

CLOSED PROCEEDINGS

Thursday, 2 March 2017

1

2 (11.45 am)

3 MR BEER: Sir, for the benefit of the transcript, we are in
4 closed session now with Mr Heywood continuing as the
5 witness but with representatives of the NCA and GMP
6 present.

7 THE CHAIRMAN: Yes. Thank you.

8 MR STEVEN HEYWOOD (continued)

9 Questions from MR BEER

10 MR BEER: Mr Heywood, yesterday -- a reference for anyone's
11 note is page 177, line 17 of the transcript -- I asked
12 by reference to your log:
13 "I can't see on here, or elsewhere, any record of
14 either a grading in the 5x5 format or any words to
15 indicate the accuracy and reliability of the
16 intelligence."

17 And you said "No". I said:

18 "Is that right?"

19 You said:

20 "That is right, sir."

21 I asked:

22 "Why is that?"

23 And you answered:

24 "Because most of the material I was relying on was
25 closed session material, which no doubt we will discuss

1

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1 tomorrow."

2 A. Yes, sir.

3 Q. Do you remember that?

4 Therefore, can we look, please at your log.

5 Just so that the chairman and everyone else follows

6 what we have done, in tab 6 of your bundle, at page 3601

7 there is a black box of redacted material which it is

8 said requires to be redacted because [REDACTED]

[REDACTED]

11 We have produced that in an unredacted form, you

12 should have that loose.

13 THE CHAIRMAN: Yes, I have that.

14 A. Yes.

15 MR BEER: Secondly, at page 2603, the next page in your log,

16 there are two passages that have been redacted, again it

17 is said for the same reason. You have an unredacted

18 copy in loose.

19 A. Yes, sir.

20 Q. Can we look, please, at the first redacted passage, on

21 3601:

[REDACTED]

[REDACTED]

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[REDACTED]

2 A. Yes, sir.

3 Q. Did DI Cousen tell you that?

4 A. Yes, sir.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

3
CLOSED PROCEEDINGS

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

CLOSED PROCEEDINGS

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

5
CLOSED PROCEEDINGS

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

7
CLOSED PROCEEDINGS

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

8
CLOSED PROCEEDINGS

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

CLOSED PROCEEDINGS

[REDACTED]

12 Q. You had already written what the covert intelligence was

13 further up the page, hadn't you?

14 A. Yes, sir.

15 Q. Why did you write again something that you had already

16 written?

17 A. I think --

18 Q. It was a mistake, was it?

19 A. I think it was just the speed of the moment, as it were,

20 when I am writing the notes and I have duplicated the

21 notes. I didn't certainly have two briefings.

22 Q. Okay.

[REDACTED]

[REDACTED]

[REDACTED]

CLOSED PROCEEDINGS

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

12 Lastly, perhaps more importantly, I am going to
13 explore the substance of what I am saying with you at
14 the moment. As far as we are all aware, there is (a) no

[REDACTED] intelligence disseminated by the NCA [GIST:to relevant people within
GMP responsible for receiving intelligence] or by [GIST: such people] to

17 DI Cousen or DS Hurst before 1.45 pm that matches in any
18 way what you have written down here.

19 And (b) no [GIST: intelligence] before 1.45 pm that
20 matches in any way what you have written down.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

25 A. Well, all I can say is what I have been told and what

13

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1 I wrote down. Because in answer to the question you had
2 in open session about why did we deploy on the Friday
3 morning not the Thursday evening, it was because of the
4 information that I had been given.

