

<p>1 Wednesday, 8 September 2021 2 (10.00 am) 3 THE CHAIRMAN: Good morning, everybody. 4 Mr Penny. 5 Closing submissions by MR PENNY 6 MR PENNY: Sir, may I say at the outset that we maintain the 7 essential submissions, (i) to (8), which are set out in 8 our written submissions of 31 August. The key feature 9 of which, at (ii), is that we submit that the evidence 10 demonstrates that on the morning of 11 December officer 11 W80 fired one round from his firearm because he 12 genuinely and honestly believed that there was 13 an imminent threat to his life and to the life of his 14 colleagues. 15 In addition, in light of the submissions which have 16 now been made, we invite the inquiry to consider with 17 care the following evidence, which, if you will forgive 18 me at this stage, I am simply going to list before 19 making submissions about each of them later this 20 morning. 21 First of all, the witness statement and the evidence 22 of S111, in particular in relation to the conversation 23 that he had with W80 in the immediate aftermath of the 24 shooting. 25 Second, the witness statements and the evidence of</p> <p style="text-align: center;">Page 1</p>	<p>1 R116, in particular in connection with the location of 2 the man bag on the chest of Jermaine Baker, both whilst 3 he was seated in the passenger seat of the Audi, and 4 when he was removed from the car during the 5 resuscitative efforts which ensued. 6 Also, as far as R116 is concerned, in relation to 7 his ability to recall the state of the strap of the man 8 bag or what had been done to it during those moments. 9 Thirdly, the content of the transcript prepared by 10 Alan French, labelled AF5, which was shown to W80 during 11 his examination. That document is at IPC362. 12 Fourthly, the content of the comparison document 13 prepared by Mr Barry during the course of his work. 14 That document is at INQ00034. 15 Fifthly, page 60 of the report of Mr Brown. That is 16 at INQ39, page 60, the content of which he affirmed when 17 he gave evidence to the inquiry. 18 Lastly, the content of the article "Critical 19 decision making by police firearms officers", which is 20 referenced in Mr Burrows CV and about which he was asked 21 when he gave evidence. That document is at INQ48. 22 Sir, other documentary evidence, upon which we rely, 23 has been identified in our closing submissions. 24 May I come first then, sir, to the question which 25 you posed at the conclusion of proceedings on Monday</p> <p style="text-align: center;">Page 2</p>
<p>1 evening. 2 THE CHAIRMAN: Thank you. 3 MR PENNY: We understood that in terms of the wording of the 4 question that you posed to relate to the submissions 5 which have been made by Ms Kaufmann towards the end of 6 her submissions, about inviting you to make a finding 7 about objective reasonableness -- objective 8 reasonableness -- in the circumstances. Plainly, of 9 course, the standard being different so far as the 10 criminal law test is concerned. 11 May I say generally on that issue we would invite 12 you to consider the approach of the Anthony Grainger 13 Inquiry to the same issue, noting the nature of the 14 similarities of the task which His Honour Judge Teague 15 was asked to perform in that case. 16 We also submit that the chronology of the key 17 authorities in this area is important because, as you 18 know, the consequence of those authorities was as 19 follows: Duggan in the divisional court was on 20 14 October 2014; the decision in Da Silva in the Grand 21 Chamber of the European Court of Human Rights was given 22 on 30 March 2016; the decision of the Court of Appeal in 23 Duggan then ensued on 29 March 2017; and, finally, the 24 report into the death of Anthony Grainger was published 25 in July 2019.</p> <p style="text-align: center;">Page 3</p>	<p>1 We would invite you to consider, and we know you 2 already will have, paragraphs 6.1 to 6.20 and the 3 approach of His Honour Judge Teague to his factual 4 findings in relation to the officer in that case, Q9, at 5 6.123. Noting in passing that the findings of the 6 factual nature which His Honour Judge Teague was able to 7 make in that inquiry were of a very detailed nature 8 indeed, were able to incorporate significant comment and 9 nonetheless were fashioned in terms of the criminal law 10 test of subjective reasonableness. 11 It is apparent that the issues which are being urged 12 upon you in the submissions made to you on behalf of the 13 family were also made in Grainger. That would appear to 14 be the case from paragraph 6.13, where His Honour Judge 15 Teague makes reference to the submissions which he had 16 heard. 17 We submit that perhaps the best approach to what you 18 are being asked to do here is to examine the reasoning 19 in the authorities as to why similar requests have been 20 rejected in the past, because similar requests have been 21 made and similar arguments have been run in a number of 22 cases. The arguments and the justification that you 23 have been presented with about the investigative purpose 24 of Article 2 and the lesson learning function of 25 an inquiry are essentially the very same arguments which</p> <p style="text-align: center;">Page 4</p>

1 (Pages 1 to 4)

<p>1 have been rejected by the courts both domestically and 2 in Strasbourg.</p> <p>3 As you know, the coronial jurisdiction does have 4 a very important prevention of future death function, 5 but that is exercised and has to be exercised in these 6 circumstances without recourse to answering directly the 7 sort of precise interrogatories which you are invited to 8 answer here.</p> <p>9 As to the entitlement of the inquiry to make such 10 findings, well, sir, there are six points we make.</p> <p>11 Firstly, although this is a public inquiry, you are 12 essentially, in connection with the circumstances of 13 this death, fulfilling the function of an inquest. So 14 much is apparent from the terms of reference purpose, 15 paragraph (b), because you are asked to determine how, 16 when, where and in what circumstances, namely the four 17 coronial questions.</p> <p>18 We invite you to consider the submissions which are 19 made so far as that task is concerned at paragraph 26 by 20 counsel to the inquiry in relation to the guidance from 21 the chief coroner, that straying from the list will 22 usually be unwise in an inquest. We further adopt the 23 submissions made about the prohibition contained in 24 section 2 of the 2005 Act which have been made by 25 Mr Butt Queen's Counsel.</p> <p style="text-align: center;">Page 5</p>	<p>1 As we will see, the relevance of this is a matter 2 which was explicitly addressed by Sir Brian Leveson in 3 Duggan in the divisional court --</p> <p>4 THE CHAIRMAN: Paragraph 26 of what?</p> <p>5 MR PENNY: Paragraph 26 of your counsel's submissions, in 6 which your counsel have set out the guidance contained 7 in the chief coroner's note.</p> <p>8 THE CHAIRMAN: Yes, thank you.</p> <p>9 MR PENNY: Simply referring to some guidance from the chief 10 coroner about short form verdicts.</p> <p>11 THE CHAIRMAN: Sorry to interrupt you.</p> <p>12 MR PENNY: The relevance of section 2 of the 2005 Act, which 13 contains the prohibition on the determination of 14 questions of civil or criminal liability, was explicitly 15 addressed in the reasoning in Duggan by 16 Sir Brian Leveson when considering the submissions which 17 were being made in that case.</p> <p>18 Secondly, we submit that the relevant test for 19 an inquest is clear and is not disputed. We invite you 20 to consider the nature of the observations of the Court 21 of Appeal in Duggan at paragraphs 93 to 97.</p> <p>22 Those have already been set out, sir, in our 23 supplementary written submissions and indeed reference 24 is made to them in the submissions of counsel to the 25 inquiry in connection with the appropriate test for self</p> <p style="text-align: center;">Page 6</p>
<p>1 defence.</p> <p>2 Thirdly, the suggestion which you have heard that 3 you need to do so in part fulfilling the requirements of 4 Article 2 or Article 2's purpose, as I think it was put 5 on Monday, is erroneous. The authorities could not be 6 clearer in explaining that the nature of the state's 7 investigative obligation is rooted in the criminal law 8 and not with the standards which are used to settle 9 private disputes, as it was described by the Master of 10 the Rolls at paragraph 95 in Duggan.</p> <p>11 See also the discussion of that issue of 12 Sir Brian Leveson in the divisional court between 13 paragraphs 79 and 81 of the judgment of the divisional 14 court.</p> <p>15 Fourthly, we also invite you to consider the 16 detailed treatment of the way in which the domestic law 17 of self defence has historically been analysed by the 18 Strasbourg court. This was mapped out by 19 Sir Brian Leveson between paragraphs 56 to 65 of the 20 divisional court judgment. We would invite you to 21 consider the discussion between paragraphs 66 and 69 in 22 connection with the submissions which were then being 23 made in Duggan in the divisional court.</p> <p>24 At paragraph 6, 69, Sir Brian said: 25 "Aligning a conclusion of lawful killing with the</p> <p style="text-align: center;">Page 7</p>	<p>1 civil definition would result in the inquisition 2 appearing to determine civil liability. That is 3 prohibited by the relevant provision of the 2009 Act."</p> <p>4 He then went on: 5 "However, the objection goes deeper ..."</p> <p>6 At paragraph 71 he said: 7 "Furthermore, it would to our minds be quite 8 extraordinary for parliament to have intended that in 9 a single inquest, where questions of unlawful and lawful 10 killing very frequently arise in tandem, the jury should 11 be given two different definitions of what would appear 12 at first blush to be two sides of the same coin. It 13 would be a recipe for confusion in the jury and 14 mystification in any section of the public interested in 15 its outcome."</p> <p>16 The inquiry may wish to consider whether the same or 17 perhaps similar considerations would arise if this 18 report addressed the additional and different question 19 in the terms which are suggested.</p> <p>20 Fifthly, as I have said, we invite you to consider 21 the observations and the approach of His Honour Judge 22 Teague in Grainger, an inquiry performing a very similar 23 role, at paragraphs 6.12 to 6.13. Here, nothing is 24 different. It also seems from the terms of 6.13, as 25 I have said, that similar submissions were made to His</p> <p style="text-align: center;">Page 8</p>

2 (Pages 5 to 8)

<p>1 Honour Judge Teague as are here being made to you. When 2 he came to deal with his factual conclusions, His Honour 3 Judge Teague approached the matter thus. This, sir, is 4 at 6.123: 5 "In considering the actions of Q9 I have done my 6 utmost to judge them by reference to the circumstances 7 as I find that he perceived them to be, not as I, with 8 all the advantages of hindsight, now know them to be." 9 As I have already submitted, what then followed was 10 a series of very detailed factual findings about the 11 evidence in that inquiry and indeed the circumstances of 12 the shooting. We would urge you to adopt the same 13 detailed approach without running the risk of confusing 14 the clarity of those findings by seeking to answer 15 questions which do not arise as legally relevant for the 16 purposes of these proceedings. 17 The narrative of your findings about the events may 18 be as detailed as you wish, and you are of course 19 entitled to comment upon evidence you have heard, but we 20 submit that in doing so the application of a legally 21 inappropriate test, by answering the questions as 22 formulated, would not be helpful. 23 Sixthly, and lastly on this point, as you know, the 24 misconduct proceedings concerning W80 are still extant. 25 You are aware that an associated point or at least</p> <p style="text-align: center;">Page 9</p>	<p>1 an aspect of it, concerned with the appropriate test to 2 be applied in those proceedings, is currently being 3 litigated. That matter remains unresolved and you will 4 have noted also the submissions of the IOPC as to the 5 desirability of any findings not appearing to determine 6 questions of whether an officer has breached the 7 standards of professional behaviour. This is important, 8 because it was notable that in her submissions on Monday 9 Ms Kaufmann made reference to the code of ethics. As 10 you will know, the correct construction of which is the 11 issue before the Court of Appeal, or was the issue 12 before the Court of Appeal. Ms Kaufmann also made 13 mention and drew reference to the law of negligence. 14 In connection with this request, it was also notable 15 that Ms Kaufmann submitted this on Monday, initially: 16 "This is not something that is required by any of 17 the duties you have to discharge. It is not required 18 because you have a duty to consider unlawful killing. 19 It is not required because you have a duty to consider 20 either the facts or a finding in relation to Article 2." 21 My learned friend then went on to say: 22 "Why would it be valuable to do so, apart from the 23 fact that it forms part of all of the circumstances? 24 That is this, that Article 2 exists in its investigative 25 form, the obligation to conduct an investigation</p> <p style="text-align: center;">Page 10</p>
<p>1 following the death of an individual, precisely ... not 2 only should any wrongdoing be suitably punished, but 3 also because it provides a mechanism to learn lessons 4 and prevent future fatalities." 5 We note that this was not the way the matter had 6 been put in written submissions. See, for example, 7 paragraph 331 of the family's written submissions, where 8 the suggestion was pursued that these determinations 9 were required in order that a conclusion can be given 10 whether Jermaine Baker was unlawfully killed, or are 11 part of all the circumstances that bear upon the 12 shooting. 13 There are two observations to make about these 14 submissions. 15 First, it is clear that Article 2 does not require 16 it, see the submissions which we have made already and 17 the rationale for Article 2 investigatives, procedural 18 obligation being rooted in the criminal law. See the 19 discussion of the nature of the Article 2 procedural 20 requirement in both decisions in Duggan and elsewhere. 21 Second, and this really I suppose is the nub of it, 22 sir, as elsewhere, in your report, whether it is in due 23 course in connection with intelligence handling, the 24 running of a central operations room, the recording of 25 briefings, any lessons which you consider may be learnt</p> <p style="text-align: center;">Page 11</p>	<p>1 for the future arising from the circumstances of the 2 shooting, can just as readily be addressed and 3 identified by reference to your detailed findings in the 4 factual narrative without providing a direct response to 5 the questions which, as Ms Kaufmann implicitly 6 acknowledges, engage the territory of civil liability 7 and the extant misconduct proceedings. 8 Those, sir, are our submissions on this issue. 9 THE CHAIRMAN: Thank you. 10 MR PENNY: May I raise one further matter, in connection 11 with the submissions which have been made by the family, 12 it appears in connection with this issue. This 13 submission is made at paragraph 328 of the family's 14 submissions, and it was repeated by Ms Kaufmann on 15 Monday, namely this. The question whether his use of 16 force in this scenario was reasonable must be judged by 17 reference to the standards of the reasonably competent 18 CTSFO. It wasn't clear, at least to me, whether that 19 was a reference to a civil law test for negligence or 20 whether it was intended to be a representation of the 21 proposition for which the case of ex parte Bennett 22 stands. Bennett is referred to in your counsel's 23 submissions at paragraph 29(g). 24 In any event, sir, it is submitted that in respect 25 of the proposition which your counsel summarises at</p> <p style="text-align: center;">Page 12</p>

3 (Pages 9 to 12)

<p>1 29(g) in the submissions of CTI there may be merit in 2 considering the actual terms of the judgment of 3 Lord Justice Waller in paragraph 15 of Bennett and the 4 context in which the issue arose. 5 We submit from that decision one thing is clear. 6 This passage does not import an objective standard, such 7 as is used in the law of negligence, into the test for 8 self defence. 9 I wonder if we could possibly just have the judgment 10 from Bennett up on the screen, please, it is tab 15, and 11 I am looking -- no -- I understand that you have hard 12 copies of Bennett. Would you mind if I just take you to 13 this paragraph. 14 THE CHAIRMAN: With pleasure. Just a moment. 15 Tab 15. 16 MR PENNY: Yes, it is 15, and this of course was 2007, in 17 connection with the shooting of Derek Bennett. 18 Paragraph 15. 19 As you will see from the context at paragraph 14, 20 there were submissions being made again about the scope 21 of Article 2. The submission is summarised in the last 22 sentence of paragraph 14, which was being made. The 23 submission was: 24 "... because the ACPO manual current at the time and 25 training given to police officers used the language</p> <p style="text-align: center;">Page 13</p>	<p>1 'absolutely necessary', it was a misdirection not to 2 direct the jury to consider whether officer A's claim to 3 have acted in self defence was reasonable in light of 4 the requirement continually to reassess whether it was 5 absolutely necessary to fire." 6 What the court said was this: 7 "This argument is not in reality an Article 2 8 argument at all. It is not because Article 2 uses the 9 language 'absolutely necessary' that there might be some 10 requirement to draw the jury's attention to what is 11 stated in the ACPO manual. If the standard direction 12 relating to self defence complies with Article 2, as it 13 does [I pause to note that is the ruling of the East 14 Grand Chamber of the ECHR still in Da Silva] Article 2 15 cannot at the same time require a different use of 16 language. However, as to whether a police officer 17 honestly believed the particular stated facts and as to 18 whether he acted reasonably by reference to the facts as 19 he honestly believed them to be, the fact that the 20 officer was trained and understood the ACPO manual would 21 be material." 22 Which is no more than to say it would be admissible 23 evidence in the determination of that question. 24 As you will have read from the other authorities, 25 Bennett itself was the subject matter of an application</p> <p style="text-align: center;">Page 14</p>
<p>1 to the European Court of Human Rights, ultimately 2 declared inadmissible. Lord Justice Leveson discusses 3 that and the history of Bennett in his judgment in the 4 divisional court in Duggan. 5 We saw reference on Monday in the course of 6 Mr Butt's submissions to the decision in Bennett when we 7 looked at Sir Michael Wright's ruling in the de Menezes 8 case. That case was cited to you in connection with the 9 test for gross negligence manslaughter. But, of course, 10 the very same issues arose in that case as arise here. 11 I wonder if I can just take you to the passage in 12 the judgment in that case where Sir Michael dealt with 13 the test for self defence. It is tab 20, I believe, of 14 your bundle, and I hope you have that also, if I can 15 just take you -- 16 THE CHAIRMAN: Yes, I have. 17 MR PENNY: Thank you. 18 The relevant paragraphs I wanted to take you to, 19 please, are his paragraph 17. 20 THE CHAIRMAN: Yes. 21 MR PENNY: There is one particular observation contained in 22 his ruling which the inquiry may find of interest: 23 "There is agreement between all interested parties 24 as to what test I should apply in determining whether 25 the officers acted lawfully in defence of themselves and</p> <p style="text-align: center;">Page 15</p>	<p>1 others. The test has two limbs. First, did the officer 2 honestly and genuinely believe that it was necessary for 3 him to use force in defence of himself and/or others?" 4 THE CHAIRMAN: Does the word "genuinely" add anything? 5 MR PENNY: I suppose it -- 6 THE CHAIRMAN: I only ask that because it features -- it is 7 something that has grown, it used to be an honest belief 8 and then it became an honest and genuine belief. If it 9 is not a genuine belief, how can it be an honest belief? 10 MR PENNY: Quite, I suppose -- I don't know. I think you 11 are absolutely right in terms of the growth of it, in 12 terms of the authorities, because someone who is not 13 genuine is someone who is not acting honestly. 14 THE CHAIRMAN: It seems to have been tagged on, but I am not 15 sure whether it serves any purpose. 16 MR PENNY: No. 17 THE CHAIRMAN: It is way above my pay grade to make 18 decisions like that. 19 MR PENNY: I think the honest answer is I don't know either, 20 but -- 21 THE CHAIRMAN: If you don't, I am comforted. 22 MR PENNY: No, plainly this line of jurisprudence is all 23 concerned with mistaken in criminal law, conventionally, 24 and honest and genuine is trotted out, but, yes, I don't 25 think it does.</p> <p style="text-align: center;">Page 16</p>

