

against W80. The IOPC report was submitted to the MPS where Appropriate Authority provided their response. Following the IOPC review of the MPS response, they directed for W80 to be subject to a Gross Misconduct Hearing.

The legal representatives of W80 lodged a Judicial Review concerning the decision made by the IOPC to direct the MPS to hold a gross misconduct hearing. On 9th and 10th July 2019, the Judicial Review was heard where upon conclusion the judgement was found in favour of W80. On 14th August 2019, the IOPC subsequently appealed the decision and which was not upheld.

After careful consideration, following the outcome of the Judicial Review and that misconduct proceedings are no longer to be conducted for W80, I am satisfied it is no longer necessary for W80 to remain on restricted duty and is therefore reinstated to normal duty.

9. The statement was e-signed by me on the 14th August 2019, albeit I note that I had communicated the decision verbally to Ch.Supt Andy Walker to enable him to update the officer.

Considerations for the decision to lift the restrictions:

10. When I was asked to consider W80's restrictions, the IOPC's decision that W80 had a case to answer had been quashed and therefore there was no reason for this officer not to be returned to full duties. As a result, I lifted the restrictions.
11. With regards to W80, I was conscious that there will be ongoing welfare support for the officer through his line management in MO19 which may influence a role that W80 may wish to perform or may be asked to perform. Even though I had not been involved with W80 directly, I have experience of working in firearms commands and was aware of the support that is provided to officers in these circumstances. Whilst there is an ongoing criminal, misconduct or other Judicial process, the welfare considerations are intrinsically linked with restrictions and suspension reviews. Once these elements are concluded, welfare matters will be dealt with by the officer's line management structure.
12. I informed Ch.Supt Walker that I had lifted the restrictions for W80 and returned him to full duties from a professional standards perspective over the telephone on the 14th August 2019. This is not the process I undertake for every officer. However, I was aware that the paperwork can sometimes take a day or two to process through the Directorate of Professional Standards, and considered that due to the length of time the officer had been under investigation, it would benefit the officer to be informed as soon as possible.

Consideration was given to reimposing the restrictions following the decision of the Court of Appeal:

13. I understand that there are two relevant decision which were made by the Court of Appeal. The first was made on 7 November 2019 where permission to appeal against the decision of the Administrative Court was granted. I was aware at the time that permission had been granted. The granting of permission is not a formal re-institution of any proceedings that would impact upon the officer's workplace status from a professional standards perspective. It is not a misconduct, criminal or other relevant

Judicial process which would require a review of the officer's workplace status under the Regulations.

14. The second decision made by the Court of Appeal was in October 2020, when it allowed the IOPC's appeal against the decision of the Administrative Court. However in March 2020, I had moved to another role and therefore had no professional standards responsibilities for W80 after this date. As I had left DPS before the appeal was decided, I had no responsibility for considering the imposition of restrictions following the decision. I understand that this will be addressed by a separate statement from DAC Matt Twist.

Whether consideration was given to reimposing the restrictions pending the ongoing inquiry.

15. I understand that the Public Inquiry was instituted on 12 February 2020. I was not asked to review restrictions for the brief period between this and when I changed roles at the start of March 2020. However had I been asked in February 2020 I do not believe I would have imposed any restrictions on W80. The fact that a public inquiry had been instituted would not of itself be a ground to impose a restriction upon an officer under the Regulations.

Whether the family were consulted in advance or subsequently informed of this decision. If so, when and if not, why not.

16. I address my decision to remove the restrictions following the decision of the Administrative Court. In making the decision to remove the restrictions, I did not consult with the family. There is no requirement for a restrictions decision-maker to consult with the IOPC or anyone else if suspension is not being considered. This means there is no requirement to consult before restrictions are removed.
17. At the time that I was asked to review W80's restrictions, the High Court had quashed the IOPC's decision that there was a case to answer in misconduct. As such it was my view that there was no proper basis to maintain restrictions. There was no ongoing criminal, misconduct or other relevant Judicial proceedings which would have required consideration under police misconduct regulations. This could not have been affected by consultation with the family.
18. The family would of course have been aware of the outcome of the judicial review as they were an interested party in that claim.
19. I understand that DAC Twist has made a statement dealing with subsequent matters which post date my time at DPS.

Statement of Truth

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief of its truth.