5 Q. Can we look, then, please, if we keep this piece of
6 paper out, I am going to look at dissemination, first.
7 Okay, what records we have of disseminations and I am
8 going to split it into two.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

17
CLOSED PROCEEDINGS

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

CLOSED PROCEEDINGS

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

22 A. And I think, if I can give you an explanation, sir.

23 Q. Yes, please do.

24 A. Obviously ... when I was writing up, I didn't write --

25 those notes I was doing at the time, as it were, around

20

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1 some of the conversation, but I didn't actually do my
2 firearms log until the following day. Does that make
3 sense? So I may have transposed some further
4 information I've got, I don't know, but -- because
5 I would have had probably another conversation at some
6 point with somebody, I am not saying it was DI Cousen
7 but as you can imagine within that team there would have
8 been conversations going on. So whether I have
9 mistransposed something, I don't know.

10 Q. Just help us then, you wrote the whole of the firearms
11 log up on 2 March?

12 A. I genuinely cannot remember, but probably. Because it
13 would have been -- I was, you know, a number of other
14 critical incidents to manage, I have done my notes,
15 I have done what I needed to do to do the authority in

16 my mind. The actual documentation itself, I was waiting
17 for the email to come and I would have done it post the
18 email, but I can't -- hand on heart today I can't tell
19 you exactly when I did it, I suppose the guidance is as
20 soon as practicable.

21 I am thinking as I am sitting here, because I was at
22 a chief officers' away day, which it says on the day
23 after, very exciting meetings they are not. I am likely
24 to have tried to use some of that time to write up
25 my log.

21

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1 Q. Where in the log have you recorded that it wasn't made
2 on the day and at the times it says that it was made?

3 A. I haven't, sir. What I have done is I have transposed
4 my notes into the log. The best evidence is the notes
5 that I've got there.

6 Q. No, where in the log have you recorded that it wasn't
7 made on the day and at the times that on its face it
8 says it was made?

9 A. I haven't, sir, I am just being honest, I am just ...

10 Q. You remember training school --

11 A. Yes, sir.

12 Q. -- when you are making up a pocket notebook --

13 A. Yes, sir.

14 Q. -- entry. If it is a retrospective entry, you don't
15 pretend that it is written at the time that you write
16 down, you say:
17 "This is a retrospective entry made three hours late
18 because operational exigencies of tour of duty ..."
19 Or whatever.
20 A. Absolutely.
21 Q. Why haven't you done that?
22 A. I haven't, and it is not to mislead, it is just I am
23 doing it as soon as practicable in relation to that. In
24 my mind --
25 THE CHAIRMAN: You are being asked why, you see.

22

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1 A. Sorry, yes, I am just saying I don't know, sir. Because
2 in my mind, the notes that I have made at the time
3 there, 13.45, are in my daybook which is the sort of
4 contemporaneous diary of my day. For me that is best
5 evidence.
6 MR BEER: If we look at 3627, so this is in your file,
7 sorry.
8 A. Sorry.
9 Q. Your contemporaneous notes.
10 THE CHAIRMAN: Divider 6.
11 MR BEER: Yes, thank you.
12 I am so sorry, yes, divider 6 at 3627. There is no

13 record there of what is in the redacted box, is there,
14 in your notes that you wrote up in the log the following
15 day?

16 A. No, sir.

17 Q. You were saying that these notes are the best evidence?

18 A. These notes here, sir, yes.

19 Q. So the best evidence does not reveal that you were given

20 a briefing by the SIO in relation to covert intelligence

21 that [REDACTED]

[REDACTED]

[REDACTED], does it?

24 A. On the face of it, no, sir.

25 Q. Were you told that at 1.45?

23

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1 A. As I sit here today, five years on, yes, I think I was.

2 But I -- and I take responsibility for this -- if I have

3 transposed something from later in the day, then

4 I apologise, but hand on heart, when I was writing that

5 up, that was the information I thought I had at the

6 time.

7 Q. You see in the evidence that we heard yesterday and this

8 morning, everyone in the room, I think, would have been

9 under the impression that you had written your log on

10 1 March 2012, that the entry at 1.45 was made at about

11 1.45, that the authority was signed off at 2.05 and that
12 you had written this contemporaneously or near
13 contemporaneously. Is there any reason why you didn't
14 tell us yesterday or today why this log was written up
15 after the events?