<p>1 THE CHAIRMAN: Don't worry, I am not going to try and change 2 the law. 3 MR PENNY: No. 4 This is a question of subjective belief: 5 "Even if the belief was mistaken, and even if the 6 mistake was unreasonable, the defence can still run. 7 The reasonableness of the belief is only relevant in 8 helping the jury to decide whether the belief was 9 honestly held." 10 If you look at Lord Justice Leveson's analysis of 11 the way the matter developed in Europe, his analysis is 12 that the judgment of Lord Lane in Gladstone Williams may 13 have set the European Court off on the wrong path, 14 because of, I believe, the dicta used by Lord Lane in 15 that case, but that is all -- if I may say so -- water 16 under the bridge on this particular issue. 17 Second: 18 "If the officer did hold the necessary belief did he 19 use no more force than was reasonably necessary in the 20 circumstances as he believed existed at the time? This 21 is an objective test, but it is applied realistically. 22 Where a person faces a threat, the courts will not judge 23 with too precise a measure the degree of force he uses." 24 There is then reference to Palmer, to section 3 of 25 the Criminal Law Act and to the principle in Beckford.</p> <p style="text-align: center;">Page 17</p>	<p>1 It is really paragraph 18, sir, I that seek to draw 2 your attention to: 3 "The legal test is no different when the person 4 facing the threat is a police officer or a soldier. 5 However, as Lord Justice Waller said in Bennett at 6 paragraph 15, the tribunal is entitled to take account 7 of the person's training when applying the two limbs of 8 the test to the facts of a given case." 9 Then this, and this the important sentence in 10 Sir Michael Wright's ruling: 11 "The same must apply to specific briefings as well 12 as general training." 13 The pertinence of which to this case, if 14 Sir Michael Wright is correct in saying so, is of course 15 obvious. 16 It must follow here that where you have heard 17 extensive evidence about the intelligence which was 18 shared and that which was not shared with the firearms 19 officers. In this context, sir, you may consider that 20 the concession, if that is the right term, or perhaps 21 the assertion, made on behalf of the family at 22 paragraph 322 in written submissions, and repeated 23 orally on Monday, is of particular importance. This is 24 what was said, as you know: 25 "The family accept that W80 approached the vehicle</p> <p style="text-align: center;">Page 18</p>
<p>1 with a heightened sense of threat, believing the 2 occupants to be in possession of one or more firearms. 3 As addressed above, neither he nor any of the other 4 officers should have been put in that position. These 5 factors might well have influenced how he reacted on the 6 day." 7 Sir, you may think that that is both an important 8 and a realistic assessment of the state of the evidence. 9 To that series of propositions however may also be added 10 the obvious point on the evidence, that the overall 11 picture which the firearms officers had been given 12 related not to firearms generally but to firearms of 13 a very particular and lethal nature, which, in the word 14 of Mr Burrows, "The officers had good reason to expect 15 the occupants of the cars to be in possession of". 16 So at least in terms of the analysis you have been 17 offered on behalf of the family, that is their starting 18 point for examining the events which took place when the 19 firearms team entered Bracknell Close and the 20 submissions which ensued and were made to you on Monday. 21 May I say that there are five principal submissions 22 which we make in relation to the submissions of the 23 family which followed on Monday in connection with W80. 24 I am going to set them out and then I will come to deal 25 with each of them in due course, if I may.</p> <p style="text-align: center;">Page 19</p>	<p>1 First, there was a failure to acknowledge the 2 importance of the content of the evidence of officers 3 S111 and R116. 4 Second, there was a mischaracterisation of the 5 effect of the independent expert evidence. 6 Third, the assertions made about the audio product 7 were overstated and were selective. 8 Fourth, the theories advanced about what was in 9 W80's mind when he fired the shot lack a coherent 10 explanation as to why W80 would connect the movement of 11 Jermaine Baker's hands with an imminent threat to life, 12 unless it was in connection with the man bag. 13 Fifth, these submissions wrongly dismissed the 14 pertinence here of the well-recognised phenomena of 15 distortion which can affect those involved in critical 16 decision making and shooting cases, both as to their 17 perception of events and as to their recall of the 18 events afterwards. 19 May I turn then to those five submissions in turn. 20 First, there was a failure to acknowledge the 21 importance of the content of the evidence of officers 22 S111 and R116. 23 S111, sir, the evidence which we point out in our 24 written submissions at paragraph 3(xiv) about the 25 conversation that S111 had with W80 was simply ignored</p> <p style="text-align: center;">Page 20</p>

5 (Pages 17 to 20)

<p>1 in written and oral submissions. May we just look at 2 it, recalling that, as your Lordship knows, S111 was 3 fulfilling the role of OFC in the Alpha Car on 4 11 December.</p> <p>5 I am going to read it to save time. I am going to 6 start his witness statement, in which he recorded the 7 conversation with W80 as having taken place during the 8 first aid efforts which were going on prior to the 9 arrival of the HEMS team and prior to the removal of the 10 man bag from Jermaine Baker. If we could have MPS37 11 page 7 on the screen I would be very grateful. Thank 12 you very much.</p> <p>13 I am going to start on the second line in the middle 14 of the page, sir:</p> <p>15 "We had been joined by Q89 and W108, who was also 16 assisting with CPR and first aid matters. W80 has been 17 getting any kit we required to help the injured male. 18 As all this is going on I asked 116 is he the shooter, 19 he says no. I then ask W80, are you the shooter, he 20 says yes. I ask him if he is okay and he says yes and 21 then informs me the male was going for something in his 22 chest bag. I informed the team leader that W80 is the 23 officer who fired. We all carry on with attempting to 24 revive the male, there is blood, bandages, medical 25 wrappers strewn all over the floor. Beside one of the</p> <p style="text-align: center;">Page 21</p>	<p>1 police med kits at the feet of the unresponsive male is 2 a small Nike man bag, it is black in colour. R116 3 identifies the bag as being on the male prior to first 4 aid starting. At that R116 removed the bag from him and 5 put it there. The bag was about six inches by nine 6 inches and I could see part of a handle protruding from 7 the top by about an inch, it was black and cylindrical 8 in shape and it was covered in blood, as was the bag."</p> <p>9 His evidence on this issue, S111, came on Day 14 at 10 page 95, I don't know whether it is possible to put that 11 transcript up.</p> <p>12 I will just read it, I am sorry.</p> <p>13 THE CHAIRMAN: That is fine.</p> <p>14 MR PENNY: Page 95, line 14.</p> <p>15 I wonder if we could just have the question before 16 then, I have given you the wrong reference, line 12, in 17 fact, sorry.</p> <p>18 Yes.</p> <p>19 I am just going to read this passage, relatively 20 quickly, if that is all right because it is line 12 on 21 95 to line 15 on page 96 that matters. Question: 22 "After that time did you then speak with W80? 23 "Yes, I asked, it was not clear to me who had shot 24 Mr Baker, so I had asked 116 was he the shooter and he 25 said no and I asked W80, who was still at the rear of</p> <p style="text-align: center;">Page 22</p>
<p>1 the vehicle helping us with the first aid, was he the 2 shooter and he said yes.</p> <p>3 "Had you realised at that point that there was no 4 Hatton round?</p> <p>5 "No, I had not.</p> <p>6 "He said yes, did he say anything more than yes?</p> <p>7 "Yes, he said the male was going for something in 8 his chest bag.</p> <p>9 "Did you ask any other questions?</p> <p>10 "No, I then went and told the team leader what 11 S105 -- what W80 had told me."</p> <p>12 Then Mr Moss investigated this:</p> <p>13 "I mean no criticism by this question at all, I just 14 want to understand, why did you ask that question 15 outside of the PIP, was it important for you to know?"</p> <p>16 "Yes, it was important for me because this is 17 a firearms incident, someone has been shot. We are not 18 going to cover up anything, so I just need to know who 19 has fired the shot, has one of us fired it or has it 20 come from elsewhere, I need to clear -- that needs to be 21 cleared up, it was a question that I had to ask."</p> <p>22 Then Mr Moss went on:</p> <p>23 "It is normal, isn't it, that you didn't ask any 24 more detailed questions outside the PIP?"</p> <p>25 Answer:</p> <p style="text-align: center;">Page 23</p>	<p>1 "No.</p> <p>2 "That is normal?</p> <p>3 "No, it is not normal to ask any more questions."</p> <p>4 Sir, as far as this exchange is concerned, it is 5 clear that in common with Mr Moss, who examined S111, 6 the IPCC also considered this conversation to form part 7 of appropriate post-incident practice procedure, as 8 required by APP. In the IPCC report the evidence of 9 both S105 on this issue at paragraph 662 of the report 10 and S111, at paragraph 529, is set out regarding their 11 conversations with W80 in Bracknell Close.</p> <p>12 At paragraph 738 of the report, this is IPC1145, 13 page 143. Paragraph 738, please:</p> <p>14 "As documented in this report, the appropriate 15 supervising officers took a brief account from W80 16 immediately after the shooting."</p> <p>17 Of course, as you know, S111 was the OFC on the day.</p> <p>18 The fact of the matter is there are two things.</p> <p>19 First of all, W80 wasn't actually asked about this 20 evidence when he gave evidence. But, perhaps equally 21 significantly, on Monday this evidence was simply 22 disregarded in the submissions which were made to you.</p> <p>23 Its significance is obvious, and it is also -- in 24 light of the submissions at least which had been made. 25 It is also notable that, according to S111, the sequence</p> <p style="text-align: center;">Page 24</p>

6 (Pages 21 to 24)

<p>1 was that it was he who went to speak to S105.</p> <p>2 If you look at S105's evidence, importantly also, it</p> <p>3 was S105's account that W80 was not the first person</p> <p>4 with whom he spoke about who had fired the shot. That</p> <p>5 is Day 10, page 138 to 139.</p> <p>6 When S105 was asked to recount the conversation that</p> <p>7 he had had with W80, S105 also said that it had been</p> <p>8 accompanied by a gesture. Indeed, if you were watching</p> <p>9 him, you may recall that in the witness box he himself</p> <p>10 made a gesture whilst giving this evidence. Although,</p> <p>11 when he was asked further, he was not able to recollect</p> <p>12 reliably the gesture all these years later. Day 10,</p> <p>13 page 141, line 6.</p> <p>14 The point is a simple one. In light of the way the</p> <p>15 credibility of W80 has been attacked, this evidence is</p> <p>16 plainly potent in rebutting the suggestions which have</p> <p>17 been made about what you can and cannot read into the</p> <p>18 record of the conversation made by S105.</p> <p>19 Can I turn to R116. This matter is addressed at</p> <p>20 paragraph 29 of our written submissions, where we deal</p> <p>21 with the evidence of what the joint report of the</p> <p>22 experts in relation to the reconstruction established.</p> <p>23 Ms Kaufmann accurately identified those findings</p> <p>24 during her submissions on Monday. Those findings in</p> <p>25 actual fact are also set out at paragraph 24 of our</p> <p style="text-align: center;">Page 25</p>	<p>1 submissions.</p> <p>2 So too, in our submissions, are the variables which</p> <p>3 were identified by the experts and the agreed findings.</p> <p>4 They, respectively, are at paragraphs 25 and 26. The</p> <p>5 inquiry will be well aware of what those findings were.</p> <p>6 Firstly, there were a range of positions that</p> <p>7 Mr Baker's body could have been in at the moment that</p> <p>8 the shot was fired.</p> <p>9 Secondly, Mr Baker's left upper arm and wrist could</p> <p>10 have been in a number of positions at the moment that</p> <p>11 the shot was fired.</p> <p>12 Thirdly, the man bag could have been worn over the</p> <p>13 right or left shoulder and positioned either at the side</p> <p>14 or on the chest.</p> <p>15 THE CHAIRMAN: I think the point Ms Kaufmann was making is</p> <p>16 this, from a scientific perspective alone, all options</p> <p>17 are open, but the point that she was making, I think</p> <p>18 that you have dealt with it in another way, is that</p> <p>19 I can draw inferences about the reality of the situation</p> <p>20 because of what she said was the failure of W80 to say</p> <p>21 anything about it the first time he was asked.</p> <p>22 MR PENNY: Quite so.</p> <p>23 THE CHAIRMAN: Have I done justice to the submission on that</p> <p>24 point, Ms Kaufmann? Thank you.</p> <p>25 She is nodding in agreement.</p> <p style="text-align: center;">Page 26</p>
<p>1 MR PENNY: The point I am about to go on and deal with is to</p> <p>2 do with the length of the strap on the bag, because you</p> <p>3 heard a further submission about that.</p> <p>4 THE CHAIRMAN: Yes.</p> <p>5 MR PENNY: Plainly that which is said in the street, if S111</p> <p>6 is right, then this --</p> <p>7 THE CHAIRMAN: Then the point that Ms Kaufmann has made</p> <p>8 loses, you would submit, its strength?</p> <p>9 MR PENNY: Well, it is an important plank of the theory</p> <p>10 which has been advanced to you because, remember, the</p> <p>11 theory that has been advanced to you is of deliberate</p> <p>12 concoction and, and that theory proceeds upon the</p> <p>13 assumption that he didn't mention it in the street</p> <p>14 because it hadn't happened and only thought of it later.</p> <p>15 Plainly, that is essentially an allegation, isn't</p> <p>16 it, of recent fabrication or subsequent fabrication and</p> <p>17 if there is a previous consistent statement,</p> <p>18 contemporaneous, then the allegation is rebutted.</p> <p>19 On this particular issue, as far as the scientific</p> <p>20 evidence is concerned, my submission is more concerned</p> <p>21 with rebutting the suggestion made to you that you can</p> <p>22 be confident in making findings about the position of</p> <p>23 Jermaine Baker's hands and the bag. For various</p> <p>24 reasons, I am going to go on to try to develop, if that</p> <p>25 is all right?</p> <p style="text-align: center;">Page 27</p>	<p>1 THE CHAIRMAN: Yes, of course.</p> <p>2 MR PENNY: The inquiry will also recall the evidence of</p> <p>3 Mr Brookes' report. This is at SLA5, page 7, which was</p> <p>4 repeated in evidence about the likelihood of the</p> <p>5 injuries which were inflicted having been inflicted in</p> <p>6 the classic hands up or surrender position.</p> <p>7 He was asked to give this evidence on Day 26 at</p> <p>8 pages 42 to 45. Perhaps most pertinent in light of the</p> <p>9 case which has been put forward is the observation as</p> <p>10 follows:</p> <p>11 "It is my opinion that if the hands had been raised</p> <p>12 in the classic hands up surrender position, with palms</p> <p>13 towards the windshield, then the round would on balance</p> <p>14 have struck the wrist at a less acute angle penetrating</p> <p>15 it rather than the tangential route seen. The</p> <p>16 assumption has been made that the passage of the round</p> <p>17 [that's assumption by the IOPC, I should say] was</p> <p>18 approximately horizontal. However, the suprasternal</p> <p>19 entry wound is at the level of T1/T2 vertebrae and</p> <p>20 a round was retrieved behind the scapula at</p> <p>21 approximately the level of T3/T4, ie the trajectory of</p> <p>22 the round through the body was downwards approximately</p> <p>23 5 centimetres over the course of its passage through the</p> <p>24 body. If the deceased had been sitting in the seat</p> <p>25 facing directly towards the windscreen then the round</p> <p style="text-align: center;">Page 28</p>

7 (Pages 25 to 28)

<p>1 would have struck them more directly when fired from the 2 stated position of W80. That the round struck the 3 deceased at an acute angle, traversing nearly 4 approximately 67 centimetres anterior, front to 5 posterior, suggests there was some rotation of torso 6 away from W80 or in the alternative that the position of 7 W80 was different."</p> <p>8 At paragraph 27 of our written submissions we 9 pointed out that in addition Mr Brookes explained when 10 he gave evidence that there were at least 7 or up to 10 11 different variables that came into play. We were only 12 able to test a few of them, but 10 to the power of 10 is 13 a very big number of variables that could have been 14 brought into effect and the work that we did showed that 15 there were a number of different positions for both W80 16 and Mr Baker at the time.</p> <p>17 All of the experts, as you know, sir, agreed with 18 the proposition that you put to them that none of the 19 options relating to the location of individuals, their 20 physical positions or their responses can be excluded on 21 purely scientific grounds.</p> <p>22 Notwithstanding this evidence, the case has been 23 advanced that you can safely find that the man bag was 24 at the side of Jermaine Baker and that the position of 25 his hands at the point of the shot was that at figure 19</p> <p style="text-align: center;">Page 29</p>	<p>1 in the joint report. There are a number of observations 2 to make about this suggestion.</p> <p>3 First, as Mr Brookes pointed out, 10 to the power of 4 10 is a very big number.</p> <p>5 Second, you have no safe evidence upon which to make 6 any conclusion about the condition of the man bag. You 7 know that in the aftermath of the shot, the priority of 8 the officers was in seeking to preserve Jermaine Baker's 9 life. The officers concerned can hardly be criticised 10 for not focusing on that question at the point when they 11 were trying to remove him from the vehicle and to do 12 their best to attend to his wound. You know that this 13 exercise is in itself and of necessity involving the 14 urgent removal of clothing and the importance of gaining 15 proper access, both to the injured man and to the wound.</p> <p>16 Third, you have no safe evidence upon which you can 17 come to any conclusion about how the strap was being 18 worn, whether it was behind the back, as arranged during 19 the reconstruction, or in any other way. The simple 20 fact is that issue from a scientific perspective is 21 a variable.</p> <p>22 On the other hand, you do have eyewitness evidence 23 and it is not only from the impugned, W80. R116 was 24 an eyewitness to these events. He saw Jermaine Baker in 25 the Audi, both after the shooting and during the</p> <p style="text-align: center;">Page 30</p>
<p>1 resuscitative efforts. We deal with this matter at 2 paragraph 29 of our written submissions in which we have 3 set out the references to his evidence. The simple 4 point, which needs no further repetition, is that in 5 respect of his observation of Jermaine Baker in the 6 Audi, R116 used the expression "around the chest area".</p> <p>7 In respect of the efforts he made to assist 8 Jermaine Baker when he was removed from the Audi, the 9 expression he used was, "I began to strip the male, 10 removing the small bag from around his chest". When he 11 removed the bag he said he was totally focused on life 12 preservation.</p> <p>13 Can I move to the second proposition, namely that 14 there was a mischaracterisation of the effect of the 15 independent expert evidence.</p> <p>16 During submissions on Monday criticism was made of 17 the submissions lodged on behalf of W80 as having veered 18 away from the key evidence of independent experts in 19 favour of reliance upon the evidence of the inquiry 20 experts, namely Mr Arundale and Mr Burrows. It was 21 suggested that the latter experts in their report had 22 not taken into account or had not been afforded the 23 opportunity to take into account the evidence of the 24 audio product and the independent experts involved in 25 the reconstruction.</p> <p style="text-align: center;">Page 31</p>	<p>1 That criticism is misplaced for two reasons.</p> <p>2 First of all, Ms Blackwell established with 3 Mr Arundale and Mr Burrows that they remained of the 4 same opinions. They were present throughout the 5 inquiry, during the evidence of W80, and they had 6 listened with care to the audio product and read the 7 agreed transcript.</p> <p>8 Day 21, page 217, line 13.</p> <p>9 Forgive me, I think that may be a misreference 10 actually, I think I've got 21s and 22s confused. Let me 11 put it this way, 21 July, page 217, line 13.</p> <p>12 THE CHAIRMAN: That is right.</p> <p>13 MR PENNY: It was the day after W80 gave evidence anyway.</p> <p>14 THE CHAIRMAN: Yes.</p> <p>15 MR PENNY: Page 217, line 13. I think I may have repeated 16 this error in the submissions, so I will try and make 17 sure I don't make that error again.</p> <p>18 THE CHAIRMAN: Don't worry.</p> <p>19 MR PENNY: Mr Arundale indeed pointed this out when he was 20 asked about the issue of the timing of the shot: 21 "... of course we were present for the officer 22 giving evidence as well for this."</p> <p>23 That was something Mr Arundale was keen to point 24 out, Day 22, page 207, line 23.</p> <p>25 Further, and this of course is rather important,</p> <p style="text-align: center;">Page 32</p>

