool.**

11 **I think the nature, volume and complexity of some of**

12 **the work that the MPS do, has created the evolution that**

13 **they have, whereas, you know, they have now got one of**

14 **the SCDs for instance, who have people who are --**

15 THE CHAIRMAN: SCD?

16 **A. Serious crime directorate -- sorry.**

17 MS BLACKWELL: Serious crime directorate.

18 **A. Serious crime directorate.**

19 MS BLACKWELL: Ah, you said it.

20 **A. I did.**

21 THE CHAIRMAN: The longer people pause before they give me

22 the answer, the less unhappy I am about having had to

23 ask in the first place.

24 MS BLACKWELL: Yes.

25 **A. That may have changed again so that is the terminology**

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1 **that was being used the last time I spoke to them about**

2 **it.**

3 MS BLACKWELL: Yes.

4 **A. They will have people within one of the serious crime**

5 **directorates who carry guns, who investigate and who**

6 **provide a command function.**

7 Q. Yes.

8 **A. In some respects, that could be of a benefit, because**

9 **SIOs understand the TFCs' world and the SFC's world and**

10 **vice versa.**

11 Q. Yes.

12 **A. I think the absolute key then is that people have the**

13 **discipline to make sure that they understand completely**

14 **what their role and responsibilities are, at a given**

15 **time in a given operation. I think that is something**

16 **that they have to constantly keep an eye on for obvious**

17 **reasons, but I don't think anybody disagrees on that**

18 **fundamental principle that the two should be separated.**

19 THE CHAIRMAN: Can you help me in relation to this.

20 We have heard in the course of this inquiry that

21 because Operation Ankaa was different from Operation

22 Utara, there was nothing wrong in principle with

23 somebody who had been the SIO in one being the TFC in

24 another, and presumably vice versa. Is that a bit

25 artificial?

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1 **A. Without understanding the detail and how that**

2 **manifested, sir, it is hard to say.**

3 **I could understand why you might --**

4 THE CHAIRMAN: I am not expressing a view and in fact it is

5 the first time, on the last day that we are hearing

6 evidence, that this query, I think, has been raised.

7 MS BLACKWELL: I am not sure, in fact, sir, that your

8 recollection of the evidence is correct.

9 THE CHAIRMAN: Well, put me right.

10 MS BLACKWELL: In terms of the roles that were held in

11 Operation Utara, they were mirrored by the officers'

12 roles in Operation Ankaa, so the SIO's role moved from

13 Operation Utara to Operation Ankaa and vice versa.

14 THE CHAIRMAN: So I have it wrong?

15 MS BLACKWELL: I think you have, I am afraid.

16 THE CHAIRMAN: That is all right. No, I am delighted.

17 It is my fault, sorry.

18 **A. It might assist, there has been a recent change in this**

19 **regard in respect of the APP, so the APP used to stop at**

20 **the roles must be separated. There is now an additional**

21 **paragraph in the APP, as a result of the latest review,**

22 **which talks about how that might happen in protracted**

23 **investigations, and so you may have an investigation**

24 **that runs for months or potentially years in**

25 **a directorate with a finite number of resources, it may**

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1 be that somebody who has previously been involved in the  
 2 investigation but is not any longer is then given  
 3 a firearms command role and vice versa. I think it is  
 4 only right that the APP recognises the need for that  
 5 flexibility, whilst holding firm on the fundamental  
 6 principle that there needs to be separation.  
 7 I think then the challenge for the MPS is to  
 8 document, describe, convince whoever needs to be  
 9 convinced, that that separation exists from start to  
 10 finish.  
 11 MS BLACKWELL: It is acknowledged that in an organisation  
 12 such as the Met, and perhaps they are unique in that  
 13 regard, there may well be over the course of time a need  
 14 for an officer who has carried out an investigative role  
 15 to then become a firearms commander on a connected  
 16 operation, but what is important is the need to have  
 17 a separation and to document and to be able to, as you  
 18 have just described, evidence that?  
 19 A. Absolutely.  
 20 The recommendation initially was about somebody  
 21 doing those two things at exactly the same time.  
 22 Q. Yes.  
 23 A. Because you then risk losing the objectivity, because  
 24 you have that one person making decisions on evidential  
 25 sufficiency, for want of a better phrase, and public and