16 A. Well, no, sir. It was not meant to mislead, it was just
17 I suppose common practice at the time. You make your
18 notes, you may be mobile at the time, you might have
19 stopped the car, you make your notes --

20 THE CHAIRMAN: That is not what you are being asked.

21 A. Sorry, sir.

22 I was not meaning to mislead, sir. I was just --

23 I am trying to describe what is common practice.

24 MR BEER: Going back to the redacted box:

25 " [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]"

3 You have written that on page 3601 as if it was the
4 basis for granting the firearms authority, haven't you?

5 A. Yes, sir.

6 Q. In fact, on the information that the Inquiry has, there
7 was no such intelligence at 1.45, or 2.05, when you
8 granted the authority.

9 A. The bit I don't understand, sir, and genuinely I don't,

10 is -- and it was your question in open session, at some
11 point that afternoon we must have had a conversation
12 because that was why Mick had decided that 1.00 am
13 briefing was appropriate. So at some point that
14 afternoon, we have had a conversation about the most
15 appropriate time and the email at 3.45 in the afternoon
16 describes that.

17 Q. Do you think it could be this, that a hacksaw had been
18 seen in David Totton's possession on the 29th, I think
19 we saw that?

20 A. Yes, as I say, it is not something that stands out in my
21 mind at the moment.

22 Q. That, as a result of that, a DC conducted some research
23 and provided the SIO with some information that
24 a previous MO of a group that may have included
25 Mr Totton was to break into premises, perhaps using

25

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1 a hacksaw, and to lay in wait for staff to arrive. And
2 then effectively hold them hostage or hold them until
3 they opened the vaults or a safe. And that that
4 indicated a night time deployment by the OCG,
5 ie breaking in at night, laying in wait.



[REDACTED]

[REDACTED]

10 A. I genuinely don't know, sir. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

17 Q. Why have you written up 3601 to give the impression that

18 you were in possession of this information at 1.45 and

19 before you granted the authority at 2.05?

20 A. Five years on, sir, I don't know. It was genuinely not

21 to mislead. I thought at the time I had sufficient

22 intelligence to meet the threshold for firearms

23 deployment and I have put my rationale down for what

24 I considered appropriate at the time.

25 Q. If we take that black box out --

26

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1 A. Yes, sir.

2 Q. -- what did you have upon which to grant an authority?

3 A. In my mind, sir, the threshold test is there were going

4 to be individuals that, you know, are going to

5 potentially confront police officers, or other members

6 of the public, have access to a firearm or immediate
7 access -- or other lethal weapon or are otherwise so
8 dangerous. In my mind, sir, because of the information
9 I had from various tasking meetings and briefings, any
10 work around Totton, where we might have to intercept,
11 I am happy that I would authorise a firearms operation.

12 Q. On the face of 3601, absent the black box you don't have
13 any intelligence that they were going out to commit
14 a robbery, had you? Whether armed or otherwise?

15 A. On that information, sir, no.

16 Q. If we look at your folder, please, at tab 1, you say in
17 a witness statement dated 10 October 2012, second
18 paragraph from the bottom --

19 A. Yes, sir.

20 Q. Sorry, third paragraph from the bottom:

21 "At the meeting at 1.45 the request was for
22 a firearms authority in relation to ongoing
23 investigations. As head of serious crime I was fully
24 aware of the intelligence picture and the threat posed
25 by these individuals. We discussed the specific

27

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1 intelligence picture in relation to Totton's activity
2 and I recorded this summary in my strategic firearms
3 commander's log."

4 That should continue, "but not then but a day

5 later"?

6 A. Yes, sir.

7 As I say, hand on heart today, it could have been

8 after the email at some point on the day or the

9 following day.

10 Q. Okay, so, "Later in the day or the day after"?

11 A. Genuinely, I would not have been able to have completed

12 the firearms log until I had received Mick Lawler's

13 email.