<p>1 really, standing back, it is axiomatic that as expert 2 witnesses, they would have been under a duty to bring 3 any change in their opinion to the attention both of 4 counsel to the inquiry and to the tribunal. 5 Secondly, the expertise of Mr Arundale and 6 Mr Burrows is self-evidently in a different field to 7 that of the scientists so the two issues are not 8 related. What matters to the inquiry is what the 9 evidence of Kabbani, Brookes, Randall, actually proves. 10 Nothing more. 11 In reality, that question was answered by the one 12 question posed by you, sir, at the conclusion of their 13 evidence. From a scientific perspective, there are 14 numerous possibilities within a set range of parameters, 15 that which it has been contended which the body of 16 evidence proves, it simply does not. 17 Thirdly, the assertions made about the audio product 18 were overstated and selective. 19 Sir, as we have submitted previously, the 20 transcription of probe product of this nature is 21 a necessarily limited exercise. You, sir, will have 22 your own experience of the limitations of the nature of 23 this sort of evidence in the criminal courts. It is 24 a commonplace that not everything which is said, spoken, 25 whispered or shouted will necessarily be discoverable</p> <p style="text-align: center;">Page 33</p>	<p>1 from a small covertly concealed microphone or even two, 2 as Mr Brown observes in his report, it is not like it is 3 portrayed on the television. INQ39, page 60. 4 That is why we have microphones all over this room, 5 in order to record as accurately as possible that which 6 is said. So much is also self evident from the fact 7 that there are plainly words shouted and instructions 8 given, particularly in the early part of the recording, 9 which it has simply not been possible to transcribe. 10 Against that background, however, the fact remains 11 that each of the selected experts separately, when using 12 their expert equipment, and not seeking to perform the 13 exercise simply by using the human ear, reached in the 14 one case the probable interpretation of "put your hands 15 on the dashboard" and in the other case, the probable 16 interpretation of "put your hands on the --" followed by 17 something unclear. So much is demonstrated on one page 18 of INQ34, page 2. 19 Sir, you will recall that right at the conclusion of 20 the examination of W80, the document was put to W80 and 21 it is up on the screen, you will be familiar with it. 22 THE CHAIRMAN: Yes. 23 MR PENNY: The significance of it, of course, is that the 24 two transcriptions are not at the same time. So on the 25 right-hand side you have Mr French and on the left-hand</p> <p style="text-align: center;">Page 34</p>
<p>1 side you have Mr Barry. I have the references to the 2 transcript in the main submissions, but it is at 29.44 3 and then at 29.51. 4 I don't think it is in dispute, it certainly was 5 agreed by W80, that the banging noise described on the 6 right-hand side at 00.09, in light of Mr French's 7 further evidence is very likely to be the shot itself. 8 THE CHAIRMAN: Yes. 9 MR PENNY: You have two possibilities. Which were, when the 10 experts were working separately, described as probable 11 interpretations. 12 Whatever you may or may not be able to hear with the 13 human ear listening to that tape or the enhanced version 14 of it now. 15 May we take that down, thank you. 16 It was perhaps significant that this aspect of the 17 evidence was entirely passed over on Monday in the 18 submissions that were made to you about what the audio 19 product proved or didn't prove. 20 Fourthly, the theories advanced about what was in 21 W80's mind when he fired the shot lack a coherent 22 explanation as to why W80 would connect the movement of 23 Jermaine Baker's hands with a threat, unless it was in 24 connection with the man bag. Standing back, sir, in 25 essence, each of the theories which were advanced, are</p> <p style="text-align: center;">Page 35</p>	<p>1 exactly that: they are no more than theories. They lack 2 any evidential foundation. But, importantly, and this 3 is the critical feature, if you sit back and think about 4 them, in terms of what happened that morning. In both 5 of them, the man bag, which was undoubtedly being worn 6 by Jermaine Baker, is an irrelevance to the decision to 7 fire. 8 Its presence is thus a coincidence. On these 9 theories, it happens to be a convenient coincidence for 10 W80 of course, because it happens to be there in order 11 to enable him to concoct a false account in the 12 immediate aftermath. 13 May we just look at the two propositions which were 14 advanced here, both orally and in writing. The first is 15 set out at paragraph 325 of the family's written 16 submissions. It is as follows: 17 "W80 actually told Jermaine to put his hands up but 18 honestly believed that he had told him to put his hands 19 on the dashboard. He then shot Jermaine when he saw 20 that Jermaine was putting his hands up, contrary to what 21 he believed he had instructed him to do." 22 The second is at paragraph 326, it is this: 23 "W80 had not yet issued any instructions to Jermaine 24 but was in the process of issuing an instruction for him 25 to put his hands on the dashboard, before he completed</p> <p style="text-align: center;">Page 36</p>

<p>1 that instruction Jermaine put his hands up in accordance 2 with the instructions that had already been issued by 3 another officer or officers. W80 shot him, wrongly 4 believing that he had completed his instruction and that 5 Jermaine was not complying." 6 Each of these theories proceed upon what Ms Kaufmann 7 described as an honest belief. In each of these 8 theories, the presence of the man bag on Jermaine's 9 body -- we know it was there -- is an irrelevance, and 10 neither, as we understood it, had anything to do with 11 the perception of threat. Both are concerned with 12 simple issue of non-compliance with an instruction. 13 What Ms Kaufmann said was on either basis, such 14 an honest belief did not justify W80 in shooting 15 Jermaine. On either basis Jermaine was not failing to 16 comply with an instruction, but nor was he doing 17 anything to indicate that he was reaching for a weapon, 18 so even if W80 shot Jermaine because he genuinely 19 believed that he was going to attack others, judging the 20 matter objectively he shot Jermaine for no reason other 21 than that he was not complying with an instruction. 22 Sir, on any analysis, neither of these theories 23 answers the rather more pressing question in these 24 circumstances which may be put in the following way. 25 What was it about the movement of Jermaine Baker's hands</p> <p style="text-align: center;">Page 37</p>	<p>1 which W80 perceived to be a threat? For either of these 2 theories to work, or for both of them, the man bag is 3 simply an irrelevance to the thought process of what W80 4 perceived in that moment and yet we know that it was 5 there. On this analysis, the only role the man bag 6 plays in what happened is that it is deployed by W80 in 7 his subsequent concoction. 8 Given the material before you, is there not a rather 9 simpler explanation in which, in that critical moment, 10 W80 perceived the movement of Jermaine Baker's hands to 11 be a threat because he connected the movement of the 12 hands with Jermaine Baker reaching for a weapon. In 13 this case, perhaps understandably, given what you know 14 to be the background, he connected the bag, which 15 Jermaine Baker undoubtedly was wearing, with that 16 threat. 17 THE CHAIRMAN: Mr Penny, I am entirely in your hands, 18 Mr Penny. 19 MR PENNY: I am just going to finish this section, if I may. 20 I am nearly done on this section and then we will have 21 a break. 22 THE CHAIRMAN: Very good. 23 MR PENNY: Of course you know the intelligence picture on 24 which W80 had been repeatedly briefed is relatively 25 clear and is pointed out by the experts at paragraph 927</p> <p style="text-align: center;">Page 38</p>
<p>1 of the report. 2 First, that Izzet Eren had been wearing a man bag 3 containing a Tokarev 9mm pistol when he was arrested on 4 29 October. When examined, that weapon was found to 5 have a bullet in the breach and a full magazine. 6 Secondly, W80 had received intelligence briefings by 7 email on 8 December and again on 10 December and 8 11 December containing the two images of Ozcan Eren 9 wearing a man bag described as a criminal armourer. You 10 will recall that Ms Blackwell established with W80 when 11 he gave evidence that he had seen those images at least 12 three times by the time that he was deployed into 13 Bracknell Close. 14 You have heard and read the evidence of the inquiry 15 experts both on the issues of contextual cueing and 16 perceptual phenomena. They confirmed the content of 17 their reports in this regard on both Days 22 and 23 of 18 the inquiry. In particular, as you know, Mr Burrows 19 expressed his views in pretty straightforward language 20 about the situation into which the officers were 21 deployed. 22 We submit that, as W80 said to S111 at the time, 23 when W80 saw Jermaine Baker's hands move, he connected 24 the movement of the hands with the source of an imminent 25 threat to life. Respectfully, therefore, we suggest</p> <p style="text-align: center;">Page 39</p>	<p>1 that the alternative theories that you have been offered 2 as to W80's stated belief when he fired the shot simply 3 do not withstand analysis. 4 I am going to possibly be about another 25 minutes 5 but perhaps we ought to have a break. 6 THE CHAIRMAN: I think we will have a break for the benefit 7 in particular of those taking notes of these 8 proceedings. 9 Very good, shall we say 11.20? 10 MR PENNY: Thank you. 11 (11.06 am) 12 (A short adjournment) 13 (11.21 am) 14 THE CHAIRMAN: Yes. 15 MR PENNY: Sir, I am moving to my fifth and final submission 16 in connection with the submissions made on behalf of the 17 family about events in Bracknell Close concerning W80. 18 It is as follows. The submissions wrongly dismiss 19 the pertinence of the well-recognised phenomena of 20 distortion which can affect those involved in critical 21 decision making and shooting cases, both as to their 22 perception of events and as to their recall of those 23 events afterwards. 24 Generally on this point, you may recall that when 25 Mr Burrows was cross-examined by Ms Kaufmann on this</p> <p style="text-align: center;">Page 40</p>

<p>1 issue, there was what might be described as a query 2 tentatively raised in relation to Mr Burrows's expertise 3 in the field. Specifically the proposition that was put 4 to him was: the work you have done has been based upon 5 research literature produced by psychologists as opposed 6 to the direct research that you have done yourself. 7 That is Day 23, page 116, line 23, to page 117, line 8 4. You will recall Mr Burrows's response, in which he 9 explained exactly how he had gone about research in this 10 field and written other publications. Perhaps 11 understandably the matter was not pursued by 12 Ms Kaufmann. Well, we invite the inquiry to consider 13 and to give due weight both to the content of the 14 experts' report and to Mr Burrows oral evidence on this 15 issue. The references are contained in our written 16 submissions. 17 Perhaps the most helpful passage is at Day 22, pages 18 204 to 206, in which Mr Burrows explained the extent of 19 his experience investigating police shooting cases, 20 culminating in the following observation: 21 "What they will spend the next hour, the next day, 22 the next week, the next five years is playing this over 23 in their mind and trying to rationalise the bits of it 24 that don't make sense and that will affect their account 25 of what takes place."</p> <p style="text-align: center;">Page 41</p>	<p>1 We also invite the inquiry to read and to consider 2 the article to which reference was made in 3 cross-examination. Mr Burrows has written others and 4 indeed he has conducted an extensive review of police 5 shooting cases for the Association of Chief Police 6 Officers, as it was, which is referenced in his 7 curriculum vitae and about which he was asked. There 8 are indeed other experts in this area. It might well in 9 fact be a matter which the inquiry has encountered 10 before in other shootings cases. 11 Certainly specifically in connection with the 12 ability to recall the events of a shooting incident 13 accurately, these phenomena are well enough recognised 14 that APP now takes it into account in the regime which 15 is in place, and indeed was in place in December 2015, 16 for post-incident procedures. That guidance is 17 contained in COP36, so the College of Policing guidance 18 which was in force for post-incident procedures at the 19 time. At page 23, please, both in the version of that 20 guidance which was in force in December 2015 and today, 21 the following text, which was set out at paragraph 313 22 of our closing submission, appears. You can see it in 23 the centre of the page on the screen. Effects of trauma 24 on memory. A person involved in a traumatic or 25 life-threatening encounter may experience a range of</p> <p style="text-align: center;">Page 42</p>
<p>1 responses that could affect their perception, memory and 2 recall of key events. These perceptual distortions may 3 then affect the person's ability immediately after the 4 incident to recall what happened accurately, including 5 what may be recorded as important details. 6 Thank you, and I wonder if that can come down. 7 In this context, the inquiry may also wish to take 8 into account the discussion of this phenomenon generally 9 which is contained, and I am not going to read it out, 10 but, sir, you can find access to it, there was 11 a discussion of this issue by His Honour Judge Teague in 12 the Grainger report at paragraphs 617 to 620, about what 13 goes through an AFO's mind before a shot is fired. 14 THE CHAIRMAN: I think it is well recognised, it is not just 15 what goes through an armed officer's mind, it is 16 something which courts have to acknowledge and juries 17 have to take into account in many, many criminal cases 18 where recollections are being criticised. Whether they 19 are recollections of witnesses or recollections of 20 defendants. 21 MR PENNY: Of events which take place in seconds in relation 22 to life-threatening incidents. 23 THE CHAIRMAN: Yes. 24 MR PENNY: I will move on. 25 There is nothing more to be said.</p> <p style="text-align: center;">Page 43</p>	<p>1 Those are my submissions in connection with that 2 which was advanced on behalf of the family. 3 May I move to the written submissions that we have 4 lodged, and I am not going to spend long dealing with 5 those, for the simple reason that you have them in 6 writing. As you know, in those written submissions, we 7 make detailed submissions. 8 Firstly, about the chronology of events which are 9 pertinent to W80. Those are at paragraph 3 of the 10 written submissions. 11 Secondly, about the role of W80 in the events in 12 Bracknell Close at around 9.00 am that day. There are 13 14 submissions which are set out at paragraph 3(i) to 14 (xiv) I have made already reference to one or two of 15 them this morning, in connection with, for example, to 16 S111 and R116. 17 Sir, you heard the evidence of W80 and doubtless you 18 will recall it. We have sought in those 14 paragraphs 19 to distill the important components of his evidence. 20 May we make one further submission about the way in 21 which the argument by comparison with that which 22 confronted S111 was approached on behalf of the family. 23 Whether you think there is really much value to be 24 derived in comparing the account of events given by S111 25 and W80 is a matter for the inquiry, but the simple fact</p> <p style="text-align: center;">Page 44</p>

<p>1 of the matter is that different events unfolded in 2 connection with each of them. It is obvious that 3 differing visual images of the behaviour of the men in 4 front of them and no doubt auditory cues confronted them 5 in those critical seconds, most obviously, of course, 6 Sogucakli was not wearing a man bag.</p> <p>7 But, in any event, you may think that in 8 a fact-finding exercise, which is concerned with the 9 subjective state of mind of a particular individual, 10 this is in any event a dangerous path down which to 11 tread. It is not logically probative in any reliable 12 sense, and even if it were, it runs the very real risk 13 of comparing apples with pears.</p> <p>14 There is one further point which should be made 15 about the events in Bracknell Close. There has been 16 a repeated insinuation that in some way W80 was not 17 operationally competent, as a result of the fact that 18 some weeks before he had recently returned from 19 a training post to full-time operational duty.</p> <p>20 Again, the submission was made on Monday that it was 21 no coincidence that what took place on 11 December 22 occurred on his first deployment since his return from 23 a two-year training role. The inference you are invited 24 to draw, it is to be assumed, is that his ability to do 25 his duty was in some way impaired. This is simply to</p> <p style="text-align: center;">Page 45</p>	<p>1 ignore the evidence you have heard. Both the officer's 2 witness statement and his oral evidence address this 3 issue directly. They make it abundantly clear that, in 4 common with other officers fulfilling a training role 5 during that period, he was also regularly deployed 6 operationally over those two years. That is standard 7 common practice in SO19, dependent upon the requirements 8 made of the officers. Indeed, you will recall that the 9 officer gave evidence that his most recent operational 10 deployment had in fact been on Armistice Day in 2015, 11 and that he had deployed on operation regularly 12 throughout the period he was fulfilling the training 13 role. It is simply inaccurate to portray him as having 14 been out of touch or in some way unqualified for the 15 task.</p> <p>16 As you heard, he is a very experienced and valued 17 officer with considerable service in SO19.</p> <p>18 Thirdly, sir, we address the conduct of W80 in the 19 aftermath of the shooting at paragraphs 4 to 12 of our 20 written submissions. The inquiry may take the view that 21 the appropriate way to assess the significance or 22 otherwise of these events is to decide what happened in 23 Bracknell Close first, before attributing an adverse 24 inference against W80 as has been suggested.</p> <p>25 You may conclude that the impact of these events on</p> <p style="text-align: center;">Page 46</p>
<p>1 all involved is not to be underestimated. You may well 2 think that so much was self-evident on the day that W80 3 himself gave evidence, when he was tested very 4 rigorously indeed. He speaks both of the way he was 5 feeling, both on the Saturday and the Sunday, before the 6 call from Superintendent Dobinson in some detail in his 7 witness statement, that is SLA6, pages 11 to 13, 8 paragraphs 38 to 40.</p> <p>9 He was taken to some aspects of this during his 10 evidence, Day 21, pages 164 to 165, although the 11 evidence is rather more fulsome in the witness 12 statement. We submit quite simply that you should not 13 draw adverse inferences against him about the events in 14 Bracknell Close from his conduct when given the news 15 delivered by Superintendent Dobinson.</p> <p>16 The impact of the events which were unfolding upon 17 him must have been huge wherever the truth lay. Nothing 18 can change the fact that he had fired the shot, and the 19 burden of that knowledge in the circumstances must have 20 been and remains huge.</p> <p>21 You have had the opportunity to enquire into his 22 personnel records and the decisions made with regard to 23 his employment by the MPS --</p> <p>24 THE CHAIRMAN: I may have had the opportunity, but I have 25 certainly not had the answers.</p> <p style="text-align: center;">Page 47</p>	<p>1 MR PENNY: That of course is something which lies outside my 2 hands.</p> <p>3 THE CHAIRMAN: I know, and I am waiting and it is not going 4 to go away, Mr Penny.</p> <p>5 MR PENNY: Again -- I simply want to say --</p> <p>6 THE CHAIRMAN: Please don't think I am cross with you, but 7 this was flagged up at a very early stage in the inquiry 8 and I am still waiting.</p> <p>9 MR PENNY: May I go on and just make the submission which is 10 relevant to W80?</p> <p>11 THE CHAIRMAN: Yes, sorry to interrupt you.</p> <p>12 MR PENNY: Because W80 has nothing to fear from this issue. 13 You are in a position to assess whether any of the 14 submissions which have been made about the character and 15 conduct of the man are inaccurate --</p> <p>16 THE CHAIRMAN: In fairness to W80, these are matters which 17 don't, subject to anything unforeseen, impact upon his 18 suitability for the job which he was doing as at 19 11 December 2015, but they may impact very significantly 20 on the decision to return him to firearms duties, albeit 21 in a training capacity.</p> <p>22 MR PENNY: I am not going to make submissions about that.</p> <p>23 THE CHAIRMAN: I realise that, but you will appreciate my 24 concern because my report is not confined to the simple 25 facts of the shooting itself --</p> <p style="text-align: center;">Page 48</p>

12 (Pages 45 to 48)

<p>1 MR PENNY: Of course not.</p> <p>2 THE CHAIRMAN: -- and they are not simple.</p> <p>3 MR PENNY: Of course not, but you will understand that from</p> <p>4 my perspective --</p> <p>5 THE CHAIRMAN: It is no part of your remit at all.</p> <p>6 MR PENNY: But it is important, in the context where the</p> <p>7 allegations which have been made of the gravest nature</p> <p>8 against him have been made in a public environment --</p> <p>9 THE CHAIRMAN: Yes.</p> <p>10 MR PENNY: -- as they have, to identify the submissions</p> <p>11 which we make on his behalf as to the true nature of his</p> <p>12 character.</p> <p>13 THE CHAIRMAN: Yes, I understand that.</p> <p>14 MR PENNY: Of course, the MPS is in possession of records in</p> <p>15 connection with that. You have also heard a significant</p> <p>16 body of evidence which we have set out about the</p> <p>17 character of the man from other police officers.</p> <p>18 THE CHAIRMAN: Yes.</p> <p>19 MR PENNY: So in as far as his reemployment is concerned,</p> <p>20 the most recent evidence that the inquiry has gathered</p> <p>21 addresses the issue directly, as I understand it, of how</p> <p>22 and in what capacity he came to be reemployed following</p> <p>23 the decision of the Crown Prosecution Service, albeit,</p> <p>24 as you rightly point out, that this is not and has not</p> <p>25 been an issue which is within W80's control himself.</p> <p style="text-align: center;">Page 49</p>	<p>1 But you are entitled to make a judgment about him.</p> <p>2 THE CHAIRMAN: Yes.</p> <p>3 MR PENNY: We address the opinion of the expert witnesses,</p> <p>4 sir, at paragraphs 13 to 15 of the submissions. Comment</p> <p>5 has been made about the length of those submissions</p> <p>6 already. The evidence will be laboured no further. It</p> <p>7 was clear and its content was unequivocal, and you are</p> <p>8 aware of it. The evidence of the experts covered</p> <p>9 a range of topics which we have set out and we invite</p> <p>10 you to give appropriate regard to it, recognising that</p> <p>11 both witnesses were fully conversant with all the</p> <p>12 relevant evidence and they witnessed W80 give evidence.</p> <p>13 Lastly, we address the issue of the use of</p> <p>14 intelligence in briefing firearms officers at paragraphs</p> <p>15 16 to 17. The impact of the firearms enabled message,</p> <p>16 we have endeavoured to set out the relevant evidence for</p> <p>17 you from the officers who spoke to that issue, and you</p> <p>18 have already heard submissions on that issue, and</p> <p>19 I don't propose to labour them further. You know</p> <p>20 precisely what the effect of that evidence is.</p> <p>21 Insofar as these submissions are concerned, none of</p> <p>22 them are going to be improved by oral repetition or</p> <p>23 further elaboration this morning, but we urge you to</p> <p>24 give them due consideration.</p> <p>25 Sir, those are the submissions on behalf of the W80.</p> <p style="text-align: center;">Page 50</p>
<p>1 I don't know if there is anything else I can assist you</p> <p>2 with further?</p> <p>3 THE CHAIRMAN: No.</p> <p>4 One of the matters which I will visit, albeit</p> <p>5 briefly, in the course of my report, is the wisdom,</p> <p>6 propriety or otherwise of your client being shown the</p> <p>7 photographs.</p> <p>8 MR PENNY: Yes.</p> <p>9 THE CHAIRMAN: But, again, that is not something for which</p> <p>10 in any way your client is answerable, but, as it were,</p> <p>11 I make it quite clear that I do not regard the fault for</p> <p>12 that line of questioning, if fault there be, to lie in</p> <p>13 one camp alone.</p> <p>14 MR PENNY: Well, this morning I am making submissions on</p> <p>15 behalf of W80.</p> <p>16 THE CHAIRMAN: I know. I am simply, out of respect to those</p> <p>17 who instruct you, forewarning them that I may have</p> <p>18 something to say about the role which they played in</p> <p>19 that, or didn't.</p> <p>20 MR PENNY: Thank you.</p> <p>21 THE CHAIRMAN: Thank you.</p> <p>22 MS BLACKWELL: Sir, you are now going to be addressed by</p> <p>23 Ms Kuzmenko on behalf of the NCA.</p> <p>24 THE CHAIRMAN: Thank you very much. Yes.</p> <p>25 MS KUZMENKO: Thank you.</p> <p style="text-align: center;">Page 51</p>	<p>1 I suspect I will be quite brief, only about 10</p> <p>2 minutes, sir.</p> <p>3 Closing submissions by MS KUZMENKO</p> <p>4 MS KUZMENKO: As the inquiry and the other core participants</p> <p>5 will be well aware, the NCA's contribution to this</p> <p>6 inquiry, while significant, has been subject to a series</p> <p>7 of restriction orders made by you. The effect of which</p> <p>8 is such that it is not possible to address in open</p> <p>9 submissions the substance of that contribution.</p> <p>10 The core participants, including Mr Baker's family,</p> <p>11 know that those orders were made following very careful</p> <p>12 consideration by you and were a matter of obligation</p> <p>13 rather than discretion.</p> <p>14 The effect of the restriction orders has been to</p> <p>15 enable a careful, rigorous and comprehensive</p> <p>16 investigation to be undertaken of all and any relevant</p> <p>17 intelligence that was gathered and/or disseminated in</p> <p>18 the period leading up to the events of 11 December 2015.</p> <p>19 It has enabled the questions identified by Mr Baker's</p> <p>20 family, both in their opening submissions and during the</p> <p>21 course of the inquiry, to be asked and for the issues</p> <p>22 they have identified to be explored.</p> <p>23 All of the NCA witnesses who have given evidence</p> <p>24 have answered the questions posed by the inquiry fully</p> <p>25 and frankly.</p> <p style="text-align: center;">Page 52</p>