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1 That was reviewed in 2012, because the feedback that  
 2 we were getting was it was more of a training manual  
 3 than a command log and the guidance was too prescriptive  
 4 and people wanted a little bit more freedom of  
 5 expression et cetera within the log.  
 6 Q. Flexibility, yes. Yes.  
 7 A. The 2012 log changed some of that, and that is the one  
 8 that we still have now.  
 9 When that log was introduced, the idea was that  
 10 forces would all adopt it and so we would have  
 11 a standard way of documents things, which fell in line  
 12 and articulated somebody's application of the NDM and  
 13 all of the considerations that related to that. It made  
 14 the independent investigator's job easier because they  
 15 knew what they were looking at, there was a template  
 16 they knew where to go for things.  
 17 In terms of the training which I have heard talked  
 18 about, the training course, the national curriculum for  
 19 the training course, doesn't include a session on how to  
 20 fill this log in. That said, they do fill logs in  
 21 during the course because that is how they practise and  
 22 articulate and those logs are reviewed so that they can  
 23 be given feedback on the depth and amount of detail that  
 24 they include at each stage.  
 25 Of course, the log follows the national decision

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1 other risks, and I think one person trying to decide on  
 2 those two things, things become quite conflated and  
 3 maybe objectivity goes missing.  
 4 Q. Thank you.  
 5 Can you now tell us about the work that is underway  
 6 in relation to the command logs.  
 7 First of all, explain to us what a command log  
 8 covers, is it planning and deployment?  
 9 A. Okay. It can be both, sir, and that is probably not  
 10 a helpful way to start.  
 11 The concept of national standards, common national  
 12 standards for command logs, was introduced in 2008.  
 13 Again as a recommendation, I think it was the Stockwell  
 14 review, and in the first instance the precursor of the  
 15 College produced national standards for command logs.  
 16 From that point onwards, things have evolved. In  
 17 2010, the first national command logs were produced, not  
 18 by the College but by the national portfolio. I have  
 19 heard some discussion earlier on with Mr McKibbin about  
 20 what those logs include and don't include.  
 21 That first fleshed-out version of a command log in  
 22 2010 included a guidance booklet on how to fill it in,  
 23 which was probably longer than the command log itself.  
 24 It included a series of aide-memoires, pictures,  
 25 diagrams within the log.

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1 model, which is the core of the course, and so each  
 2 element of that log is explained in detail on the  
 3 course, so they get their understanding as to how to  
 4 fill it in basically from the training that they are  
 5 given in relation to the NDM.  
 6 There has been some feedback and, again, it was  
 7 recognised during the Anthony Grainger public inquiry  
 8 that the log didn't suit everybody. Personally I don't  
 9 think we will ever reach a log that suits everybody  
 10 around the country, for the reason I explained earlier.  
 11 But the current review, which is again being  
 12 undertaken by the national armed policing team, is for  
 13 an electronic version of the log, at the moment the  
 14 pilot is in CLIO, so CLIO is being used as the platform  
 15 for that electronic log and Mr McKibbin has explained  
 16 all of the issues in relation to that.  
 17 There is also a paper log, which is being developed  
 18 and is in the consultation stage at the moment which  
 19 will include a planning stage, it will include  
 20 fleshed-out multidimensional threat assessment and  
 21 tipping points and thresholds and some of the other  
 22 terms that you have probably heard over the last few  
 23 weeks.  
 24 So it will include all of those things.  
 25 In terms of when the log starts, that log will be

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1 a much better prompt to people to start writing things  
 2 in that single place from the point that they start to  
 3 have discussion about, you know, whether there will or  
 4 will not be a deployment of armed officers.  
 5 Q. Yes.  
 6 A. At the moment there is some potential to do that in the  
 7 log, but my experience is that a lot of commanders  
 8 will -- those early planning meetings will be in  
 9 a daybook, they will be minuted, recorded in the way  
 10 that they do that and then when they reach their final  
 11 articulation of the plan, the consideration of the  
 12 options, what they have decided on, what they have  
 13 decided to dispense with, and they come to the point  
 14 where they are going to present that plan to the SFC,  
 15 that is where the whole plan is documented. There will  
 16 be some preamble if you like that is in other places,  
 17 that can then be referenced in the log, but should still  
 18 be recorded and then the log starts in earnest at the  
 19 point that you present that plan to the SFC, if that  
 20 makes sense.  
 21 Q. How does what you have just described sit with what the  
 22 inquiry has heard about the FA forms, within the Met  
 23 Police?  
 24 A. **Right. The FA forms are a Met-specific form.**  
 25 Q. Yes.