14 Q. If you forgive me one moment, please. (Pause)

15 Can you turn to tab 4 in the bundle, please. Your

16 witness statement of 30 October 2014. In the second

17 paragraph, you say:

18 "I can confirm the conference took place and I made

19 a note in my daybook at the time and subsequently

20 transferred it to the SFC log, which I started fresh.

21 The log was 75 of 12."

22 A. Yes.

23 Q. You told us that yesterday that you wrote your note in

24 your daybook first and transferred it into your log?

25 A. Yes, sir.

28

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1 Q. Then you say:

2 "The daybook entry is behind page 28 of the copy of

3 my SFC log."

4 We have been looking at those notes?

5 A. Yes sir.

6 Q. You say:

7 "During the course of the telephone conversation

8 a specific conversation took place about the

9 intelligence picture for that day. However I can

10 neither confirm nor deny what intelligence was provided.

11 The intelligence and information provided came from the

12 SIO, DI Cousen."

13 Is that the reference to the blacked out passage on

14 page 3601?

15 A. I believe so, yes. There was a conversation at 13.45

16 around the current picture of the day and in my mind, as

17 I sit here five years on, it was about, I believe, [REDACTED]

[REDACTED]. As you have shown, it may not well

19 have been that, but we certainly had a conversation

20 about what we think the intelligence picture is of the

21 day.

22 Q. Can we look at some additional elements in your log,

23 please, where redactions occur. Look, please, at

24 tab 3603.

25 A. Yes, sir.

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1 Q. Can you see there are two additional passages that have
2 been redacted, under "What is the threat?" The second
3 sentence:

[REDACTED]

[REDACTED]

6 Then the passage that has been redacted is [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

10 A. Yes, sir.

11 Q. Then under, "What is their capability?" A repetition,
12 effectively:

[REDACTED]

14 Did DI Cousen tell you those two things, or that
15 thing?

16 A. I cannot recall, and obviously I have tried to give this
17 some thought prior to the Inquiry. I think that might
18 have been a combination of information from covert
19 tasking on the 29th and obviously conversations with
20 Rob Cousen subsequently.

21 Q. Which conversations with Rob Cousen subsequently, on the
22 1st itself?

23 A. It must have been on the 1st, yes. [REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

4 Q. Again, we can look at the records that [REDACTED]

[REDACTED]

[REDACTED] of the intelligence disseminated [REDACTED]

[REDACTED]

[REDACTED]

9 I, for my part, cannot see any either disseminated

10 intelligence or intelligence, that before 1.45 on the

11 1st, intelligence suggested [REDACTED]

[REDACTED]. Do you think this might have been

13 after-acquired knowledge?

14 A. Sorry, sir?

15 Q. Ie after 1.45?

16 A. I genuinely don't know sort of five years on, sir.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

22 THE CHAIRMAN: When, sorry, being discussed when?

23 A. As I say, sir, I think it was at some point between 29/2

24 when we had covert tasking, whether it was at that
25 meeting, and somewhere between this authority on the

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1 1st.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

8 Q. I will be corrected if I am wrong I think, but I don't
9 think we have any [GIST: intelligence]
11 that before the 1st, including the 1st, there was any
12 intelligence [GIST: reflecting that which is set out in the
13 2 redacted entries on page 3603 of the Log].

14 A. Well, that is, as I say, five years on what I am trying
15 to recall from the time, sir. And I wouldn't have put
16 it down had I not -- somebody not told me.

17 Q. Can we look, please, at the covert tasking group
18 meeting.

19 A. Yes, sir.

20 Q. I think they are in a separate file there, which might
21 be a blue one on top.

22 A. Yes, sir.

23 Q. I am going to go through all of them in a moment but can

24 we just go to the 29th to start with, it is page 19.