<p>1 In addition to the evidence given by the NCA 2 witnesses, a large quantity of documentary evidence has 3 been disclosed. 4 This includes all of the potentially relevant 5 intelligence gathered by the NCA, along with 6 a comprehensive set of all the applicable policies and 7 procedures, so as to enable the inquiry to assess 8 whether that intelligence was handled appropriately. 9 Consideration has been given to the adequacy of the 10 training of the individuals who dealt directly with the 11 relevant intelligence and there has been careful 12 investigation of whether the actions of those involved 13 were in accordance with their training. 14 Whilst the primary focus of the inquiry's 15 investigation has been on the circumstances surrounding 16 the death of Jermaine Baker and the intelligence 17 relevant to Operation Ankaa, the inquiry has also 18 investigated the handling of sensitive intelligence by 19 the NCA more generally, including the extent to which 20 recommendations made in previous investigations have 21 been implemented. Certain NCA witness evidence was 22 concerned primarily with matters of policy and 23 procedure, relating to the handling of sensitive 24 intelligence and enabled the inquiry to assess whether 25 the facts of Mr Baker's case gives rise to the need for</p> <p style="text-align: center;">Page 53</p>	<p>1 amendments to those policies and procedures. 2 Where it has been possible to do so, the inquiry has 3 provided open gists of the evidence given in restricted 4 session and the NCA has cooperated fully with the 5 formulation of those gists. When doing so, it has kept 6 firmly in mind the overriding importance of ensuring 7 that as much of the inquiry's investigation as possible 8 is placed in the public domain and considerable effort 9 has been devoted to making the gists as full and 10 informative as the legal framework allows. 11 The NCA has provided the inquiry with a detailed set 12 of closed written submissions, dealing with all of the 13 relevant issues that have arisen during the course of 14 the evidence given in these restricted sessions. It is 15 not possible to address the detail of those submissions 16 in open, but in short the NCA has invited the inquiry to 17 conclude that, firstly, the key intelligence relevant to 18 the circumstances of Mr Baker's death, was disseminated 19 to the MPS promptly, efficiently and accurately, and 20 there is a clear audit trail demonstrating that this is 21 the case. 22 Secondly, there was no omission or deficiency on the 23 part of the NCA in the handling of intelligence which 24 had any material bearing on the circumstances of 25 Mr Baker's death.</p> <p style="text-align: center;">Page 54</p>
<p>1 Thirdly, the NCA has responded adequately and 2 appropriately to recommendations made in previous 3 investigations and, to the extent that the facts of this 4 case demonstrate the need for improvements in the 5 relevant policies and procedures, those improvements 6 have been implemented during the five and a half years 7 since the material events. 8 The NCA would wish to take this opportunity to 9 express once again its condolences to Mr Baker's family 10 and repeat its admiration for the way they have dealt 11 with what must have been an extremely difficult process. 12 The NCA has provided the inquiry with its full 13 cooperation and unequivocal support from the outset and 14 would wish to assure both the Baker family and you that 15 it will continue to do so until the inquiry finally 16 concludes. 17 Finally, the NCA would wish to record its 18 appreciation for the manner in which this inquiry has 19 been conducted by the chairman, and the entire inquiry 20 team. 21 We would respectfully observe that the presentation 22 of the evidence in this challenging case, which has 23 required a very careful distinction to be maintained 24 between what can and cannot be said in public, has been 25 exemplary and the NCA has been treated throughout this</p> <p style="text-align: center;">Page 55</p>	<p>1 inquiry with the highest standards of professionalism 2 and courtesy. The NCA looks forward to the publication 3 of your report and if it can provide the inquiry with 4 any further assistance in the meantime, it would of 5 course be very happy to do so. 6 Thank you, if there is anything else I can assist 7 with. 8 THE CHAIRMAN: Your assistance has been invaluable. Thank 9 you very much. 10 MS BLACKWELL: Sir, you have received written closing 11 submissions on behalf of the IOPC, together with 12 supplementary written closing submissions. But 13 I understand that there is no intention to expand upon 14 those this morning in oral submission. 15 THE CHAIRMAN: Thank you. 16 MS BLACKWELL: Those appear behind divider 6 and 6A. 17 THE CHAIRMAN: 6 and 6A, yes. 18 MS BLACKWELL: Yes. 19 Unless there are any specific matters that you wish 20 to raise with that core participant -- 21 Discussion re management action 22 THE CHAIRMAN: Yes, there is the question of -- it really 23 relates to the decision of the IOPC to take no action as 24 far as Superintendent Turner was concerned. In 25 paragraphs 24 and 25 of their submissions, they refer to</p> <p style="text-align: center;">Page 56</p>

<p>1 management action --</p> <p>2 MS BLACKWELL: Yes.</p> <p>3 THE CHAIRMAN: -- as being the fallback position.</p> <p>4 MS BLACKWELL: Yes.</p> <p>5 THE CHAIRMAN: What I want to know is, first of all, as far</p> <p>6 as the MPS is concerned, was management action</p> <p>7 undertaken in respect of those shortcomings of Mr Turner</p> <p>8 which were found to be not so poor as to justify</p> <p>9 misconduct proceedings, and what procedure is there as</p> <p>10 far as the IOPC is concerned to satisfy themselves that</p> <p>11 such management action has been taken and the outcome of</p> <p>12 it.</p> <p>13 MS BLACKWELL: Well, sir, I don't know to whom you or from</p> <p>14 whom you would like to hear first.</p> <p>15 I know that my learned friend Mr Butt may have some</p> <p>16 information to provide to you today or may request that</p> <p>17 that information be provided in written format</p> <p>18 subsequently.</p> <p>19 I should also say that Mr Simpson is not currently</p> <p>20 occupying a seat that has a microphone, so if you wish</p> <p>21 to hear from him, would you invite him please to come</p> <p>22 forwards?</p> <p>23 THE CHAIRMAN: Yes.</p> <p>24 Can you come forward, Mr Simpson?</p> <p>25 MR SIMPSON: Yes, of course.</p> <p style="text-align: center;">Page 57</p>	<p>1 THE CHAIRMAN: Whilst you are doing so, Mr Butt you will</p> <p>2 have seen reference in the IOPC submission to management</p> <p>3 action.</p> <p>4 MR BUTT: I haven't found ...</p> <p>5 Nothing stating that there was management action in</p> <p>6 this case.</p> <p>7 THE CHAIRMAN: No. Exactly, that is the point -- or may be</p> <p>8 the point.</p> <p>9 MR BUTT: Sir, as we set out in our submission --</p> <p>10 THE CHAIRMAN: He did nothing wrong.</p> <p>11 MR BUTT: Sir, Ms Hall was asked what her view was in</p> <p>12 relation to Superintendent Turner.</p> <p>13 THE CHAIRMAN: Yes.</p> <p>14 MR BUTT: She gave an answer making it clear it was from</p> <p>15 recollection only, and that was where the phrase "Poor,</p> <p>16 but poor enough" or similar, came from.</p> <p>17 THE CHAIRMAN: "Poor, but not poor enough."</p> <p>18 MR BUTT: She referenced in that regard the report of</p> <p>19 ACC Hartley which the IOPC had commissioned to assist</p> <p>20 them in relation to these questions.</p> <p>21 THE CHAIRMAN: Yes.</p> <p>22 MR BUTT: She was incorrect to say in relation to that</p> <p>23 report from ACC Hartley that there was evidence of poor</p> <p>24 conduct by Superintendent Turner, because as we set out</p> <p>25 in our submission, ACC Hartley in fact was supportive of</p> <p style="text-align: center;">Page 58</p>
<p>1 the strategic firearms commander.</p> <p>2 THE CHAIRMAN: In other words, as far as its MPS were</p> <p>3 concerned, no criticism of his conduct was fed back to</p> <p>4 them by the IOPC?</p> <p>5 MR BUTT: In terms of the question: why did the IOPC take</p> <p>6 the decision they did? The answer from Ms Hall was we</p> <p>7 had ACC Hartley and there was nothing in that report to</p> <p>8 substantiate misconduct against Superintendent Turner.</p> <p>9 THE CHAIRMAN: No.</p> <p>10 But there was obviously -- it follows from what you</p> <p>11 are saying, there was nothing in your understanding from</p> <p>12 the IOPC that Superintendent Turner had done anything to</p> <p>13 warrant management action?</p> <p>14 MR BUTT: Sir, yes, as Ms Hall said, before misconduct</p> <p>15 proceedings could be brought against an officer, there</p> <p>16 has to be a misconduct notice served upon them and the</p> <p>17 threshold for that is: is there an indication that the</p> <p>18 professional standards had been breached? In this case</p> <p>19 there was none and no notice was served on</p> <p>20 Superintendent Turner.</p> <p>21 THE CHAIRMAN: No communication was made by the IOPC to the</p> <p>22 MPS that, although the conduct of Mr Turner did not</p> <p>23 merit misconduct proceedings, there should nevertheless</p> <p>24 be management action?</p> <p>25 MR BUTT: Sir, no.</p> <p style="text-align: center;">Page 59</p>	<p>1 And, to be fair to Superintendent Turner, Ms Hall</p> <p>2 accepted a fairer way of describing that narrative was</p> <p>3 not poor but not poor enough, it was no indication that</p> <p>4 professional standards had been breached.</p> <p>5 THE CHAIRMAN: Yes, thank you.</p> <p>6 Mr Simpson, specifically and generally, was</p> <p>7 consideration given by the IOPC in this case to</p> <p>8 suggesting that management action, in other words</p> <p>9 something short of disciplinary proceedings which the</p> <p>10 IOPC did not institute, be taken by the MPS?</p> <p>11 MR SIMPSON: There is -- whether any consideration crossed</p> <p>12 anybody's mind, plainly I can't say.</p> <p>13 In terms of any formal communication between the</p> <p>14 IOPC and the Metropolitan Police Service, as appropriate</p> <p>15 authority, there was no representation to them that any</p> <p>16 form of management action should be carried out.</p> <p>17 The process is that, once the investigator's report</p> <p>18 has been completed, and, as you know, sir, the</p> <p>19 investigator's report identified a number of the issues,</p> <p>20 and I will use that term loosely, a number of the issues</p> <p>21 with which the inquiry has become concerned, in terms of</p> <p>22 the completion of the FA2 documentation, the failure to</p> <p>23 record the minutes of meetings. So those issues were</p> <p>24 identified in the IOPC's final report --</p> <p>25 THE CHAIRMAN: Yes.</p> <p style="text-align: center;">Page 60</p>

15 (Pages 57 to 60)

<p>1 MR SIMPSON: -- and there is a formal process under 2 paragraph 23 of schedule 3 to the Police Reform Act, 3 whereby at the end of the investigation the report is 4 sent to the appropriate authority. Under paragraph 23 5 the appropriate authority then has to make a series of 6 determinations. One of those is that it has to advise 7 the IPCC, as it then was, of any action it intends to 8 take in consequence of anything raised in the report. 9 Certainly, there was no communication back to the 10 IOPC, or the IPCC as it then was, that any form of 11 management action was going to be taken. 12 It is not -- in contrast to a determination of 13 a case to answer, the IOPC has no power to direct or 14 recommended that management action is taken. 15 THE CHAIRMAN: The IOPC cannot say, "We do not consider that 16 there is a case to answer as far as misconduct is 17 concerned, but we think, nevertheless, that 'Management 18 action' should be taken to ensure that shortcomings 19 [I am talking in general terms here] such as those as 20 have been identified in the report, are not repeated in 21 the future?" 22 MR SIMPSON: In terms of management action, there are 23 certainly occasions -- and it wasn't the case as far as 24 I am aware of in this case. There are certainly 25 occasions in which that sort of informal recommendation</p> <p style="text-align: center;">Page 61</p>	<p>1 is made -- as I say, it has no power to force the MPS to 2 perform management action. 3 THE CHAIRMAN: But you have the power to make 4 a recommendation? 5 MR SIMPSON: There are powers to make recommendations. 6 THE CHAIRMAN: Yes. 7 MR SIMPSON: And, as you know, recommendations were made in 8 this case, addressing a number of those issues. But 9 certainly no informal representation was made that 10 management action was appropriate in this case. 11 THE CHAIRMAN: Did the IOPC, or IPCC as it then was, have 12 the power to make those recommendations? 13 MR SIMPSON: It is not a specific power conferred in the 14 legislation but certainly -- in practice, there is no 15 prohibition on an IPCC decision maker saying in this 16 case I have not determined there a case to answer but 17 you might want to consider whether management action is 18 appropriate or even that we think management action may 19 be appropriate. 20 THE CHAIRMAN: Wouldn't it be helpful if that sort of 21 informal power to make a recommendation was given some 22 teeth? 23 MR SIMPSON: Well, it may be. I think the legislative 24 regime is that the IOPC is a backstop in terms of 25 disciplinary proceedings and where the threshold is</p> <p style="text-align: center;">Page 62</p>
<p>1 reached for disciplinary proceedings, the statutory 2 regime permits the IOPC to make ultimately the 3 appropriate authority, in this case the 4 Metropolitan Police Service, bring those proceedings, 5 even if it doesn't want to. 6 But at the level of what is in effect management 7 supervision, the statutory regime takes the view in 8 essence that it is for supervisors to exercise their own 9 discretion whether to bring ... to take management 10 action -- 11 THE CHAIRMAN: Does it follow, therefore, that even though 12 the IOPC/IPCC -- it matters not because the position 13 hasn't changed -- has the position informally to 14 recommend that management action be taken, they have no 15 power to see that through and no power to do anything in 16 the event that the MPS decide not to? 17 MR SIMPSON: No, if it doesn't -- that is exactly right. If 18 in the IOPC's view it doesn't reach the threshold either 19 for a case to answer, and my learned friend, Ms Murphy, 20 has brought to my attention the performance regulations, 21 there is amongst the myriad of processes there are, 22 there are also the performance regulations. And in some 23 circumstances, the IOPC can insist that performance 24 proceedings under the performance regulations are 25 brought in some circumstances. But where in the IOPC's</p> <p style="text-align: center;">Page 63</p>	<p>1 view there are faults which do not cross the threshold 2 either for procedures under the performance regulations 3 or formal case to answer determinations in respect of 4 misconduct proceedings, it may only informally recommend 5 them. The appropriate authority, as in the 6 Metropolitan Police Service, if on having read the 7 report, it stands out to them that there are these 8 issues and they think that management action is 9 appropriate, then of course they can take that 10 management action. 11 THE CHAIRMAN: I don't suppose they have any obligation to 12 let you know what they are going to do, once you have 13 decided it is not misconduct or a matter subject to 14 performance regulations proceedings? 15 MR SIMPSON: In what is referred to as the memorandum, which 16 is when they received the report they are required to 17 provide a memorandum back to the IPCC, as it then was, 18 setting out a number of things, primarily addressing the 19 opinions about a case to answer, but also identifying -- 20 THE CHAIRMAN: But we are talking about a situation where 21 there is no case to answer -- 22 MR SIMPSON: Yes. 23 THE CHAIRMAN: -- where whatever the position as far as 24 Mr Turner is concerned, let's say that an officer in 25 respect of whom misconduct proceedings have been</p> <p style="text-align: center;">Page 64</p>

<p>1 considered but rejected as an appropriate option by the 2 IOPC, they say nevertheless informally, but without any 3 power, "Management action is called for". At the end of 4 the day, that is no more than an informal suggestion 5 which is presumably not followed up and to which the MPS 6 have no obligation to respond? 7 MR SIMPSON: They have a responsibility when they receive 8 the report to respond, including to advise the IOPC of 9 any action it intends to take in its discretion as 10 a result of the matters raised in the report. That is 11 in paragraph 23 of schedule 3. 12 THE CHAIRMAN: Of? 13 MR SIMPSON: The Police Reform Act 2002. 14 THE CHAIRMAN: Thank you very much. 15 MR SIMPSON: I can provide -- I will provide to the inquiry 16 team that paragraph. 17 THE CHAIRMAN: It would be helpful if you could provide me, 18 perhaps within 28 days, with a note to address the 19 points that I have raised with you today. It would be 20 very helpful. 21 Thank you. 22 MR BUTT: Sir, management action is part of the normal 23 managerial process within a police service. 24 THE CHAIRMAN: Yes. 25 MR BUTT: This is not a case where there had been</p> <p style="text-align: center;">Page 65</p>	<p>1 a determination that there was not a case to answer for 2 Superintendent Turner. This was a case where the IOPC 3 had concluded there was no indication that he had 4 breached the standards of professional behaviour and 5 there was no indication of unsatisfactory performance in 6 his case. You have a copy of the IOPC reports. 7 THE CHAIRMAN: I do. 8 MR BUTT: It is common for the IOPC to make recommendations 9 about management action. They did not in this case, 10 because there is nothing in the report that would 11 substantiate that. 12 THE CHAIRMAN: Thank you. 13 MR BUTT: Thank you, sir. 14 Ms Blackwell. 15 Discussion re gross negligence 16 MS BLACKWELL: Sir, there was some discussion at the 17 conclusion of submissions on Monday -- 18 THE CHAIRMAN: Yes, there was, about gross negligence 19 manslaughter. 20 MS BLACKWELL: Yes, and whether or not an inquiry could or 21 should receive expert evidence on the question of the 22 nature of a breach -- 23 THE CHAIRMAN: Yes. 24 MS BLACKWELL: -- and its level of grossness, which caused 25 us to consider, again, the authority of Sellu, which</p> <p style="text-align: center;">Page 66</p>
<p>1 lies behind divider 19 in your bundle of authorities. 2 May I invite you, please, sir, to consider for 3 a moment the judgment of Sir Brian Leveson at 4 paragraph 134, which is at page 19. 5 Of course, this was a medical case, but the way in 6 which the situation is expressed at paragraph 134 may 7 assist you. 8 THE CHAIRMAN: Thank you. 9 MS BLACKWELL: In which he says: 10 "In the instant case, for the jury to reach 11 an adverse conclusion in relation to negligence, they 12 had to be sure that Mr Sellu's standard of care fell 13 below what should reasonably have been expected from 14 a competent consultant colorectal surgeon. In order to 15 consider that question, the jury were entitled to 16 receive evidence from appropriate medical experts as to 17 their opinion as to what should reasonably have been 18 expected from a competent colorectal surgeon, and so to 19 decide whether, on the facts as the jury found to be, 20 Mr Sellu fell below the requisite standard. However, 21 when any such negligence was gross, which is not 22 a medical term --" 23 THE CHAIRMAN: "Whether any such negligence ..." 24 MS BLACKWELL: Yes: 25 "... involved an evaluation for the jury, medical</p> <p style="text-align: center;">Page 67</p>	<p>1 opinion may be better informed on that point but it is 2 not and could not be determinative. Experts might be 3 able to place negligence on a spectrum and examples can 4 be given of that spectrum, but this assistance needs to 5 be considered by the jury in the context of all the 6 circumstances as the jury find them to be, rather than 7 as evaluated by the experts." 8 In other words, the court or an inquiry is entitled 9 to receive expert evidence on both the issues of whether 10 or not a breach is a Bolam breach and also whether or 11 not it is something to be described as a gross breach. 12 Sir, I hope that that assists in you having clarity 13 around the question of whether or not experts could have 14 given evidence on the point. 15 THE CHAIRMAN: Experts could certainly have given evidence 16 on the point. What they couldn't have done, it seems to 17 me, is to say that it satisfied the definition of gross. 18 MS BLACKWELL: Well, they could, in fact, have provided 19 an opinion on the ultimate issue. In a criminal 20 situation, as long as thereafter a jury is directed by 21 the judge that it is for them to determine the matter 22 based upon if they see fit the assistance given by the 23 experts, but it is their determination and not -- 24 THE CHAIRMAN: It is not dissimilar, is it, from a situation 25 where an expert, talk about DNA for example. There is</p> <p style="text-align: center;">Page 68</p>