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1 a county on the other side.  
 2 A. **The layers of the onion, yes.**  
 3 THE CHAIRMAN: Then it is not compatible with that?  
 4 A. **No.**  
 5 THE CHAIRMAN: It is compatible with somebody, but not  
 6 compatible --  
 7 A. **Just to qualify that, the FA forms are a Met way of**  
 8 **doing things, but within the FA forms, as I have said,**  
 9 **they have compartmentalised the national log. If you**  
 10 **look at the operational log, it is the national log. If**  
 11 **you look at the way they articulate threat and risk**  
 12 **assessment, options considered, all of that, that is all**  
 13 **national log. So you wouldn't see the difference**  
 14 **between the two, it is just that they are in distinct**  
 15 **sections and the way the MPS do that is to provide the**  
 16 **methodology and the structure by which they apply for**  
 17 **authority, grant authority for an armed deployment and**  
 18 **then actually manage and control the operation once it**  
 19 **is authorised or approved.**  
 20 MS BLACKWELL: You touched upon a moment ago the stage at  
 21 which you envisaged the command log being completed and  
 22 that is the stage at which the TFC will present his or  
 23 her plan to the SFC.  
 24 A. **Yes.**  
 25 Q. In terms of the tactical adviser, what do you say in

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1 A. There is a national command log, which starts on page 1  
 2 and runs to the end. The MPS have compartmentalised  
 3 that to work with the process that they have, so the FA1  
 4 is about almost like the business case for an armed  
 5 deployment, "This is the information and intelligence  
 6 that we have got".  
 7 In the national log, that sits within the log and  
 8 there will be intelligence providers that don't fill out  
 9 an FA1, but they do it in some other way that suits the  
 10 force.  
 11 The Met is not unique in its approach, but the FA  
 12 forms are Met-specific forms.  
 13 Q. Yes.  
 14 A. Having said that, they have been adopted I think by some  
 15 of the home counties, because it makes it easier to  
 16 converse with one another because there is that level of  
 17 cross-boundary activity and interaction that it made it  
 18 easier for everybody to understand how everybody else  
 19 did business.  
 20 It has spread out into the home counties, for want  
 21 of a better phrase, but the FA1 to FA5 is not a national  
 22 approach.  
 23 THE CHAIRMAN: The problem about that is if that you have  
 24 a home county which has a system which is compatible  
 25 with the Met, and that home county has to deal with

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1 terms of whether it is possible to provide definitive  
 2 pros and cons of a tactic and the tactical adviser's  
 3 responsibility to provide advice in light of the  
 4 specifics of a situation, including implications and the  
 5 likelihood of success of achieving a strategy and the  
 6 stage at which that comes into play?  
 7 A. **Okay, historically tactical advisers worked on pros and**  
 8 **cons. That wasn't particularly helpful, because those**  
 9 **pros and cons -- when a tactical adviser is advising**  
 10 **a TFC at the very early stages of what is feasible, what**  
 11 **is available, what is viable, it is largely theoretic,**  
 12 **they have not seen the ground, they don't understand the**  
 13 **geography, the topography, all of the other elements**  
 14 **that would bring that tactical advice to life. So they**  
 15 **will consider lots of things, those pros and cons may**  
 16 **change drastically in the environment that that tactic**  
 17 **is then going to be implemented, and so pros and cons**  
 18 **are not particularly helpful.**  
 19 **We have removed that language and we now talk about**  
 20 **the viability, achievability, we absolutely talk about**  
 21 **all of the options being tested against the strategic**  
 22 **objectives, the threat assessment, the working strategy,**  
 23 **to ensure that they will achieve all or which elements**  
 24 **of the threat assessment they will mitigate risk in, how**  
 25 **they will achieve the working strategy and in which**