25 A. Yes, sir.

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1 Q. The Inquiry have been told that these are the records of

2 the TCG meetings. Can you tell us what they are,

3 please, are these prepared before the meeting, in the

4 course of the meeting or after the meeting?

5 A. As I sit here today, I think these are prepared before

6 the meeting and I think what we see here on page 21 is

7 the speaker notes for somebody to talk to.

8 Q. Okay, so it is a PowerPoint presentation, effectively,

9 is it?

10 A. Yes.

11 Q. Page 19 is just effectively the cover sheet or the first

12 introduction slide?

13 A. Yes, sir.

14 Q. Page 20 sets out the operations that were being

15 discussed; is that right?

16 A. Yes, sir.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

21 The fourth on the page there is Shire?

22 A. Yes, sir.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

6 Q. The subjects, Mr Totton and two Corkovic, the crime
7 type, what does "CVIT performance" mean -- I know what
8 "CVIT" means but what does "performance" mean?

9 A. I don't know, sir, but in my mind that means it is going
10 to be cash in transit robberies.

11 Q. Then you said that there were some speaking notes
12 effectively, or what you understand to be speaking
13 notes.

14 A. Yes, sir.

15 Q. In relation to Mr Totton, it says:

16 "[REDACTED]. Totton very
17 [I think that is 'busy'] has been doing reces. One to
18 Stoke, two days on the run. [REDACTED]

[REDACTED]

20 Shire, Totton active robber, victim at Brass Handles."

21 That was an attempted murder of him, I think in the

22 mid 1990s:

23 "Heavily involved with drugs and organiser ..."

24 Then it goes on to speak about the Corkovics?

25 A. Yes, sir.

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1 Q. Does that summarise what was said about Operation Shire

2 and Mr Totton?

3 A. It would have been the start of the conversation, sir.

4 There were other matters probably discussed around it.

5 I did take the liberty, sir of just checking who

6 attended that meeting because there is an attendance

7 list that is in the full bundle.

8 Q. Sorry, in the full bundle?

9 A. You know, there is -- I think there was, I've got a copy

10 of the bundle which shows who attends what meeting.

11 Q. Oh, okay. Were minutes kept of the meeting or not?

12 A. No. [REDACTED]

16 Q. But you also have a document that says who was there?

17 A. I've got a copy, sir, with me that just shows who should

18 have been there.

19 Q. Rather than who was there?

20 A. Yes.

21 Q. And who should have been there?

22 A. Yes, can I refer to?

23 Q. Yes, as far as is relevant to us.

24 A. Bear with me a second. (Pause)

25 Sorry, sir I've got it electronically. My

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1 apologies, I thought I had it physically.

2 Q. We will follow that up if necessary. Can you remember

3 who was --

4 A. Yes, if it helps, sir, the issue I was trying to

5 research was, was DI Cousen at the meeting? What

6 should -- the person who should have been at the meeting

7 was Detective Superintendent Ian Duddridge, who was his

8 boss, because it was a strategic meeting effectively.

9 But my experience of that meeting has been on case

10 specific, we might have got the SIO in for a particular

11 purpose, because the job had been reviewed, it may well

12 be that DI Cousen had attended the meeting just to give

13 an operational update around that.

14 That might have happened, sir. Genuinely, five

15 years on I can't recall if he did attend or not.

16 Q. There is no record here of either of the pieces of

17 intelligence that were in your book for 1 March having

18 been given out then, is there?

19 A. Sorry, I don't understand the question sir, sorry.

20 Q. In this record here on page 21, there is no record of

21 the two pieces of intelligence?

22 A. No, there isn't, sir.

23 Q. Is that because they were not actually discussed then?

24 A. They were not -- they weren't -- what can I say, they

25 were not prompted to be discussed. I am sure this

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1 presentation was made two or three days prior to the

2 meeting, you know, created.