<p>1 a scale of probabilities, from weak to very likely, or 2 very strong, because very strong/strong/medium/weak, 3 a scale of probabilities, all those are matters upon 4 which a jury can receive evidence in a criminal trial -- 5 MS BLACKWELL: Quite so. 6 THE CHAIRMAN: -- but it is a matter for the jury to 7 evaluate. 8 MS BLACKWELL: Quite so, yes. And it is their determination 9 that matters. 10 That is not to say that the evidence is inadmissible 11 on those issues. 12 THE CHAIRMAN: No, so in other words the point is that the 13 witnesses could have been asked to express a qualitative 14 view on the nature of the breaches upon which reliance 15 is placed? 16 MS BLACKWELL: That's right, but in the event that didn't 17 happen. 18 THE CHAIRMAN: Yes. 19 Anything else? 20 MS BLACKWELL: No, thank you. 21 That brings to a conclusion the closing submissions. 22 THE CHAIRMAN: It does, but we still have the personnel file 23 issues unresolved. 24 MS BLACKWELL: Yes. 25 THE CHAIRMAN: Where are we going in relation to that? Is</p> <p style="text-align: center;">Page 69</p>	<p>1 it necessary to make further requests or what? 2 MS BLACKWELL: I understand that it is being worked on and 3 we are told we will get an ETA as soon as it is possible 4 to provide that. 5 THE CHAIRMAN: It is something that has been worked on for 6 rather on long time. 7 Mr Butt, what is happening here? I think you are 8 the person to whom I should direct my enquiries. 9 MR BUTT: Whether I am the best person, I certainly am the 10 person. 11 We, as you know, have served you with two statements 12 and we have received further requests and I understand 13 the inquiry's position is those do not satisfactorily 14 answer the questions. I am not going to quibble with 15 that. It is something we are looking into as I speak. 16 I have, this morning, conveyed the importance of the 17 request, the urgency of the request. 18 Sir, when you said it was not going to go away, that 19 was no news to us. We are going to answer your 20 questions in full. 21 THE CHAIRMAN: It is not something which has taken anybody 22 by surprise. I raised it at a very early stage in this 23 inquiry and we were waiting throughout. To get 24 a statement simply saying that W80 did not return to 25 firearms-related duties until after, without any date,</p> <p style="text-align: center;">Page 70</p>
<p>1 without any reference to what steps were taken 2 administratively or as far as occupational health 3 assessment was concerned, it leaves far too many 4 questions unanswered. 5 MR BUTT: There will not be questions unanswered. The 6 phrase used this morning was "turn the screws", we will 7 continue to do that. We understand how important this 8 is. It is not something -- 9 THE CHAIRMAN: In the grand scheme of things I have an awful 10 lot to think about -- 11 MR BUTT: Yes. 12 THE CHAIRMAN: -- but if I were to say now I expect all 13 those answers to have been provided within 14 days, and 14 if it is not, then -- 15 MR BUTT: As you can imagine, sir, it is much easier going 16 forward from today than it has been -- I think it was 17 July when we have been formally responding and onwards 18 to a Rule 9 request. We will be able to do that, I am 19 quite sure, sir. 20 THE CHAIRMAN: I will make an order in those terms. 21 MR BUTT: Certainly. 22 THE CHAIRMAN: If you require specific chapter and verse of 23 what I want, then I know that probably Ms McNeill will 24 deal with it and if she deals with it, you will have her 25 to answer to if it is not provided.</p> <p style="text-align: center;">Page 71</p>	<p>1 MR BUTT: Sir, we have all the information we need. We will 2 make sure that we liaise with your team before that 3 deadline is over, so if there are problems we can 4 address them sooner. There is an extant Rule 9 request 5 and we will comply with that. 6 THE CHAIRMAN: Thank you very much indeed. 7 MR BUTT: Thank you, sir. 8 THE CHAIRMAN: It only remains I think for me to thank 9 everybody for your assistance really throughout. It is 10 a one-sentence word of thanks but it really does scant 11 justice to the debt of gratitude which I owe everybody. 12 MS BLACKWELL: Thank you sir. 13 THE CHAIRMAN: I shall now go and lock myself in a darkened 14 room and hopefully emerge at some stage. 15 Thank you all very much. 16 (12.14 pm) 17 (The Inquiry adjourned) 18 19 20 21 22 23 24 25</p> <p style="text-align: center;">Page 72</p>

1	
2	
3	I N D E X
4	
5	Closing submissions by MR PENNY1
6	Closing submissions by MS KUZMENKO52
7	Discussion re management action56
8	Discussion re gross negligence66
9	
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	
	Page 73

A	<p>addition 1:15 29:9 53:1</p> <p>additional 8:18</p> <p>address 46:2,18 50:3,13 52:8 54:15 65:18 72:4</p> <p>addressed 6:2,15 8:18 12:2 19:3 25:19 51:22</p> <p>addresses 49:21</p> <p>addressing 62:8 64:18</p> <p>adequacy 53:9</p> <p>adequately 55:1</p> <p>adjourned 72:17</p> <p>adjournment 40:12</p> <p>administratively 71:2</p> <p>admiration 55:10</p> <p>admissible 14:22</p> <p>adopt 5:22 9:12</p> <p>advanced 20:8 27:10,11 29:23 35:20,25 36:14 44:2</p> <p>advantages 9:8</p> <p>adverse 46:23 47:13 67:11</p> <p>advise 61:6 65:8</p> <p>AF5 2:10</p> <p>affect 20:15 40:20 41:24 43:1,3</p> <p>affirmed 2:16</p> <p>afforded 31:22</p> <p>AFO's 43:13</p> <p>aftermath 1:23 30:7 36:12 46:19</p> <p>agreed 26:3 29:17 32:7 35:5</p> <p>agreement 15:23 26:25</p> <p>aid 21:8,16 22:4 23:1</p> <p>Alan 2:10</p> <p>albeit 48:20 49:23 51:4</p> <p>Aligning 7:25</p> <p>allegation 27:15</p>	<p>27:18</p> <p>allegations 49:7</p> <p>allows 54:10</p> <p>Alpha 21:3</p> <p>alternative 29:6 40:1</p> <p>amendments 54:1</p> <p>analysed 7:17</p> <p>analysis 17:10,11 19:16 37:22 38:5 40:3</p> <p>and/or 16:3 52:17</p> <p>angle 28:14 29:3</p> <p>Ankaa 53:17</p> <p>answer 5:8 9:14 16:19 23:25 58:14 59:6 61:13 61:16 62:16 63:19 64:3,19,21 66:1 70:14,19 71:25</p> <p>answerable 51:10</p> <p>answered 33:11 52:24</p> <p>answering 5:6 9:21</p> <p>answers 37:23 47:25 71:13</p> <p>anterior 29:4</p> <p>Anthony 3:12,24</p> <p>anybody 70:21</p> <p>anybody's 60:12</p> <p>anyway 32:13</p> <p>apart 10:22</p> <p>APP 24:8 42:14</p> <p>apparent 4:11 5:14</p> <p>Appeal 3:22 6:21 10:11,12</p> <p>appear 4:13 8:11 56:16</p> <p>appearing 8:2 10:5</p> <p>appears 12:12 42:22</p> <p>apples 45:13</p> <p>applicable 53:6</p> <p>application 9:20 14:25</p>	<p>applied 10:2 17:21</p> <p>apply 15:24 18:11</p> <p>applying 18:7</p> <p>appreciate 48:23</p> <p>appreciation 55:18</p> <p>approach 3:12 4:3 4:17 8:21 9:13</p> <p>approached 9:3 18:25 44:22</p> <p>appropriate 6:25 10:1 24:7,14 46:21 50:10 60:14 61:4,5 62:10,18,19 63:3 64:5,9 65:1 67:16</p> <p>appropriately 53:8 55:2</p> <p>approximately 28:18,21,22 29:4</p> <p>area 3:17 31:6 42:8</p> <p>argument 14:7,8 44:21</p> <p>arguments 4:21,22 4:25</p> <p>arisen 54:13</p> <p>arising 12:1</p> <p>arm 26:9</p> <p>armed 43:15</p> <p>Armistice 46:10</p> <p>armourer 39:9</p> <p>arose 13:4 15:10</p> <p>arranged 30:18</p> <p>arrested 39:3</p> <p>arrival 21:9</p> <p>article 2:18 4:24 7:4,4 10:20,24 11:15,17,19 13:21 14:7,8,12 14:14 42:2</p> <p>Arundale 31:20 32:3,19,23 33:5</p> <p>asked 2:20 3:15 4:18 5:15 21:18 22:23,24,25 24:19 25:6,11 26:21 28:7 32:20</p>	<p>42:7 52:21 58:11 69:13</p> <p>aspect 10:1 35:16</p> <p>aspects 47:9</p> <p>assertion 18:21</p> <p>assertions 20:6 33:17</p> <p>assess 46:21 48:13 53:7,24</p> <p>assessment 19:8 71:3</p> <p>assist 31:7 51:1 56:6 58:19 67:7</p> <p>assistance 56:4,8 68:4,22 72:9</p> <p>assisting 21:16</p> <p>assists 68:12</p> <p>associated 9:25</p> <p>Association 42:5</p> <p>assumed 45:24</p> <p>assumption 27:13 28:16,17</p> <p>assure 55:14</p> <p>attack 37:19</p> <p>attacked 25:15</p> <p>attempting 21:23</p> <p>attend 30:12</p> <p>attention 14:10 18:2 33:3 63:20</p> <p>attributing 46:23</p> <p>Audi 2:3 30:25 31:6,8</p> <p>audio 20:6 31:24 32:6 33:17 35:18</p> <p>audit 54:20</p> <p>auditory 45:4</p> <p>August 1:8</p> <p>authorities 3:17 3:18 4:19 7:5 14:24 16:12 67:1</p> <p>authority 60:15 61:4,5 63:3 64:5 66:25</p> <p>aware 9:25 26:5 50:8 52:5 61:24</p> <p>awful 71:9</p> <p>axiomatic 33:1</p>
			B	
			b 5:15	

back 30:18 33:1 35:24 36:3 59:3 61:9 64:17	14:17,19 17:20 36:18,21 37:19	briefly 51:5	64:21 65:25 66:1	chapter 71:22
background 34:10 38:14	believing 19:1 37:4	bring 33:2 63:4,9	66:2,6,9 67:5,10	character 48:14 49:12,17
backstop 62:24	benefit 40:6	brings 69:21	cases 4:22 20:16	chest 2:2 21:22 23:8 26:14 31:6 31:10
bag 2:2,8 20:12 21:10,22 22:2,3,4 22:5,8 23:8 26:12 27:2,23 29:23 30:6 31:10 31:11 35:24 36:5 37:8 38:2,5,14 39:2,9 45:6	Bennett 12:21,22 13:3,10,12,17 14:25 15:3,6 18:5	Brookes 29:9 30:3 33:9	40:21 41:19 42:5 42:10 43:17	chief 5:21 6:7,9 42:5
Baker 2:2 11:10 21:10 22:24 29:16,24 30:24 31:5,8 36:6 38:12,15 53:16 55:14	best 4:17 30:12 70:9	Brookes' 28:3	caused 66:24	chronology 3:16 44:8
Baker's 20:11 26:7 26:9 27:23 30:8 35:23 37:25 38:10 39:23 52:10,19 53:25 54:18,25 55:9	better 68:1	brought 29:14 59:15 63:20,25	centimetres 28:23 29:4	circumstances 3:8 5:6,12,16 9:6,11 10:23 11:11 12:1 17:20 37:24 47:19 53:15 54:18,24 63:23 63:25 68:6
balance 28:13	big 29:13 30:4	Brown 2:15 34:2	central 11:24	cited 15:8
bandages 21:24	bits 41:23	bullet 39:5	centre 42:23	civil 6:14 8:1,2 12:6,19
banging 35:5	black 22:2,7	bundle 15:14 67:1	Certain 53:21	claim 14:2
Barry 2:13 35:1	Blackwell 32:2 39:10 51:22 56:10,16,18 57:2 57:4,13 66:14,16 66:20,24 67:9,24 68:18 69:5,8,16 69:20,24 70:2 72:12	burden 47:19	certainly 35:4 42:11 47:25 61:9 61:23,24 62:9,14 68:15 70:9 71:21	clarity 9:14 68:12
based 41:4 68:22	blood 21:24 22:8	Burrows 2:20 19:14 31:20 32:3 33:6 39:18 40:25 41:14,18 42:3	chairman 1:3 3:2 6:4,8,11 12:9 13:14 15:16,20 16:4,6,14,17,21 17:1 22:13 26:15 26:23 27:4,7 28:1 32:12,14,18 34:22 35:8 38:17 38:22 40:6,14 43:14,23 47:24 48:3,6,11,16,23 49:2,5,9,13,18 50:2 51:3,9,16,21 51:24 55:19 56:8 56:15,17,22 57:3 57:5,23 58:1,7,10 58:13,17,21 59:2 59:9,21 60:5,25 61:15 62:3,6,11 62:20 63:11 64:11,20,23 65:12,14,17,24 66:7,12,18,23 67:8,23 68:15,24 69:6,12,18,22,25 70:5,21 71:9,12 71:20,22 72:6,8 72:13	classic 28:6,12
basis 37:13,15	blush 8:12	Burrows's 41:2,8	chairman 1:3 3:2 6:4,8,11 12:9 13:14 15:16,20 16:4,6,14,17,21 17:1 22:13 26:15 26:23 27:4,7 28:1 32:12,14,18 34:22 35:8 38:17 38:22 40:6,14 43:14,23 47:24 48:3,6,11,16,23 49:2,5,9,13,18 50:2 51:3,9,16,21 51:24 55:19 56:8 56:15,17,22 57:3 57:5,23 58:1,7,10 58:13,17,21 59:2 59:9,21 60:5,25 61:15 62:3,6,11 62:20 63:11 64:11,20,23 65:12,14,17,24 66:7,12,18,23 67:8,23 68:15,24 69:6,12,18,22,25 70:5,21 71:9,12 71:20,22 72:6,8 72:13	clear 6:19 11:15 12:18 13:5 22:23 23:20 24:5 38:25 46:3 50:7 51:11 54:20 58:14
bear 11:11	body 26:7 28:22 28:24 33:15 37:9 49:16	Butt 5:25 57:15 58:1,4,9,11,14,18 58:22 59:5,14,25 65:22,25 66:8,13 70:7,9 71:5,11,15 71:21 72:1,7	called 65:3	cleared 23:21
bearing 54:24	bolam 68:10	Butt's 15:6	camp 51:13	clearer 7:6
Beckford 17:25	box 25:9	call 47:6	capacity 48:21 49:22	client 51:6,10
began 31:9	Bracknell 19:19 24:11 39:13 40:17 44:12 45:15 46:23 47:14	care 1:17 32:6 67:12	car 2:4 21:3	Close 19:19 24:11 39:13 40:17 44:12 45:15 46:23 47:14
behalf 4:12 18:21 19:17 31:17 40:16 44:2,22 49:11 50:25 51:15,23 56:11	breach 39:5 66:22 68:10,10,11	careful 52:11,15 53:11 55:23	care 1:17 32:6 67:12	closed 54:12
behaviour 10:7 45:3 66:4	breached 10:6 59:18 60:4 66:4	carried 60:16	cars 19:15	closing 1:5 2:23 42:22 52:3 56:10 56:12 69:21 73:5 73:6
belief 16:7,8,9,9 17:4,5,7,8,18 37:7,14 40:2	breaches 69:14	carry 21:23	case 3:15 4:4,14 6:17 12:21 15:8 15:8,10,12 17:15 18:8,13 28:9 29:22 34:14,15 38:13 53:25 54:21 55:4,22 58:6 59:18 60:7 61:13,16,23,24 62:8,10,16,16 63:3,19 64:3,19	clothing 30:14
believe 15:13 16:2 17:14	break 38:21 40:5,6	cars 19:15	case 3:15 4:4,14 6:17 12:21 15:8 15:8,10,12 17:15 18:8,13 28:9 29:22 34:14,15 38:13 53:25 54:21 55:4,22 58:6 59:18 60:7 61:13,16,23,24 62:8,10,16,16 63:3,19 64:3,19	code 10:9
believed 1:12	Brian 6:2,16 7:12 7:19,24 67:3	case 3:15 4:4,14 6:17 12:21 15:8 15:8,10,12 17:15 18:8,13 28:9 29:22 34:14,15 38:13 53:25 54:21 55:4,22 58:6 59:18 60:7 61:13,16,23,24 62:8,10,16,16 63:3,19 64:3,19	change 17:1 33:3 47:18	coherent 20:9 35:21
	bridge 17:16	changed 63:13	Chamber 3:21 14:14	coin 8:12
	brief 24:15 52:1		change 17:1 33:3 47:18	coincidence 36:8,9 45:21
	briefed 38:24		changed 63:13	colleagues 1:14
	briefing 50:14			College 42:17
	briefings 11:25 18:11 39:6			

colorectal 67:14 67:18	concludes 55:16	46:17 54:8	copies 13:12	cross-examination
colour 22:2	conclusion 2:25	consideration	copy 66:6	42:3
come 2:24 19:24 23:20 30:17 43:6 57:21,24	7:25 11:9 30:6 30:17 33:12 34:19 66:17 67:11 69:21	50:24 52:12 53:9 60:7,11	core 52:4,10 56:20	cross-examined
comforted 16:21	conclusions 9:2	considerations	coroner 5:21 6:10	40:25
commander 59:1	concoct 36:11	8:17	coroner's 6:7	crossed 60:11
comment 4:8 9:19 50:4	concoction 27:12 38:7	considered 24:6 65:1 68:5	coronial 5:3,17	Crown 49:23
commissioned 58:19	condition 30:6	considering 6:16 9:5 13:2	correct 10:10 18:14	CTI 13:1
common 24:5 46:4 46:7 66:8	condolences 55:9	consistent 27:17	counsel 5:20,25 6:6,24 12:25 33:4	CTSFO 12:18
commonplace 33:24	conduct 10:25 46:18 47:14 48:15 58:24 59:3 59:22	construction 10:10	counsel's 6:5 12:22	cueing 39:15
communication 59:21 60:13 61:9	conducted 42:4 55:19	consultant 67:14	course 2:13 3:9 9:18 11:23 13:16 15:5,9 18:14 19:25 24:17 28:1 28:23 32:21,25 34:23 36:10 38:23 45:5 48:1 49:1,3,14 51:5 52:21 54:13 56:5 57:25 64:9 67:5	cues 45:4
comparing 44:24 45:13	conferred 62:13	contained 5:23 6:6 15:21 41:15 42:17 43:9	court 3:19,21,22 6:3,20 7:12,14,18 7:20,23 10:11,12 14:6 15:1,4 17:13 68:8	culminating 41:20
comparison 2:12 44:21	conferred 62:13	containing 39:3,8	courtesy 56:2	current 13:24
competent 12:17 45:17 67:14,18	confident 27:22	contains 6:13	courts 5:1 17:22 33:23 43:16	currently 10:2 57:19
completed 36:25 37:4 60:18	confined 48:24	contemporaneous 27:18	cover 23:18	curriculum 42:7
completion 60:22	confirmed 39:16	contented 33:15	covered 22:8 50:8	CV 2:20
complies 14:12	confronted 44:22 45:4	content 2:9,12,16 2:18 20:2,21 39:16 41:13 50:7	covertly 34:1	cylindrical 22:7
comply 37:16 72:5	confused 32:10	context 13:4,19 18:19 43:7 49:6 68:5	CPR 21:16	
complying 37:5,21	confusing 9:13	contextual 39:15	credibility 25:15	<hr/>
components 44:19	confusion 8:13	continually 14:4	criminal 3:10 4:9 6:14 7:7 11:18 16:23 17:25 33:23 39:9 43:17 68:19 69:4	D
comprehensive 52:15 53:6	connect 20:10 35:22	continue 55:15 71:7	critical 2:18 20:15 36:3 38:9 40:20 45:5	D 73:3
concealed 34:1	connected 38:11 38:14 39:23	contrary 36:20	criticised 30:9 43:18	Da 3:20 14:14
concern 48:24	connection 2:1 5:12 6:25 7:22 10:14 11:23 12:10,12 13:17 15:8 19:23 20:12 35:24 40:16 42:11 44:1,15 45:2 49:15	contrast 61:12	courts 5:1 17:22 33:23 43:16	dangerous 45:10
concerned 2:6 3:10 5:19 10:1 16:23 24:4 27:20 27:20 30:9 37:11 45:8 49:19 50:21 53:22 56:24 57:6 57:10 59:3 60:21 61:17 64:24 71:3	consequence 3:18 61:8	contribution 52:5 52:9	cover 23:18	darkened 72:13
concerning 9:24 40:17	consider 1:16 3:12 4:1 5:18 6:20 7:15,21 8:16,20 10:18,19 11:25 14:2 18:19 41:12 42:1 61:15 62:17 66:25 67:2,15	control 49:25	cover 23:18	dashboard 34:15 36:19,25
concession 18:20	considerable	convenient 36:9	covered 22:8 50:8	date 70:25
conclude 46:25 54:17		conventionally 16:23	covertly 34:1	day 19:6 22:9 24:17 25:5,12 28:7 32:8,13,24 41:7,17,21 44:12 46:10 47:2,10 65:4
concluded 66:3		conversant 50:11	CPR 21:16	days 39:17 65:18 71:13
		conversation 1:22 20:25 21:7 24:6 25:6,18	credibility 25:15	de 15:7
		conversations 24:11	criminal 3:10 4:9 6:14 7:7 11:18 16:23 17:25 33:23 39:9 43:17 68:19 69:4	deadline 72:3
		conveyed 70:16	critical 2:18 20:15 36:3 38:9 40:20 45:5	deal 9:2 19:24 25:20 27:1 31:1 71:24
		cooperated 54:4	criticism 23:13 31:16 32:1 59:3	dealing 44:4 54:12
		cooperation 55:13	cross 48:6 64:1	deals 71:24
		COP36 42:17		dealt 15:12 26:18 53:10 55:10
				death 3:24 5:4,13 11:1 53:16 54:18 54:25
				debt 72:11
				deceased 28:24 29:3
				December 1:10