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1 order. So the articulation from the tactical adviser is  
 2 about the implications, the potential implications, some  
 3 of the considerations, and then some advice on which of  
 4 the options that are being provided are viable,  
 5 achievable, the resources are available to do them, and  
 6 they will, in which order and to what extent achieve the  
 7 working strategy that has been developed by the TFC.  
 8 Q. Right.  
 9 Would you expect that to be included in what you  
 10 describe as the command log at the stage at which the  
 11 TFC takes it to the SFC?  
 12 A. That will depend to some extent on how much the TFC  
 13 decides to write in that log.  
 14 I think there is an acceptance that the tactical  
 15 adviser will document all of that information in their  
 16 advice log, because they have to show their workings  
 17 out.  
 18 Q. Yes.  
 19 A. How many of that a TFC takes to the SFC, and how much  
 20 detail the SFC needs in terms of those deliberations is  
 21 very much an individual decision. Some options, having  
 22 considered them ... at least considered them and maybe  
 23 for some time, just will not be viable anymore and there  
 24 is not much point in telling the SFC about them because  
 25 they are not viable.

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1 emotionally or mentally distressed, it may be  
 2 advantageous to approach them quickly and as covertly as  
 3 possible.  
 4 Do you stand by that view?  
 5 A. I do, yes.  
 6 I think there are times when time and space are  
 7 absolutely appropriate and particularly where somebody  
 8 is emotionally or mentally distressed that might  
 9 provide, as has already been described, a potential for  
 10 things to deescalate for them to reflect, for effects of  
 11 whatever -- if it is drink or drugs, potentially, that  
 12 could wear off.  
 13 I think there are other times when it is less risky  
 14 and obviously the outcome will often affect -- hindsight  
 15 will often affect what is less risky and what is not.  
 16 I think there are times when it is theoretically less  
 17 risky to remove somebody's choices, so a number of  
 18 subjects sitting in a car, given time and space, if we  
 19 bring peer pressure into that, the ability to discuss,  
 20 the ability to plan, the ability to hypothesis on how  
 21 they might escape, what they might do, I think that  
 22 could cause more challenges to the armed operation than  
 23 straight in quick control, quick containment, take away  
 24 somebody's choices, clear direction and then it is for  
 25 the subjects then to comply with those instructions.

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1 Q. They are redundant?  
 2 A. Yes.  
 3 Q. In terms of the use of contain or containment and call  
 4 out and the relative benefits and drawbacks of using it  
 5 from your point of view. Using as an example the  
 6 deployment which has been the subject of this inquiry,  
 7 are you able to explain to the inquiry, please, what  
 8 your view is of those benefits and drawbacks?  
 9 A. Okay, so just accepting that this is based on limited  
 10 understanding, I have seen some pictures of the scene,  
 11 I have seen what is potentially achievable, I have seen  
 12 what some of the implications of that environment would  
 13 be on either of those tactics.  
 14 I am firmly of the view that the tactic of  
 15 extraction, closing the vehicle down and extracting the  
 16 occupants in the way that has been described by other  
 17 witnesses, was the best option in that environment on  
 18 that day with those subjects to achieve the working  
 19 strategy with safety of the public being at the top of  
 20 that working strategy.  
 21 Q. All right.  
 22 I would just like to take you to one comment that  
 23 you make in your report, in terms of your view that it  
 24 is widely acknowledged that where there is no or no  
 25 intelligence to suggest that a subject or subjects are

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1 Yes, I was just -- for all of those reasons, I think  
 2 absolutely I stand by that, in most circumstances,  
 3 removing those choices where EMD issues are not  
 4 an issue, then it achieves the compliance and the quick  
 5 arrest and the safest arrest that you could achieve.  
 6 Q. You will have heard Mr McKibbin tell the inquiry that  
 7 the MPS do not have a predisposition for extraction but  
 8 what is important is that each possible tactic, each  
 9 possible detail of what could be used to achieve the  
 10 desired result is considered at as early a stage as  
 11 possible, and that there is a dynamic acceptance that  
 12 a situation may evolve and that there has to be  
 13 flexibility within the planning in order to accommodate  
 14 any change.  
 15 A. Absolutely.  
 16 If at the planning stage those planners had known  
 17 exactly where the vehicle had ended up, they could have  
 18 planned for that eventuality.  
 19 Q. Yes.  
 20 A. If that vehicle had been parked in a country lane or on  
 21 a farm somewhere, then a containment and call out might  
 22 have been absolutely appropriate, because you can  
 23 exclude members of the public, you can give people time  
 24 and space, you remove the close proximity of subjects  
 25 and police, it may well be appropriate to do that. If