<p>21:4 39:7,7,8 42:15,20 45:21 48:19 52:18 decide 17:8 46:22 63:16 67:19 decided 64:13 decision 2:19 3:20 3:22 13:5 15:6 20:16 36:6 40:21 48:20 49:23 56:23 59:6 62:15 decisions 11:20 16:18 47:22 declared 15:2 deeper 8:5 defence 7:1,17 13:8 14:3,12 15:13,25 16:3 17:6 defendants 43:20 deficiency 54:22 definition 8:1 68:17 definitions 8:11 degree 17:23 deliberate 27:11 delivered 47:15 demonstrate 55:4 demonstrated 34:17 demonstrates 1:10 demonstrating 54:20 dependent 46:7 deployed 38:6 39:12,21 46:5,11 deployment 45:22 46:10 Derek 13:17 derived 44:24 described 7:9 35:5 35:10 37:7 39:9 41:1 68:11 describing 60:2 desirability 10:5 detail 47:6 54:15 detailed 4:7 7:16 9:10,13,18 12:3 23:24 44:7 54:11</p>	<p>details 43:5 determination 6:13 14:23 61:12 66:1 68:23 69:8 determinations 11:8 61:6 64:3 determinative 68:2 determine 5:15 8:2 10:5 68:21 determined 62:16 determining 15:24 develop 27:24 developed 17:11 devoted 54:9 dicta 17:14 different 3:9 8:11 8:18,24 14:15 18:3 29:7,11,15 33:6 45:1 differing 45:3 difficult 55:11 direct 12:4 14:2 41:6 61:13 70:8 directed 68:20 direction 14:11 directly 5:6 28:25 29:1 46:3 49:21 53:10 discharge 10:17 disciplinary 60:9 62:25 63:1 disclosed 53:3 discoverable 33:25 discretion 52:13 63:9 65:9 discusses 15:2 discussion 7:11,21 11:19 43:8,11 56:21 66:15,16 73:7,8 dismiss 40:18 dismissed 20:13 dispute 35:4 disputed 6:19 disputes 7:9 disregarded 24:22 disseminated 52:17 54:18</p>	<p>dissimilar 68:24 distill 44:19 distinction 55:23 distortion 20:15 40:20 distortions 43:2 divider 56:16 67:1 divisional 3:19 6:3 7:12,13,20,23 15:4 DNA 68:25 Dobinson 47:6,15 document 2:11,12 2:14,21 34:20 documentary 2:22 53:2 documentation 60:22 documented 24:14 doing 9:20 37:16 48:18 54:5 58:1 domain 54:8 domestic 7:16 domestically 5:1 doubt 45:4 doubtless 44:17 downwards 28:22 draw 14:10 18:1 26:19 45:24 47:13 drew 10:13 due 11:22 19:25 41:13 50:24 Duggan 3:19,23 6:3,15,21 7:10,23 11:20 15:4 duties 10:17 48:20 70:25 duty 10:18,19 33:2 45:19,25</p> <hr/> <p style="text-align: center;">E</p> <hr/> <p>E 73:3 ear 34:13 35:13 early 34:8 48:7 70:22 easier 71:15 East 14:13 ECHR 14:14 effect 20:5 29:14</p>	<p>31:14 50:20 52:7 52:14 63:6 Effects 42:23 efficiently 54:19 effort 54:8 efforts 2:5 21:8 31:1,7 either 10:20 16:19 26:13 37:13,15 38:1 63:18 64:2 elaboration 50:23 email 39:7 emerge 72:14 employment 47:23 enable 36:11 52:15 53:7 enabled 50:15 52:19 53:24 encounter 42:25 encountered 42:9 endeavoured 50:16 engage 12:6 enhanced 35:13 enquire 47:21 enquiries 70:8 ensued 2:5 3:23 19:20 ensure 61:18 ensuring 54:6 entered 19:19 entire 55:19 entirely 35:17 38:17 entitled 9:19 18:6 50:1 67:15 68:8 entitlement 5:9 entry 28:19 environment 49:8 equally 24:20 equipment 34:12 Eren 39:2,8 erroneous 7:5 error 32:16,17 essence 35:25 63:8 essential 1:7 essentially 4:25 5:12 27:15 established 25:22</p>	<p>32:2 39:10 ETA 70:3 ethics 10:9 Europe 17:11 European 3:21 15:1 17:13 evaluate 69:7 evaluated 68:7 evaluation 67:25 evening 3:1 event 12:24 45:7 45:10 63:16 69:16 events 9:17 19:18 20:17,18 30:24 40:17,22,23 42:12 43:2,21 44:8,11,24 45:1 45:15 46:22,25 47:13,16 52:18 55:7 everybody 1:3 72:9,11 evidence 1:9,17,21 1:25 2:17,21,22 9:11,19 14:23 18:17 19:8,10 20:2,5,21,23 22:9 24:8,20,20,21 25:2,10,15,21 27:20 28:2,4,7 29:10,22 30:5,16 30:22 31:3,15,18 31:19,23 32:5,13 32:22 33:9,13,16 33:23 35:7,17 39:11,14 41:14 44:17,19 46:1,2,9 47:3,10,11 49:16 49:20 50:6,8,12 50:12,16,20 52:23 53:1,2,21 54:3,14 55:22 58:23 66:21 67:16 68:9,14,15 69:4,10 evident 34:6 evidential 36:2 ex 12:21</p>
---	---	---	--	---

<p>exactly 36:1 41:9 58:7 63:17 examination 2:11 34:20 examine 4:18 examined 24:5 39:4 examining 19:18 example 11:6 44:15 68:25 examples 68:3 exchange 24:4 excluded 29:20 exemplary 55:25 exercise 30:13 33:21 34:13 45:8 63:8 exercised 5:5,5 existed 17:20 exists 10:24 expand 56:13 expect 19:14 71:12 expected 67:13,18 experience 33:22 41:19 42:25 experienced 46:16 expert 20:5 31:15 33:1 34:12 50:3 66:21 68:9,25 expertise 33:5 41:2 experts 25:22 26:3 29:17 31:18,20 31:21,24 34:11 35:10 38:25 39:15 42:8 50:8 67:16 68:2,7,13 68:15,23 experts' 41:14 explained 29:9 41:9,18 explaining 7:6 explanation 20:10 35:22 38:9 explicitly 6:2,14 explored 52:22 express 55:9 69:13 expressed 39:19 67:6</p>	<p>expression 31:6,9 extant 9:24 12:7 72:4 extensive 18:17 42:4 extent 41:18 53:19 55:3 extraordinary 8:8 extremely 55:11 eyewitness 30:22 30:24</p> <hr/> <p style="text-align: center;">F</p> <hr/> <p>FA2 60:22 fabrication 27:16 27:16 faces 17:22 facing 18:4 28:25 fact 10:23 14:19 22:17 24:18 25:25 30:20 34:6 34:10 42:9 44:25 45:17 46:10 47:18 58:25 68:18 fact-finding 45:8 factors 19:5 facts 10:20 14:17 14:18 18:8 48:25 53:25 55:3 67:19 factual 4:3,6 9:2 9:10 12:4 failing 37:15 failure 20:1,20 26:20 60:22 fair 60:1 fairer 60:2 fairness 48:16 fallback 57:3 false 36:11 familiar 34:21 family 4:13 12:11 18:21,25 19:17 19:23 40:17 44:2 44:22 52:10,20 55:9,14 family's 11:7 12:13 36:15 far 2:6 3:9 5:19 24:4 27:19 49:19</p>	<p>56:24 57:5,10 59:2 61:16,23 64:23 71:2,3 fashioned 4:9 fatalities 11:4 fault 51:11,12 faults 64:1 favour 31:19 fear 48:12 feature 1:8 36:3 features 16:6 fed 59:3 feeling 47:5 feet 22:1 fell 67:12,20 field 33:6 41:3,10 fifth 20:13 40:15 Fifthly 2:15 8:20 figure 29:25 file 69:22 final 40:15 60:24 finally 3:23 55:15 55:17 find 9:7 15:22 29:23 43:10 68:6 finding 3:6 10:20 findings 4:4,5 5:10 9:10,14,17 10:5 12:3 25:23,24 26:3,5 27:22 fine 22:13 finish 38:19 fire 14:5 36:7 firearm 1:11 firearms 2:19 18:18 19:2,11,12 19:12,19 23:17 48:20 50:14,15 59:1 firearms-related 70:25 fired 1:11 20:9 21:23 23:19,19 25:4 26:8,11 29:1 35:21 40:2 43:13 47:18 firmly 54:6 first 1:21 2:24 8:12 11:15 16:1 20:1</p>	<p>20:20 21:8,16 22:3 23:1 24:19 25:3 26:21 30:3 32:2 36:14 39:2 45:22 46:23 57:5 57:14 firstly 5:11 26:6 44:8 54:17 fit 68:22 five 19:21 20:19 41:22 55:6 flagged 48:7 floor 21:25 focus 53:14 focused 31:11 focusing 30:10 follow 18:16 63:11 followed 9:9 19:23 34:16 65:5 following 1:17 11:1 37:24 41:20 42:21 49:22 52:11 follows 3:19 28:10 36:16 40:18 59:10 force 12:16 16:3 17:19,23 42:18 42:20 62:1 forewarning 51:17 forgive 1:17 32:9 form 6:10 10:25 24:6 60:16 61:10 formal 60:13 61:1 64:3 formally 71:17 format 57:17 forms 10:23 formulated 9:22 formulation 54:5 forward 28:9 56:2 57:24 71:16 forwards 57:22 found 39:4 57:8 58:4 67:19 foundation 36:2 four 5:16 Fourth 20:8 Fourthly 2:12 7:15</p>	<p>35:20 framework 54:10 frankly 52:25 French 2:10 34:25 French's 35:6 frequently 8:10 friend 10:21 57:15 63:19 front 29:4 45:4 fulfilling 5:13 7:3 21:3 46:4,12 full 39:5 54:9 55:12 70:20 full-time 45:19 fully 50:11 52:24 54:4 fulsome 47:11 function 4:24 5:4 5:13 further 5:22 12:10 25:11 27:3 31:4 32:25 35:7 44:20 45:14 50:6,19,23 51:2 56:4 70:1 70:12 Furthermore 8:7 future 5:4 11:4 12:1 61:21</p> <hr/> <p style="text-align: center;">G</p> <hr/> <p>gaining 30:14 gathered 49:20 52:17 53:5 general 18:12 61:19 generally 3:11 19:12 40:24 43:8 53:19 60:6 genuine 16:8,9,13 16:24 genuinely 1:12 16:2,4 37:18 gesture 25:8,10,12 getting 21:17 gists 54:3,5,9 give 28:7 41:13 50:10,12,24 given 3:21 8:11 11:9 13:25 18:8 19:11 22:16 34:8</p>
--	---	---	--	--

38:8,13 44:24 47:14 52:23 53:1 53:9 54:3,14 60:7 62:21 68:4 68:14,15,22 gives 53:25 giving 25:10 32:22 Gladstone 17:12 go 27:1,24 48:4,9 70:18 72:13 goes 8:5 43:13,15 going 1:18 17:1 19:24 21:5,5,8,13 21:18,21 22:19 23:7,18 27:24 37:19 38:19 40:4 43:9 44:4 48:3 48:22 50:22 51:22 61:11 64:12 69:25 70:14,18,19 71:15 good 1:3 19:14 38:22 40:9 grade 16:17 Grainger 3:12,24 4:13 8:22 43:12 grand 3:20 14:14 71:9 grateful 21:11 gratitude 72:11 gravest 49:7 gross 15:9 66:15 66:18 67:21 68:11,17 73:8 grossness 66:24 grounds 29:21 grown 16:7 growth 16:11 guidance 5:20 6:6 6:9 42:16,17,20	53:18,23 54:23 hands 20:11 27:23 28:6,11,12 29:25 34:14,16 35:23 36:17,18,20,25 37:1,25 38:10,12 38:17 39:23,24 48:2 happen 69:17 happened 27:14 36:4 38:6 43:4 46:22 happening 70:7 happens 36:9,10 happy 56:5 hard 13:11 Hartley 58:19,23 58:25 59:7 Hatton 23:4 health 71:2 hear 35:12 57:14 57:21 heard 4:16 7:2 9:19 18:16 27:3 39:14 44:17 46:1 46:16 49:15 50:18 heightened 19:1 held 17:9 help 21:17 helpful 9:22 41:17 62:20 65:17,20 helping 17:8 23:1 HEMS 21:9 highest 56:1 hindsight 9:8 historically 7:17 history 15:3 hold 17:18 honest 16:7,8,9,19 16:24 37:7,14 honestly 1:12 14:17,19 16:2,13 17:9 36:18 Honour 3:14 4:3,6 4:14 8:21 9:1,2 43:11 hope 15:14 68:12 hopefully 72:14	horizontal 28:18 hour 41:21 huge 47:17,20 human 3:21 15:1 34:13 35:13	inadmissible 15:2 69:10 inappropriate 9:21 inch 22:7 inches 22:5,6 incident 23:17 42:12 43:4 incidents 43:22 includes 53:4 including 43:4 52:10 53:19 65:8 incorporate 4:8 incorrect 58:22 independent 20:5 31:15,18,24 indicate 37:17 indication 59:17 60:3 66:3,5 individual 11:1 45:9 individuals 29:19 53:10 inference 45:23 46:24 inferences 26:19 47:13 inflicted 28:5,5 influenced 19:5 informal 61:25 62:9,21 65:4 informally 63:13 64:4 65:2 information 57:16 57:17 72:1 informative 54:10 informed 21:22 68:1 informs 21:21 initially 10:15 injured 21:17 30:15 injuries 28:5 INQ00034 2:14 INQ34 34:18 INQ39 2:16 34:3 INQ48 2:21 inquest 5:13,22 6:19 8:9	inquiry 1:16 2:17 3:13 4:7,25 5:9 5:11,20 6:25 8:16,22 9:11 15:22 26:5 28:2 31:19 32:5 33:4 33:8 39:14,18 41:12 42:1,9 43:7 44:25 46:20 48:7 49:20 52:4 52:6,21,24 53:7 53:17,24 54:2,11 54:16 55:12,15 55:18,19 56:1,3 60:21 65:15 66:20 68:8 70:23 72:17 inquiry's 53:14 54:7 70:13 inquisition 8:1 insinuation 45:16 insist 63:23 Insofar 50:21 instant 67:10 institute 60:10 instruct 51:17 instructed 36:21 instruction 36:24 37:1,4,12,16,21 instructions 34:7 36:23 37:2 intelligence 11:23 18:17 38:23 39:6 50:14 52:17 53:5 53:8,11,16,18,24 54:17,23 intended 8:8 12:20 intends 61:7 65:9 intention 56:13 interest 15:22 interested 8:14 15:23 interpretation 34:14,16 interpretations 35:11 interrogatories 5:7 interrupt 6:11
<hr/> H half 55:6 Hall 58:11 59:6,14 60:1 hand 30:22 handle 22:6 handled 53:8 handling 11:23	<hr/> heard 4:16 7:2 9:19 18:16 27:3 39:14 44:17 46:1 46:16 49:15 50:18 heightened 19:1 held 17:9 help 21:17 helpful 9:22 41:17 62:20 65:17,20 helping 17:8 23:1 HEMS 21:9 highest 56:1 hindsight 9:8 historically 7:17 history 15:3 hold 17:18 honest 16:7,8,9,19 16:24 37:7,14 honestly 1:12 14:17,19 16:2,13 17:9 36:18 Honour 3:14 4:3,6 4:14 8:21 9:1,2 43:11 hope 15:14 68:12 hopefully 72:14	<hr/> I identified 2:23 12:3 25:23 26:3 52:19,22 60:19 60:24 61:20 identifies 22:3 identify 49:10 identifying 64:19 ignore 46:1 ignored 20:25 ii 1:9 images 39:8,11 45:3 imagine 71:15 immediate 1:23 36:12 immediately 24:16 43:3 imminent 1:13 20:11 39:24 impact 46:25 47:16 48:17,19 50:15 impaired 45:25 implemented 53:21 55:6 implicitly 12:5 import 13:6 importance 18:23 20:2,21 30:14 54:6 70:16 important 3:17 5:4 10:7 18:9 19:7 23:15,16 27:9 32:25 43:5 44:19 49:6 71:7 importantly 25:2 36:2 improved 50:22 improvements 55:4,5 impugned 30:23 inaccurate 46:13 48:15	inadmissible 15:2 69:10 inappropriate 9:21 inch 22:7 inches 22:5,6 incident 23:17 42:12 43:4 incidents 43:22 includes 53:4 including 43:4 52:10 53:19 65:8 incorporate 4:8 incorrect 58:22 independent 20:5 31:15,18,24 indicate 37:17 indication 59:17 60:3 66:3,5 individual 11:1 45:9 individuals 29:19 53:10 inference 45:23 46:24 inferences 26:19 47:13 inflicted 28:5,5 influenced 19:5 informal 61:25 62:9,21 65:4 informally 63:13 64:4 65:2 information 57:16 57:17 72:1 informative 54:10 informed 21:22 68:1 informs 21:21 initially 10:15 injured 21:17 30:15 injuries 28:5 INQ00034 2:14 INQ34 34:18 INQ39 2:16 34:3 INQ48 2:21 inquest 5:13,22 6:19 8:9	inquiry 1:16 2:17 3:13 4:7,25 5:9 5:11,20 6:25 8:16,22 9:11 15:22 26:5 28:2 31:19 32:5 33:4 33:8 39:14,18 41:12 42:1,9 43:7 44:25 46:20 48:7 49:20 52:4 52:6,21,24 53:7 53:17,24 54:2,11 54:16 55:12,15 55:18,19 56:1,3 60:21 65:15 66:20 68:8 70:23 72:17 inquiry's 53:14 54:7 70:13 inquisition 8:1 insinuation 45:16 insist 63:23 Insofar 50:21 instant 67:10 institute 60:10 instruct 51:17 instructed 36:21 instruction 36:24 37:1,4,12,16,21 instructions 34:7 36:23 37:2 intelligence 11:23 18:17 38:23 39:6 50:14 52:17 53:5 53:8,11,16,18,24 54:17,23 intended 8:8 12:20 intends 61:7 65:9 intention 56:13 interest 15:22 interested 8:14 15:23 interpretation 34:14,16 interpretations 35:11 interrogatories 5:7 interrupt 6:11

48:11 invaluable 56:8 investigated 23:12 53:18 investigating 41:19 investigation 10:25 52:16 53:12,15 54:7 61:3 investigations 53:20 55:3 investigative 4:23 7:7 10:24 investigatives 11:17 investigator's 60:17,19 invite 1:16 3:11 4:1 5:18 6:19 7:15,20 8:20 41:12 42:1 50:9 57:21 67:2 invited 5:7 45:23 54:16 inviting 3:6 involved 20:15 31:24 40:20 42:24 47:1 53:12 67:25 involving 30:13 IOPC 10:4 28:17 56:11,23 57:10 58:2,19 59:4,5,12 59:21 60:7,10,14 61:10,13,15 62:11,24 63:2,23 65:2,8 66:2,6,8 IOPC's 60:24 63:18,25 IOPC/IPCC 63:12 IPC1145 24:12 IPC362 2:11 IPCC 24:6,8 61:7 61:10 62:11,15 64:17 irrelevance 36:6 37:9 38:3 issue 3:11,13 7:11	10:11,11 12:8,12 13:4 17:16 22:9 24:9 27:19 30:20 32:20 37:12 41:1 41:15 43:11 46:3 48:12 49:21,25 50:13,17,18 68:19 issued 36:23 37:2 issues 4:11 15:10 33:7 39:15 52:21 54:13 60:19,20 60:23 62:8 64:8 68:9 69:11,23 issuing 36:24 Izzet 39:2 <hr/> J <hr/> Jermaine 2:2 11:10 20:11 21:10 27:23 29:24 30:8,24 31:5,8 35:23 36:6,17,19,20,23 37:1,5,15,15,18 37:20,25 38:10 38:12,15 39:23 53:16 Jermaine's 37:8 job 48:18 joined 21:15 joint 25:21 30:1 judge 3:14 4:3,6 4:14 8:21 9:1,3,6 17:22 43:11 68:21 judged 12:16 judging 37:19 judgment 7:13,20 13:2,9 15:3,12 17:12 50:1 67:3 July 3:25 32:11 71:17 juries 43:16 jurisdiction 5:3 jurisprudence 16:22 jury 8:10,13 14:2 17:8 67:10,15,19 67:25 68:5,6,20	69:4,6 jury's 14:10 justice 13:3 15:2 17:10 18:5 26:23 72:11 justification 4:22 justify 37:14 57:8 <hr/> K <hr/> Kabbani 33:9 Kaufmann 3:5 10:9,12,15 12:5 12:14 25:23 26:15,24 27:7 37:6,13 40:25 41:12 keen 32:23 kept 54:5 key 1:8 3:16 31:18 43:2 54:17 killed 11:10 killings 7:25 8:10 10:18 kit 21:17 kits 22:1 know 3:18 4:1 5:3 9:8,23 10:10 16:10,19 18:24 22:10 23:15,18 24:17 29:17 30:7 30:12 37:9 38:4 38:13,23 39:18 44:6 48:3 50:19 51:1,16 52:11 57:5,13,15 60:18 62:7 64:12 70:11 71:23 knowledge 47:19 knows 21:2 Kuzmenko 51:23 51:25 52:3,4 73:6 <hr/> L <hr/> labelled 2:10 labour 50:19 laboured 50:6 lack 20:9 35:21 36:1 Lane 17:12,14	language 13:25 14:9,16 39:19 large 53:2 lastly 2:18 9:23 50:13 law 3:10 4:9 7:7,16 10:13 11:18 12:19 13:7 16:23 17:2,25 lawful 7:25 8:9 lawfully 15:25 lay 47:17 leader 21:22 23:10 leading 52:18 learn 11:3 learned 10:21 57:15 63:19 learning 4:24 learnt 11:25 leaves 71:3 left 26:9,13 left-hand 34:25 legal 18:3 54:10 legally 9:15,20 legislation 62:14 legislative 62:23 length 27:2 50:5 lesson 4:24 lessons 11:3,25 let's 64:24 lethal 19:13 level 28:19,21 63:6 66:24 Leveson 6:2,16 7:12,19 15:2 67:3 Leveson's 17:10 liability 6:14 8:2 12:6 liaise 72:2 lie 51:12 lies 48:1 67:1 life 1:13,13 20:11 30:9 31:11 39:25 life-threatening 42:25 43:22 light 1:15 14:3 24:24 25:14 28:8 35:6	likelihood 28:4 limbs 16:1 18:7 limitations 33:22 limited 33:21 line 16:22 21:13 22:14,16,20,21 25:13 32:8,11,15 32:24 41:7,7 51:12 list 1:18 5:21 listened 32:6 listening 35:13 literature 41:5 litigated 10:3 location 2:1 29:19 lock 72:13 lodged 31:17 44:4 logically 45:11 long 44:4 68:20 70:6 look 17:10 21:1 25:2 36:13 looked 15:7 looking 13:11 70:15 looks 56:2 loosely 60:20 Lord 13:3 15:2 17:10,12,14 18:5 Lordship 21:2 loses 27:8 lot 71:10 <hr/> M <hr/> magazine 39:5 main 35:2 maintain 1:6 maintained 55:23 maker 62:15 making 1:19 2:19 20:16 26:15,17 27:22 40:21 51:14 54:9 58:14 male 21:17,21,24 22:1,3 23:7 31:9 man 2:2,7 20:12 21:10 22:2 26:12 29:23 30:6,15 35:24 36:5 37:8 38:2,5 39:2,9
---	---	---	---	---

45:6 48:15 49:17 management 56:21 57:1,6,11 58:2,5 59:13,24 60:8,16 61:11,14 61:17,22 62:2,10 62:17,18 63:6,9 63:14 64:8,10 65:3,22 66:9 73:7 managerial 65:23 manner 55:18 manslaughter 15:9 66:19 manual 13:24 14:11,20 mapped 7:18 March 3:22,23 Master 7:9 material 14:21 38:8 54:24 55:7 matter 6:1 9:3 10:3 11:5 12:10 14:25 17:11 24:18 25:19 31:1 37:20 41:11 42:9 44:25 45:1 52:12 64:13 68:21 69:6 matters 21:16 22:21 33:8 48:16 51:4 53:22 56:19 63:12 65:10 69:3 69:9 McNeill 71:23 mean 23:13 measure 17:23 mechanism 11:3 med 22:1 medical 21:24 67:5,16,22,25 meetings 60:23 memorandum 64:15,17 memory 42:24 43:1 men 45:3 Menezes 15:7 mention 10:13 27:13	merit 13:1 59:23 message 50:15 Metropolitan 60:14 63:4 64:6 Michael 15:7,12 18:10,14 microphone 34:1 57:20 microphones 34:4 middle 21:13 mind 13:12 20:9 35:21 41:23 43:13,15 45:9 54:6 60:12 minds 8:7 minutes 40:4 52:2 60:23 mischaracterisa... 20:4 31:14 misconduct 9:24 12:7 57:9 59:8 59:14,16,23 61:16 64:4,13,25 misdirection 14:1 misplaced 32:1 misreference 32:9 mistake 17:6 mistaken 16:23 17:5 moment 13:14 26:7,10 38:4,9 67:3 moments 2:8 Monday 2:25 7:5 10:8,15 12:15 15:5 18:23 19:20 19:23 24:21 25:24 31:16 35:17 45:20 66:17 morning 1:3,10,20 36:4 44:15 50:23 51:14 56:14 70:16 71:6 Moss 23:12,22 24:5 move 31:13 39:23 43:24 44:3 movement 20:10	35:22 37:25 38:10,11 39:24 moving 40:15 MPS 47:23 49:14 54:19 57:6 59:2 59:22 60:10 62:1 63:16 65:5 MPS37 21:10 Murphy 63:19 myriad 63:21 mystification 8:14 <hr/> N N 73:3 narrative 9:17 12:4 60:2 nature 3:13 4:6,7 6:20 7:6 11:19 19:13 33:20,22 49:7,11 66:22 69:14 NCA 51:23 52:23 53:1,5,19,21 54:4 54:11,16,23 55:1 55:8,12,17,25 56:2 NCA's 52:5 nearly 29:3 38:20 necessarily 33:21 33:25 necessary 14:5 16:2 17:18,19 70:1 necessary' 14:1,9 necessity 30:13 need 7:3 23:18,20 53:25 55:4 72:1 needs 23:20 31:4 68:4 negligence 10:13 12:19 13:7 15:9 66:15,18 67:11 67:21,23 68:3 73:8 neither 19:3 37:10 37:22 nevertheless 59:23 61:17 65:2 news 47:14 70:19 Nike 22:2	nine 22:5 nodding 26:25 noise 35:5 non-compliance 37:12 normal 23:23 24:2 24:3 65:22 notable 10:8,14 24:25 note 6:7 11:5 14:13 65:18 noted 10:4 notes 40:7 notice 59:16,19 noting 3:13 4:5 Notwithstanding 29:22 nub 11:21 number 4:21 26:10 29:13,15 30:1,4 60:19,20 62:8 64:18 numerous 33:14 <hr/> O objection 8:5 objective 3:7,7 13:6 17:21 objectively 37:20 obligation 7:7 10:25 11:18 52:12 64:11 65:6 observation 15:21 28:9 31:5 41:20 observations 6:20 8:21 11:13 30:1 observe 55:21 observes 34:2 obvious 18:15 19:10 24:23 45:2 obviously 45:5 59:10 occasions 61:23,25 occupants 19:2,15 occupational 71:2 occupying 57:20 occurred 45:22 October 3:20 39:4 OFC 21:3 24:17 offered 19:17 40:1	officer 1:10 4:4 10:6 14:2,16,20 16:1 17:18 18:4 21:23 32:21 37:3 46:9,17 59:15 64:24 officer's 43:15 46:1 officers 2:19 13:25 15:25 18:19 19:4 19:11,14 20:2,21 24:15 30:8,9 37:3 39:20 42:6 46:4,8 49:17 50:14,17 okay 21:20 omission 54:22 once 55:9 60:17 64:12 one-sentence 72:10 onwards 71:17 open 26:17 52:8 54:3,16 opening 52:20 operation 46:11 53:17 operational 45:19 46:9 operationally 45:17 46:6 operations 11:24 opinion 28:11 33:3 50:3 67:17 68:1 68:19 opinions 32:4 64:19 opportunity 31:23 47:21,24 55:8 opposed 41:5 option 65:1 options 26:16 29:19 oral 21:1 41:14 46:2 50:22 56:14 orally 18:23 36:14 order 11:9 34:5 36:10 67:14 71:20
---	---	--	--	--

<p>orders 52:7,11,14 ought 40:5 outcome 8:15 57:11 outset 1:6 55:13 outside 23:15,24 48:1 overall 19:10 overriding 54:6 overstated 20:7 33:18 owe 72:11 Ozcan 39:8</p> <hr/> <p style="text-align: center;">P</p> <p>page 2:15,16 21:11 21:14 22:10,14 22:21 24:13 25:5 25:13 28:3 32:8 32:11,15,24 34:3 34:17,18 41:7,7 42:19,23 67:4 pages 28:8 41:17 47:7,10 Palmer 17:24 palms 28:12 paragraph 4:14 5:15,19 6:4,5 7:10,24 8:6 11:7 12:13,23 13:3,13 13:18,19,22 15:19 18:1,6,22 20:24 24:9,10,12 24:13 25:20,25 29:8 31:2 36:15 36:22 38:25 42:21 44:9,13 61:2,4 65:11,16 67:4,6 paragraphs 4:2 6:21 7:13,19,21 8:23 15:18 26:4 43:12 44:18 46:19 47:8 50:4 50:14 56:25 parameters 33:14 parliament 8:8 part 7:3 10:23 11:11 22:6 24:6 34:8 49:5 54:23</p>	<p>65:22 parte 12:21 participant 56:20 participants 52:4 52:10 particular 1:22 2:1 14:17 15:21 17:16 18:23 19:13 27:19 39:18 40:7 45:9 particularly 34:8 parties 15:23 passage 13:6 15:11 22:19 28:16,23 41:17 passed 35:17 passenger 2:3 passing 4:5 path 17:13 45:10 pause 14:13 pay 16:17 pears 45:13 penetrating 28:14 Penny 1:4,5,6 3:3 6:5,9,12 12:10 13:16 15:17,21 16:5,10,16,19,22 17:3 22:14 26:22 27:1,5,9 28:2 32:13,15,19 34:23 35:9 38:17 38:18,19,23 40:10,15 43:21 43:24 48:1,4,5,9 48:12,22 49:1,3,6 49:10,14,19 50:3 51:8,14,20 73:5 perceived 9:7 38:1 38:4,10 perception 20:17 37:11 40:22 43:1 perceptual 39:16 43:2 perform 3:15 34:12 62:2 performance 63:20,22,23,24 64:2,14 66:5 performing 8:22</p>	<p>period 46:5,12 52:18 permits 63:2 person 17:22 18:3 25:3 42:24 70:8 70:9,10 person's 18:7 43:3 personnel 47:22 69:22 perspective 26:16 30:20 33:13 49:4 pertinence 18:13 20:14 40:19 pertinent 28:8 44:9 phenomena 20:14 39:16 40:19 42:13 phenomenon 43:8 photographs 51:7 phrase 58:15 71:6 physical 29:20 picture 19:11 38:23 PIP 23:15,24 pistol 39:3 place 19:18 21:7 41:25 42:15,15 43:21 45:21 68:3 placed 54:8 69:15 plainly 3:8 16:22 25:16 27:5,15 34:7 60:12 plank 27:9 play 29:11 played 51:18 playing 41:22 plays 38:6 please 13:10 15:19 24:13 42:19 48:6 57:21 67:2 pleasure 13:14 pm 72:16 point 9:23,25 19:10,18 20:23 23:3 25:14 26:15 26:17,24 27:1,7 29:25 30:10 31:4 32:23 40:24</p>	<p>45:14 49:24 58:7 58:8 68:1,14,16 69:12 pointed 29:9 30:3 32:19 38:25 points 5:10 65:19 police 2:19 13:25 14:16 18:4 22:1 41:19 42:4,5 49:17 60:14 61:2 63:4 64:6 65:13 65:23 policies 53:6 54:1 55:5 Policing 42:17 policy 53:22 poor 57:8 58:15,16 58:17,17,23 60:3 60:3 portray 46:13 portrayed 34:3 posed 2:25 3:4 33:12 52:24 position 19:4 27:22 28:6,12 29:2,6,24 48:13 57:3 63:12,13 64:23 70:13 positioned 26:13 positions 26:6,10 29:15,20 possession 19:2,15 49:14 possibilities 33:14 35:9 possible 22:10 34:5,9 52:8 54:2 54:7,15 70:3 possibly 13:9 40:4 post 45:19 post-incident 24:7 42:16,18 posterior 29:5 potent 25:16 potentially 53:4 power 29:12 30:3 61:13 62:1,3,12 62:13,21 63:15 63:15 65:3</p>	<p>powers 62:5 practice 24:7 46:7 62:14 precise 5:7 17:23 precisely 11:1 50:20 prepared 2:9,13 presence 36:8 37:8 present 32:4,21 presentation 55:21 presented 4:23 preservation 31:12 preserve 30:8 pressing 37:23 presumably 65:5 pretty 39:19 prevent 11:4 prevention 5:4 previous 27:17 53:20 55:2 previously 33:19 primarily 53:22 64:18 primary 53:14 principal 19:21 principle 17:25 prior 21:8,9 22:3 priority 30:7 private 7:9 probabilities 69:1 69:3 probable 34:14,15 35:10 probably 71:23 probative 45:11 probe 33:20 problems 72:3 procedural 11:17 11:19 procedure 24:7 53:23 57:9 procedures 42:16 42:18 53:7 54:1 55:5 64:2 proceed 37:6 proceedings 2:25 9:16,24 10:2 12:7 40:8 57:9</p>
--	---	--	--	--

59:15,23 60:9 62:25 63:1,4,24 64:4,14,25 proceeds 27:12 process 36:24 38:3 55:11 60:17 61:1 65:23 processes 63:21 produced 41:5 product 20:6 31:24 32:6 33:17 33:20 35:19 professional 10:7 59:18 60:4 66:4 professionalism 56:1 prohibited 8:3 prohibition 5:23 6:13 62:15 promptly 54:19 proper 30:15 propose 50:19 proposition 12:21 12:25 29:18 31:13 41:3 propositions 19:9 36:13 propriety 51:6 Prosecution 49:23 protruding 22:6 prove 35:19 proved 35:19 proves 33:9,16 provide 56:3 57:16 64:17 65:15,15 65:17 70:4 provided 54:3,11 55:12 57:17 68:18 71:13,25 provides 11:3 providing 12:4 provision 8:3 psychologists 41:5 public 5:11 8:14 49:8 54:8 55:24 publication 56:2 publications 41:10 published 3:24 punished 11:2	purely 29:21 purpose 4:23 5:14 7:4 16:15 purposes 9:16 pursued 11:8 41:11 put 7:4 11:6 19:4 22:5,10 28:9 29:18 32:11 34:14,16,20 36:17,18,25 37:1 37:24 41:3 putting 36:20	70:22 Randall 33:9 range 26:6 33:14 42:25 50:9 rationale 11:17 rationalise 41:23 reach 63:18 67:10 reached 34:13 63:1 reaching 37:17 38:12 reacted 19:5 read 14:24 21:5 22:12,19 25:17 32:6 39:14 42:1 43:9 64:6 readily 12:2 real 45:12 realise 48:23 realised 23:3 realistic 19:8 realistically 17:21 reality 14:7 26:19 33:11 really 11:21 18:1 33:1 44:23 56:22 72:9,10 rear 22:25 reason 19:14 37:20 44:5 reasonable 12:16 14:3 reasonableness 3:7,8 4:10 17:7 reasonably 12:17 14:18 17:19 67:13,17 reasoning 4:18 6:15 reasons 27:24 32:1 reassess 14:4 rebutted 27:18 rebutting 25:16 27:21 recall 2:7 20:17 25:9 28:2 34:19 39:10 40:22,24 41:8 42:12 43:2 43:4 44:18 46:8	recalling 21:2 receive 65:7 66:21 67:16 68:9 69:4 received 39:6 56:10 64:16 70:12 recipe 8:13 recognised 42:13 43:14 recognising 50:10 recollect 25:11 recollection 58:15 recollections 43:18 43:19,19 recommend 63:14 64:4 recommendation 61:25 62:4,21 recommendations 53:20 55:2 62:5 62:7,12 66:8 recommended 61:14 reconstruction 25:22 30:19 31:25 record 25:18 34:5 55:17 60:23 recorded 21:6 43:5 recording 11:24 34:8 records 47:22 49:14 recount 25:6 recourse 5:6 reemployed 49:22 reemployment 49:19 refer 56:25 reference 4:15 5:14 6:23 9:6 10:9,13 12:3,17 12:19 14:18 15:5 17:24 22:16 42:2 44:14 58:2 71:1 referenced 2:20 42:6 58:18 references 31:3	35:1 41:15 referred 12:22 64:15 referring 6:9 Reform 61:2 65:13 regard 39:17 47:22 50:10 51:11 58:18 regarding 24:10 regime 42:14 62:24 63:2,7 regularly 46:5,11 regulations 63:20 63:22,24 64:2,14 rejected 4:20 5:1 65:1 relate 3:4 related 19:12 33:8 relates 56:23 relating 14:12 29:19 53:23 relation 1:22 2:6 4:4 5:20 10:20 19:22 25:22 41:2 43:21 58:12,20 58:22 67:11 69:25 relatively 22:19 38:24 relevance 6:1,12 relevant 6:18 8:3 9:15 15:18 17:7 48:10 50:12,16 52:16 53:4,11,17 54:13,17 55:5 reliable 45:11 reliably 25:12 reliance 31:19 69:14 rely 2:22 remained 32:3 remains 10:3 34:10 47:20 72:8 remember 27:10 remit 49:5 removal 21:9 30:14 remove 30:11 removed 2:4 22:4
	Q			
	Q89 21:15 Q9 4:4 9:5 qualitative 69:13 quantity 53:2 Queen's 5:25 query 41:1 question 2:24 3:4 8:18 12:15 14:23 17:4 22:15,21 23:13,14,21 30:10 33:11,12 37:23 56:22 59:5 66:21 67:15 68:13 questioning 51:12 questions 5:17 6:14 8:9 9:15,21 10:6 12:5 23:9 23:24 24:3 52:19 52:24 58:20 70:14,20 71:4,5 quibble 70:14 quickly 22:20 quite 8:7 16:10 26:22 47:12 51:11 52:1 69:5 69:8 71:19			
	R			
	R116 2:1,6 20:3,22 22:2,4 25:19 30:23 31:6 44:16 raise 12:10 56:20 raised 28:11 41:2 61:8 65:10,19			