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1 you could do it safely, you can contain the occupants so  
 2 it doesn't become, for want of a better phrase, a foot  
 3 chase, which police officers and body armour and lots of  
 4 kit will probably lose and you then lose your subjects  
 5 and when their identity is not known, that is a problem.  
 6 There may be times when the same subjects and  
 7 a vehicle would lend itself to containment and call out  
 8 and that would be a safer option. Those things have to  
 9 be kept under review.  
 10 Q. At what stage or up to what stage is it appropriate for  
 11 there to be an alteration to the plan, and can that  
 12 alteration be made by the OFC?  
 13 A. There is a degree of flexibility with the OFC. When you  
 14 talk about the sort of -- where you cross the line  
 15 between, "We left the cars with this plan, this is still  
 16 the plan", I think that is a very fine line and I think  
 17 the confusion that, you know, once all of those officers  
 18 involved in that deployment have left their vehicles  
 19 with a mindset that this is what we are going to go and  
 20 do, to try and communicate people coming at a car from  
 21 different angles that the plan has changed in very quick  
 22 time I think would cause chaos, to be frank.  
 23 I think it would be extremely unhelpful and would  
 24 likely risk increased risk to everybody involved.  
 25 There is a point of no return, I think.

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1 so I think that has to be factored in.  
 2 The Home Office Scientific Development Branch, the  
 3 forerunner of CAST and now DSTL, produced a guidance  
 4 document for the police service in 2001, which included  
 5 optical sights, lasers and to some extent torches. No  
 6 mention of strobes in 2001. So whether strobes were on  
 7 the radar of the Home Office at that point or not,  
 8 I don't know, but that document would suggest that maybe  
 9 they weren't.  
 10 The 2003 Code of Practice makes no reference to  
 11 strobes or any other ancillary piece of equipment, it  
 12 talks about weapons requiring specialist authorisation.  
 13 I think over time the evidence suggests that the 2003  
 14 code was misinterpreted quite extensively by forces in  
 15 terms of what needed to be evaluated and what didn't, so  
 16 I think that has led to some of the position that the  
 17 MPS found themselves in in 2015. Strobes were not  
 18 mentioned in the ACPO manual, which provided examples,  
 19 there was a link between the ACPO manual, which is now  
 20 APP, and the code. So the absence of strobes in all of  
 21 those documents, partly because they were not a common  
 22 thing anyway, but partly because they just hadn't been  
 23 included, probably led most forces at that time, I would  
 24 think, and I have said in my statement, I would think  
 25 most forces if they are asked that question, wouldn't

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1 Where the vehicle is moving, and intelligence is  
 2 still developing, then I think that changes, so the  
 3 point I made earlier if the position in which the  
 4 vehicle stops is for the police to choose, then the OFC  
 5 might decide we have managed to stop the car with  
 6 a backdrop away from the public, we can maybe change  
 7 that, and they would discuss that.  
 8 I don't think they would be discussing that as they  
 9 alighted the vehicles, I think they would be doing that  
 10 in the run up. There is a degree of flexibility on the  
 11 OFC, based on what is proportionate at the time but  
 12 there is a point beyond which you cannot change that  
 13 plan, because everybody is committed to it.  
 14 Q. Thank you.  
 15 Finally, I would like to ask you about the new Code  
 16 of Practice and how it applies to strobe.  
 17 A. Okay.  
 18 The 2003 code didn't define less-lethal weapons or  
 19 specialist munitions, the definition for those two  
 20 things was not in the code. I have reflected on  
 21 strobes, as you can imagine, over the last few weeks,  
 22 and at one stage the jury was out for me but I will  
 23 explain exactly how I think we have ended up with the  
 24 MPS introducing a strobe and I think picking up on what  
 25 Mr McKibbin said, the device wasn't bought for a strobe,

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1 have considered strobes to be within scope, pardon the  
 2 pun, for the Code of Practice.  
 3 I think what has changed with the 2020 code, and why  
 4 that would not be the case now, in many respects it  
 5 hinges on the medical implications, so a torch and  
 6 a laser attached to a firearm. My personal view, that  
 7 is not a weapons system. There is guidance issued by  
 8 CAST in respect of fitting things to guns, so optical  
 9 sights, torches et cetera would be one of those. They  
 10 don't evaluate those. The Home Office central body  
 11 don't evaluate those things, but they do suggest that  
 12 they may alter the balance, the functionality, the  
 13 handling of the weapon itself, and so those things need  
 14 to be evaluated.  
 15 They are evaluated by the force in introducing those  
 16 things.  
 17 I think what changes with a strobe, if it is used  
 18 (a) as a distraction, the word "distraction"  
 19 automatically flags up the fact that distractions are  
 20 included in the code, because it is now defined within  
 21 specialist munitions.  
 22 I think the medical implications which are at the  
 23 heart actually of the code and the reason for  
 24 evaluation, it is to make sure that the police service  
 25 do not introduce things which cause or are likely to

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1 cause any more harm than they are designed to cause or  
 2 there is that potential. I have heard the fact that the  
 3 strobes that the MPS had available to them either do or  
 4 don't cause -- or might trigger photo-sensitive  
 5 epilepsy. I have read the instruction manual and it  
 6 says in the instruction manual that they could, so  
 7 I think that in its own right would create a need for  
 8 anybody introducing that device to a weapon, not because  
 9 of the handling of the weapon, but because of the  
 10 device, to have that medically evaluated to make sure  
 11 that it didn't create implications that we weren't  
 12 completely aware of, the NPCC were not completely aware  
 13 of and hadn't balanced the risks for. I think that is  
 14 the difference, that is the fundamental difference,  
 15 between the code now and then.

16 It is now well and truly understood that things that  
 17 are introduced to the police service that do not exist  
 18 before need to be considered and evaluated and the code  
 19 quite clearly says, "If there is any doubt, speak to the  
 20 NPCC lead, the relevant one for armed policing or  
 21 less-lethal weapons and take that advice from them and  
 22 the Home Office and DSTL.

23 Q. Has your view on that issue altered during the course of  
 24 this inquiry?

25 A. At the point that I became aware that there was

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1 sufficient detail to ensure that the intelligence known  
 2 at a particular time is appropriately responded to and  
 3 the commander can justify their decisions and actions."

4 Does that reflect your understanding of what was  
 5 expected in a command log in 2015?

6 A. Yes, it does.

7 I mean, as that says, there was no specific mandate  
 8 within the APP to include the planning phase as such.  
 9 It was alluded to, I think it was in the initial command  
 10 considerations, that at the point you start to consider  
 11 deploying armed officers, you should start creating  
 12 a record. That has been reinforced in the review of the  
 13 APP, which talks about the contemporaneous record from  
 14 the very first point that you start to consider the  
 15 deployment of armed officers.

16 As I explained earlier, I would expect some  
 17 documentation of what leads up to the creation of the  
 18 command log --

19 Q. Yes.

20 A. -- but there was no mandate within the APP that the  
 21 planning phase per se was fully documented.

22 Q. Yes. Okay, and does the ongoing work which you have  
 23 described this afternoon change that situation at all?

24 A. The current log, which is obviously in draft and is  
 25 still being consulted on, actually includes a section

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1 an assessment by the makers of that strobe that there  
 2 were medical implications, that is a game changer, for  
 3 the want of a better phrase, for me. If there are  
 4 medical implications they would need to be evaluated, by  
 5 who? By SACMILL, by the Home Office, but I think if you  
 6 are going to use a strobe, and it has that implication,  
 7 that medical implication, that has to be evaluated.

8 Q. Thank you.

9 I am being invited to take you to a document which  
 10 is at IPC641, please, Mr Coates.

11 It is the top email here, which is from you to  
 12 Liz Parsons from the IPCC, as was. It is in relation to  
 13 you setting out the level of detail expected in  
 14 a command log in 2015. We are just going to look at  
 15 this together:

16 "The log actually allows for the planning phase if  
 17 a commander wants to use it for that. There is no  
 18 mandatory requirement to record the planning stage as  
 19 such, as the conclusion of that phase will result in  
 20 a documented plan, including the required justification  
 21 for the plan, eg a proportionate plan considering the  
 22 intelligence, associated threat and risk and the  
 23 strategy that the plan seeks to achieve.