<p>31:8,11 removing 31:10 repeat 55:10 repeated 12:14 18:22 28:4 32:15 45:16 61:20 repeatedly 38:24 repetition 31:4 50:22 report 2:15 3:24 8:18 11:22 24:8 24:9,12,14 25:21 28:3 30:1 31:21 34:2 39:1 41:14 43:12 48:24 51:5 56:3 58:18,23 59:7 60:17,19,24 61:3,8,20 64:7,16 65:8,10 66:10 reports 39:17 66:6 representation 12:20 60:15 62:9 request 10:14 57:16 70:17,17 71:18 72:4 requests 4:19,20 70:1,12 require 11:15 14:15 71:22 required 10:16,17 10:19 11:9 21:17 24:8 55:23 64:16 requirement 11:20 14:4,10 requirements 7:3 46:7 requisite 67:20 research 41:5,6,9 respect 12:24 31:5 31:7 51:16 57:7 64:3,25 respectfully 39:25 55:21 respectively 26:4 respond 65:6,8 responded 55:1 responding 71:17 response 12:4 41:8 responses 29:20</p>	<p>43:1 responsibility 65:7 restricted 54:3,14 restriction 52:7,14 result 8:1 45:17 65:10 resuscitative 2:5 31:1 retrieved 28:20 return 45:22 48:20 70:24 returned 45:18 review 42:4 revive 21:24 right 16:11 18:20 22:20 26:13 27:6 27:25 32:12 34:19 63:17 69:16 right-hand 34:25 35:6 rightly 49:24 Rights 3:21 15:1 rigorous 52:15 rigorously 47:4 rise 53:25 risk 9:13 45:12 role 8:23 21:3 38:5 44:11 45:23 46:4 46:13 51:18 Rolls 7:10 room 11:24 34:4 72:14 rooted 7:7 11:18 rotation 29:5 round 1:11 23:4 28:13,16,20,22 28:25 29:2 route 28:15 Rule 71:18 72:4 ruling 14:13 15:7 15:22 18:10 run 4:21 17:6 running 9:13 11:24 runs 45:12</p> <hr/> <p style="text-align: center;">S</p> <hr/> <p>S105 23:11 24:9 25:1,6,7,18</p>	<p>S105's 25:2,3 S111 1:22 20:3,22 20:23,25 21:2 22:9 24:5,10,17 24:25 27:5 39:22 44:16,22,24 safe 30:5,16 safely 29:23 satisfactorily 70:13 satisfied 68:17 satisfy 57:10 Saturday 47:5 save 21:5 saw 15:5 30:24 36:19 39:23 saying 18:14 59:11 62:15 70:24 says 21:19,20,20 67:9 scale 69:1,3 scant 72:10 scapula 28:20 scenario 12:16 schedule 61:2 65:11 scheme 71:9 scientific 26:16 27:19 29:21 30:20 33:13 scientists 33:7 scope 13:20 screen 13:10 21:11 34:21 42:23 screws 71:6 seat 2:3 28:24 57:20 seated 2:3 second 1:25 11:21 17:17 20:4 21:13 30:5 31:13 36:22 Secondly 6:18 26:9 33:5 39:6 44:11 54:22 seconds 43:21 45:5 section 5:24 6:12 8:14 17:24 38:19 38:20 see 6:1 7:11 11:6</p>	<p>11:16,18 13:19 22:6 42:22 63:15 68:22 seek 18:1 seeking 9:14 30:8 34:12 seen 28:15 39:11 58:2 selected 34:11 selective 20:7 33:18 self 6:25 7:17 13:8 14:3,12 15:13 34:6 self-evident 47:2 self-evidently 33:6 Sellu 66:25 67:20 Sellu's 67:12 sense 19:1 41:24 45:12 sensitive 53:18,23 sent 61:4 sentence 13:22 18:9 separately 34:11 35:10 September 1:1 sequence 24:25 series 9:10 19:9 52:6 61:5 served 59:16,19 70:11 serves 16:15 service 46:17 49:23 60:14 63:4 64:6 65:23 session 54:4 sessions 54:14 set 1:7 6:6,22 17:13 19:24 24:10 25:25 31:3 33:14 36:15 42:21 44:13 49:16 50:9,16 53:6 54:11 58:9 58:24 setting 64:18 settle 7:8 shape 22:8</p>	<p>shared 18:18,18 shooter 21:18,19 22:24 23:2 shooting 1:24 9:12 11:12 12:2 13:17 20:16 24:16 30:25 37:14 40:21 41:19 42:5 42:12 46:19 48:25 shootings 42:10 short 6:10 40:12 54:16 60:9 shortcomings 57:7 61:18 shot 20:9 22:23 23:17,19 25:4 26:8,11 29:25 30:7 32:20 35:7 35:21 36:19 37:3 37:18,20 40:2 43:13 47:18 shoulder 26:13 shouted 33:25 34:7 showed 29:14 shown 2:10 51:6 side 26:13 29:24 34:25 35:1,6 sides 8:12 significance 24:23 34:23 46:21 significant 4:8 35:16 49:15 52:6 significantly 24:21 48:19 Silva 3:20 14:14 similar 4:19,20,21 8:17,22,25 58:16 similarities 3:14 simple 25:14 30:19 31:3 37:12 44:5 44:25 48:24 49:2 simpler 38:9 simply 1:18 6:9 20:25 24:21 33:16 34:9,13 38:3 40:2 45:25 46:13 47:12 48:5</p>
---	--	---	--	---

<p>51:16 70:24 Simpson 57:19,24 57:25 60:6,11 61:1,22 62:5,7,13 62:23 63:17 64:15,22 65:7,13 65:15 single 8:9 sir 1:6 2:22,24 5:10 6:2,16,22 7:12,19,24 9:3 11:22 12:8,24 15:7,12 18:1,10 18:14,19 19:7 20:23 21:14 24:4 29:17 33:12,19 33:21 34:19 35:24 37:22 40:15 43:10 44:17 46:18 50:4 50:25 51:22 52:2 56:10 57:13 58:9 58:11 59:14,25 60:18 65:22 66:13,16 67:2,3 68:12 70:18 71:15,19 72:1,7 72:12 sit 36:3 sitting 28:24 situation 26:19 39:20 64:20 67:6 68:20,24 six 5:10 22:5 Sixthly 9:23 SLA5 28:3 SLA6 47:7 small 22:2 31:10 34:1 SO19 46:7,17 Sogucakli 45:6 soldier 18:4 soon 70:3 sooner 72:4 sorry 6:11 22:12 22:17 48:11 sort 5:7 33:23 61:25 62:20 sought 44:18</p>	<p>source 39:24 speak 22:22 25:1 70:15 speaks 47:4 specific 18:11 56:19 62:13 71:22 specifically 41:3 42:11 60:6 spectrum 68:3,4 spend 41:21 44:4 spoke 25:4 50:17 spoken 33:24 stage 1:18 48:7 70:22 72:14 standard 3:9 13:6 14:11 46:6 67:12 67:20 standards 7:8 10:7 12:17 56:1 59:18 60:4 66:4 standing 33:1 35:24 stands 12:22 64:7 start 21:6,13 starting 19:17 22:4 state 2:7 19:8 45:9 state's 7:6 stated 14:11,17 29:2 40:2 statement 1:21 21:6 27:17 46:2 47:7,12 70:24 statements 1:25 70:11 stating 58:5 statutory 63:1,7 steps 71:1 straightforward 39:19 strap 2:7 27:2 30:17 Strasbourg 5:2 7:18 strategic 59:1 straying 5:21 street 27:5,13 strength 27:8</p>	<p>strewn 21:25 strip 31:9 strong 69:2 strong/strong/m... 69:2 struck 28:14 29:1 29:2 subject 14:25 48:17 52:6 64:13 subjective 4:10 17:4 45:9 submission 12:13 13:21,23 26:23 27:3,20 40:15 42:22 44:20 45:20 48:9 56:14 58:2,9,25 submissions 1:5,7 1:8,15,19 2:23 3:4,6 4:12,15 5:18,23 6:5,16,23 6:24 7:22 8:25 10:4,8 11:6,7,14 11:16 12:8,11,14 12:23 13:1,20 15:6 18:22 19:20 19:21,22 20:13 20:19,24 21:1 24:22,24 25:20 25:24 26:1,2 29:8 31:2,16,17 32:16 35:2,18 36:16 40:16,18 41:16 44:1,3,6,7 44:10,13 46:20 48:14,22 49:10 50:4,5,18,21,25 51:14 52:3,9,20 54:12,15 56:11 56:12,25 66:17 69:21 73:5,6 submit 1:9 3:16 4:17 6:18 9:20 13:5 27:8 39:22 47:12 submitted 9:9 10:15 12:24 33:19 subsequent 27:16</p>	<p>38:7 subsequently 57:18 substance 52:9 substantiate 59:8 66:11 suggest 39:25 suggested 8:19 31:21 46:24 suggesting 60:8 suggestion 7:2 11:8 27:21 30:2 65:4 suggestions 25:16 suggests 29:5 suitability 48:18 suitably 11:2 summarised 13:21 summarises 12:25 Sunday 47:5 Superintendent 47:6,15 56:24 58:12,24 59:8,12 59:20 60:1 66:2 supervising 24:15 supervision 63:7 supervisors 63:8 supplementary 6:23 56:12 support 55:13 supportive 58:25 suppose 11:21 16:5,10 64:11 suprasternal 28:18 sure 16:15 32:17 67:12 71:19 72:2 surgeon 67:14,18 surprise 70:22 surrender 28:6,12 surrounding 53:15 suspect 52:1</p>	<p>31:23 35:15 43:7 43:17,21 46:20 55:8 56:23 59:5 61:8 63:9 64:9 65:9 taken 21:7 31:22 47:9 57:11 60:10 61:11,14,18 63:14 70:21 71:1 takes 41:25 42:14 63:7 talk 68:25 talking 61:19 64:20 tandem 8:10 tangential 28:15 tape 35:13 task 3:14 5:19 46:15 Teague 3:14 4:3,6 4:15 8:22 9:1,3 43:11 team 19:19 21:9 21:22 23:10 55:20 65:16 72:2 teeth 62:22 television 34:3 tentatively 41:2 term 18:20 60:20 67:22 terms 3:3 4:9 5:14 8:19,24 13:2 16:11,12 19:16 36:4 59:5 60:13 60:21 61:19,22 62:24 71:20 territory 12:6 test 3:10 4:10 6:18 6:25 9:21 10:1 12:19 13:7 15:9 15:13,24 16:1 17:21 18:3,8 29:12 tested 47:3 text 42:21 thank 3:2 6:8 12:9 15:17 21:11 26:24 35:15 40:10 43:6 51:20</p>
--	--	--	--	---

51:21,24,25 56:6 56:8,15 60:5 65:14,21 66:12 66:13 67:8 69:20 72:6,7,8,12,15 thanks 72:10 theories 20:8 35:20,25 36:1,9 37:6,8,22 38:2 40:1 theory 27:9,11,12 thing 13:5 things 24:18 64:18 71:9 think 7:4 16:10,19 16:25 19:7 26:15 26:17 32:9,10,15 35:4 36:3 40:6 43:14 44:23 45:7 47:2 48:6 61:17 62:18,23 64:8 70:7 71:10,16 72:8 Third 20:6 30:16 Thirdly 2:9 7:2 26:12 33:17 46:18 55:1 thought 27:14 38:3 threat 1:13 17:22 18:4 19:1 20:11 35:23 37:11 38:1 38:11,16 39:25 three 39:12 threshold 59:17 62:25 63:18 64:1 time 13:24 14:15 17:20 21:5 22:22 26:21 29:16 34:24 39:12,22 42:19 70:6 times 39:12 timing 32:20 today 42:20 57:16 65:19 71:16 Tokarev 39:3 told 23:10,11 36:17,18 70:3 top 22:7	topics 50:9 torso 29:5 totally 31:11 touch 46:14 trail 54:20 trained 14:20 training 13:25 18:7,12 45:19,23 46:4,12 48:21 53:10,13 trajectory 28:21 transcribe 34:9 transcript 2:9 22:11 32:7 35:2 transcription 33:20 transcriptions 34:24 trauma 42:23 traumatic 42:24 traversing 29:3 tread 45:11 treated 55:25 treatment 7:16 trial 69:4 tribunal 18:6 33:4 trotted 16:24 true 49:11 truth 47:17 try 17:1 27:24 32:16 trying 30:11 41:23 turn 20:19,19 25:19 71:6 Turner 56:24 57:7 58:12,24 59:8,12 59:20,22 60:1 64:24 66:2 two 8:11,12 11:13 16:1 18:7 24:18 32:1 33:7 34:1 34:24 35:9 36:13 39:8 44:14 46:6 70:11 two-year 45:23	unanswered 71:4 71:5 unclear 34:17 underestimated 47:1 understand 13:11 23:14 49:3,13,21 56:13 70:2,12 71:7 understandably 38:13 41:11 understanding 59:11 understood 3:3 14:20 37:10 undertaken 52:16 57:7 undoubtedly 36:5 38:15 unequivocal 50:7 55:13 unfolded 45:1 unfolding 47:16 unforeseen 48:17 unlawful 8:9 10:18 unlawfully 11:10 unqualified 46:14 unreasonable 17:6 unresolved 10:3 69:23 unresponsive 22:1 unsatisfactory 66:5 unwise 5:22 upper 26:9 urge 9:12 50:23 urged 4:11 urgency 70:17 urgent 30:14 use 12:15 14:15 16:3 17:19 50:13 60:20 uses 14:8 17:23 usually 5:22 utmost 9:6	variable 30:21 variables 26:2 29:11,13 various 27:23 veered 31:17 vehicle 18:25 23:1 30:11 verdicts 6:10 verse 71:22 version 35:13 42:19 vertebrae 28:19 view 46:20 58:11 63:7,18 64:1 69:14 views 39:19 visit 51:4 visual 45:3 vitae 42:7	warrant 59:13 wasn't 12:18 24:19 61:23 watching 25:8 water 17:15 way 7:16 11:5 16:17 17:11 25:14 26:18 30:19 32:11 37:24 44:20 45:16,25 46:14 46:21 47:4 51:10 55:10 60:2 67:5 weak 69:1 weapon 37:17 38:12 39:4 wearing 38:15 39:2,9 45:6 Wednesday 1:1 week 41:22 weeks 45:18 weight 41:13 well-recognised 20:14 40:19 went 8:4 10:21 23:10,22 25:1 whilst 2:2 25:10 53:14 58:1 whispered 33:25 Williams 17:12 windscreen 28:25 windshield 28:13 wisdom 51:5 wish 8:16 9:18 43:7 55:8,14,17 56:19 57:20 withstand 40:3 witness 1:21,25 21:6 25:9 46:2 47:7,11 53:21 witnessed 50:12 witnesses 33:2 43:19 50:3,11 52:23 53:2 69:13 wonder 13:9 15:11 22:15 43:6 word 16:4 19:13 72:10 wording 3:3	
	U		W		
	ultimate 68:19 ultimately 15:1 63:2		W108 21:15 W80 1:11,23 2:10 9:24 18:25 19:23 20:10,25 21:7,16 21:19,22 22:22 22:25 23:11 24:11,15,19 25:3 25:7,15 26:20 29:2,6,7,15 30:23 31:17 32:5,13 34:20,20 35:5,22 36:10,17,23 37:3 37:14,18 38:1,3,6 38:10,24 39:6,10 39:22,23 40:17 44:9,11,17,25 45:16 46:18,24 47:2 48:10,12,16 50:12,25 51:15 70:24 W80's 20:9 35:21 40:2 49:25 waiting 48:3,8 70:23 Waller 13:3 18:5 want 23:14 48:5 57:5 62:17 63:5 71:23 wanted 15:18		
		V			
		valuable 10:22 value 44:23 valued 46:16			

words 34:7 59:2 60:8 68:8 69:12	10.00 1:2	2019 3:25	529 24:10
work 2:13 29:14 38:2 41:4	11 1:10 21:4 39:8 45:21 47:7 48:19 52:18	2021 1:1	56 7:19 73:7
worked 70:2,5	11.06 40:11	204 41:18	<hr/> 6 <hr/>
working 35:10	11.20 40:9	206 41:18	6 7:24 25:13 56:16 56:17
worn 26:12 30:18 36:5	11.21 40:13	207 32:24	6.1 4:2
worry 17:1 32:18	116 21:18 22:24 41:7	21 32:8,11 47:10	6.12 8:23
Wouldn't 62:20	117 41:7	217 32:8,11,15	6.123 4:5 9:4
wound 28:19 30:12,15	12 22:16,20 46:19	21s 32:10	6.13 4:14 8:23,24
wrappers 21:25	12.14 72:16	22 32:24 39:17 41:17	6.20 4:2
Wright 18:14	13 32:8,11,15 47:7 50:4	22s 32:10	60 2:15,16 34:3
Wright's 15:7 18:10	134 67:4,6	23 32:24 39:17 41:7,7 42:19 61:2,4 65:11	617 43:12
wrist 26:9 28:14	138 25:5	24 25:25 56:25	620 43:12
writing 36:14 44:6	139 25:5	25 26:4 40:4 56:25	65 7:19
written 1:8 6:23 11:6,7 18:22 20:24 21:1 25:20 29:8 31:2 36:15 41:10,15 42:3 44:3,6,10 46:20 54:12 56:10,12 57:17	14 3:20 13:19,22 22:9,14 44:13,18 71:13	26 5:19 6:4,5 26:4 28:7	66 7:21 73:8
wrong 17:13 22:16 58:10	141 25:13	27 29:8	662 24:9
wrongdoing 11:2	143 24:13	28 65:18	67 29:4
wrongly 20:13 37:3 40:18	15 13:3,10,15,16 13:18 18:6 22:21 50:4	29 3:23 25:20 31:2 39:4	69 7:21,24
<hr/> X <hr/>	16 50:15	29(g) 12:23 13:1	6A 56:16,17
X 73:3	164 47:10	29.44 35:2	<hr/> 7 <hr/>
xiv 44:14	165 47:10	29.51 35:3	7 21:11 28:3 29:10
<hr/> Y <hr/>	17 15:19 50:15	<hr/> 3 <hr/>	71 8:6
years 25:12 41:22 46:6 55:6	18 18:1	3 17:24 44:9 61:2 65:11	738 24:12,13
<hr/> Z <hr/>	19 29:25 67:1,4	3(i) 44:13	79 7:13
<hr/> 0 <hr/>	<hr/> 2 <hr/>	3(xiv) 20:24	<hr/> 8 <hr/>
00.09 35:6	2 4:24 5:24 6:12 7:4 10:20,24 11:15,17,19 13:21 14:7,8,12 14:14 34:18	30 3:22	8 1:1,7 39:7
<hr/> 1 <hr/>	2's 7:4	31 1:8	81 7:13
1 73:5	20 15:13	313 42:21	<hr/> 9 <hr/>
10 25:5,12 29:10 29:12,12 30:3,4 39:7 52:1	2002 65:13	322 18:22	9 71:18 72:4
	2005 5:24 6:12	325 36:15	9.00 44:12
	2007 13:16	326 36:22	927 38:25
	2009 8:3	328 12:13	93 6:21
	2014 3:20	331 11:7	95 7:10 22:10,14 22:21
	2015 42:15,20 46:10 48:19 52:18	38 47:8	96 22:21
	2016 3:22	<hr/> 4 <hr/>	97 6:21
	2017 3:23	4 41:8 46:19	9mm 39:3
		40 47:8	
		42 28:8	
		45 28:8	
		<hr/> 5 <hr/>	
		5 28:23	
		52 73:6	