24 "Detail and style within a command log are often  
 25 personal to the commander, but obviously need to provide

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1 which says anything that you want to write down before  
 2 you start the log.

3 I mean that will be during the consultation phase,  
 4 that will be much more precise and much more defined,  
 5 but I think where that will end up is that the log  
 6 starts with the planning phase for the creation of the  
 7 tactical plan and everything that the SFC will then  
 8 approve or discuss or clarify or decide they don't want.

9 Q. Thank you.

10 I am also asked to clarify your answer in relation  
 11 to the changing of a tactic and the stage at which that  
 12 would be appropriate.

13 At state amber, can the OFC decide on a tactic or  
 14 does it have to be decided in advance by the TFC?

15 A. My expectation would be that at the point that state  
 16 amber is declared, the TFC says "state amber" and this  
 17 is the plan that is authorised, or the tactic that is  
 18 authorised properly, so, "State amber, containment and  
 19 call out", "State amber enforced stop and extraction",  
 20 because then there is absolute clarity as to what the  
 21 TFC wants to happen. It is based on the TFC's very  
 22 latest assessment of the intelligence and the threat  
 23 assessment that goes with it, the proportionality  
 24 considerations and achieving their strategy.

25 All of which may not have been fully articulated to

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<p>1 everybody else. There should not be any surprises in 2 that, because there should have been conversations 3 between the tactical adviser and the TFC, the TFC and 4 the OFC, so there will be some build up to this, so 5 everybody probably knows to some extent where we are 6 heading with our thinking, but at the point that amber 7 is declared, state amber, then I would expect a TFC to 8 articulate what the final tactic that has been 9 authorised is, very quickly.</p> <p>10 If, as I have explained earlier, at the point that 11 the OFC and those people that the OFC is commanding, 12 physically deploy, and for some reason something is 13 changed that means that containment and call out is no 14 longer appropriate because, you know, one of the 15 subjects has left the car and started firing a weapon or 16 running off. Then the OFC may well dynamically change 17 how that effect is achieved. Does that make sense?</p> <p>18 Q. What you are describing at the end of your answer is 19 an exception, rather than what you would expect?</p> <p>20 A. Yes.</p> <p>21 MS BLACKWELL: Sir, that concludes my questions. Do you 22 have any questions --</p> <p>23 THE CHAIRMAN: No, thank you.</p> <p>24 MS BLACKWELL: -- for Mr Nicholson?</p> <p>25 Thank you. May this witness be released then,</p> <p style="text-align: center;">Page 209</p>	<p>1 please?</p> <p>2 THE CHAIRMAN: Yes, thank you very much indeed.</p> <p>3 Thank you, Mr Nicholson.</p> <p>4 Housekeeping</p> <p>5 MS BLACKWELL: Sir, there are a number of statements that 6 are not yet read into the record, some of which have not 7 been disclosed, some of which have not even been 8 received, but we will circulate a list of those 9 documents.</p> <p>10 As you will be aware, most flow from questions which 11 have been raised during the course of the evidence over 12 the last few weeks. We propose to adduce these by 13 publishing them on the inquiry website, which means that 14 core participants are able to refer to them in their 15 closing submissions.</p> <p>16 THE CHAIRMAN: It seems to me that, apart from those few 17 loose ends, we have concluded within the time 18 anticipated the evidence, whether in open or closed 19 hearings, whether it be oral, written or gisted.</p> <p>20 I agree that all the loose ends are in the process 21 of being tied up. Perhaps the most notable of which, 22 I don't know, possibly relates to the circumstances of 23 W80's return to firearms duty, albeit in a training 24 capacity.</p> <p>25 MS BLACKWELL: Yes.</p> <p style="text-align: center;">Page 210</p>
<p>1 THE CHAIRMAN: As you rightly point out, we can deal with 2 those loose ends in one of two ways. Either we can 3 return on a time and date to be agreed, or we can treat 4 the statements which have yet to be prepared or 5 disclosed as evidence once uploaded to the website, upon 6 which, if counsel, if they are so minded, can make 7 submissions.</p> <p>8 I think it likely that there will be universal 9 preference for the second option, but if anybody wishes 10 to suggest that I have judged the mood of the inquiry 11 wrongly, let them feel free to say so.</p> <p>12 I am quite happy, obviously, for the second option 13 to be adopted, but I think that the right must be 14 reserved to reconvene to consider such evidence if 15 anything untoward arises.</p> <p>16 MS BLACKWELL: Of course.</p> <p>17 THE CHAIRMAN: Whilst I don't anticipate it, I don't think 18 we can assume that such a right will not be exercised by 19 somebody, even if that somebody is me.</p> <p>20 MS BLACKWELL: No.</p> <p>21 The mood has been judged by us to be precisely the 22 same as you expected, sir.</p> <p>23 THE CHAIRMAN: Yes, well that is not surprising.</p> <p>24 MS BLACKWELL: No, it does provide a neat way for us to 25 conclude proceedings at this stage and to invite you</p> <p style="text-align: center;">Page 211</p>	<p>1 then to adjourn until 6 September.</p> <p>2 THE CHAIRMAN: Yes.</p> <p>3 Can we just recap about the arrangements for the 4 provision of submissions ahead of 6 September?</p> <p>5 MS BLACKWELL: Yes.</p> <p>6 THE CHAIRMAN: What are the timetables?</p> <p>7 MS BLACKWELL: If you give me a moment, please, sir. 8 The inquiry legal team are going to provide legal 9 submissions, submissions on the law, by 23 August --</p> <p>10 THE CHAIRMAN: Yes.</p> <p>11 MS BLACKWELL: -- at 4.00 pm.</p> <p>12 Thereafter, written closing submissions must be 13 served by core participants by 10.00 am on Tuesday, 14 31 August, which is the Tuesday following the Bank 15 Holiday.</p> <p>16 THE CHAIRMAN: Yes.</p> <p>17 MS BLACKWELL: They must also confirm by 4.00 pm on Friday, 18 27 August whether they wish to make oral closing 19 submissions and oral closing submissions will be heard 20 on 6 September and 8 September and if necessary, 21 although this is not expected, on 9 September.</p> <p>22 THE CHAIRMAN: We have that week, with the exception of the 23 7th.</p> <p>24 MS BLACKWELL: We have.</p> <p>25 You may remember, sir, that on a previous occasion,</p> <p style="text-align: center;">Page 212</p>

53 (Pages 209 to 212)

1 the core participants were informed that they will be  
 2 limited to a maximum of two hours each in order to make  
 3 any oral submissions which they wish to make and there  
 4 is an order that has been provided as to how those  
 5 submissions will be received by you.  
 6 THE CHAIRMAN: Yes.  
 7 MS BLACKWELL: At the present time, counsel to the inquiry  
 8 doesn't intend to make closing submissions but may, if  
 9 necessary, make brief submissions to you on matters of  
 10 law as and when they arrive.  
 11 Closing submissions relating to closed evidence will  
 12 be submitted in writing by those who wish to make them.  
 13 THE CHAIRMAN: Thank you.  
 14 It follows from that that, given that the making of  
 15 oral submissions is an option, this may be the last  
 16 occasion upon which we are all together.  
 17 MS BLACKWELL: Yes, although, of course, even if a core  
 18 participant is not making oral submissions, they may  
 19 wish to be present to hear those of others.  
 20 THE CHAIRMAN: They may indeed.  
 21 I cater for the possibility that certainly some of  
 22 the professionals involved may, if they chose not to  
 23 make oral submissions, to absent themselves and leave  
 24 their interests in the hands of others.  
 25 In the event that that is the case, it is probably

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1 an appropriate time for me to express my huge thanks and  
 2 appreciation to everybody, those of you who I see again  
 3 I will probably thank again but, in case I don't see  
 4 everybody again, it is an opportunity for me to express  
 5 my thanks for the assistance and the contributions, and,  
 6 if I may say so, the spirit of cooperation and  
 7 assistance with which everybody concerned with the  
 8 presentation of material to this inquiry has conducted  
 9 themselves.  
 10 It is no secret that this has been a massive  
 11 learning curve for me and without that spirit of  
 12 assistance and cooperation my task hitherto would, I am  
 13 sure, have been much more difficult than it has been.  
 14 My task from now on is of a totally different  
 15 dimension.  
 16 I thank you all very much indeed.  
 17 MS BLACKWELL: Thank you, sir.  
 18 (4.18 pm)  
 19 (The Inquiry adjourned until Monday, 6 September 2021)  
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