3 Q. Yes.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

11 Q. Presumably now you don't have a recollection that the

12 two pieces of intelligence that you were to record in

13 your log for 1 March, ie the very next day, were given

14 out at this meeting?

15 A. I am making an assumption, sir, that they were. The
16 nature of my role is that I will have had several
17 conversations with several people over that period, and
18 I have, if I have inadvertently put some things
19 together, then I apologise, that was not -- in my mind,
20 I am trying to summarise that as the covert intelligence
21 that I have been given access to gives me a strong
22 belief that they are going to be doing some activity for
23 which I am going to authorise a firearms on it.
24 Q. Have we reached the position that looking at your log on
25 3601, the document we have out, the text in the greyed

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1 out box, you believe was given to you on the 29th in the
2 course of a tasking meeting, not in the course of
3 a briefing by the SIO at about 1.45 on the 1st?
4 A. I genuinely don't know as I sit here today, sir. All
5 I am saying is that being honest, I have tried to recall
6 what some of the conversations are. My mistake, I maybe
7 should have had a sensitive policy book that I should
8 have written some of these conversations in [REDACTED]

[REDACTED]

10 That is the best of my recollection, sir.

11 Q. The trouble with that answer, Mr Heywood, is that just
12 like there was no [GIST: intelligence] on the 1st before 1.45 that

13 supports the intelligence in the greyed out box, there
14 is none on the 29th, the 28th, the 27th, the 26th, the
15 25th going back. Can you help us as to where it has
16 come from?

17 A. I can't -- well, all I can do is, as I say, five years
18 on, I will have had a number of conversations with my
19 senior staff and certainly with Rob Cousen on this
20 particular enquiry. I can't, I think, assist any
21 further on that, sir.

22 Q. Okay, thank you.

23 Moving on, you said yesterday, and the reference is
24 page 179 line 24, when I had drawn your attention to
25 a passage in the interview that you had given, when you

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1 asked yourself the question:

2 "Did I think that Mr Grainger was a violent
3 individual? Yes, if I am being honest. All the
4 information I had over the years was that he was a man
5 prone to violent tendency."

6 I asked:

7 "What information had you received over the years
8 that Mr Grainger was a man prone to violent tendencies?"

9 You said it was briefings that you had been a party
10 to:

11 "... either in what we call overt force tasking, so
12 there is another tasking process that dealings with,
13 shall we say, open material and obviously matters that
14 we will probably discuss tomorrow from a covert tasking
15 perspective."

16 I said:

17 "Just to stop you there, are you saying that you
18 received material that we are going to discuss in closed
19 that Mr Grainger was a violent man?"

20 And you said:

21 "There was intelligence to suggest that, yes."

22 Could I invite you to identify when covert
23 intelligence was received that suggested that
24 Mr Grainger was a man prone to violent tendencies?

25 A. What I am basing that on, as I sit here five years on,

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1 sir, is if he was mentioned in the team that is with
2 Totton, I have put that as he was likely to be
3 committing robberies with Totton and I have used that as
4 part of my assumption when I am considering the firearms
5 authority.

6 Q. You would I think, hearing yourself say that, realise
7 that it is deeply unsatisfactory, isn't it?

8 A. It is unsatisfactory, yes.

9 Q. Deeply. You are putting two and two together and making
10 five, aren't you?

11 A. I don't think so, sir. I think what I am saying is that
12 my focus was David Totton as the head of the OCG and
13 those individuals who were about to commit the robbery
14 with him. My threat assessment, and I have been honest
15 in open court about this, was based on David Totton and
16 I will be honest that Mr Grainger was not the main
17 target.

18 Q. No, yesterday you said that you had:

19 "... received covert intelligence that suggested
20 that Mr Grainger was a violent man or prone to violent
21 tendencies."

22 Would you agree that you had not received any covert
23 intelligence that suggested that he was a violent man or
24 prone to violent tendencies?

25 A. What I would say, sir, is he was mentioned in covert

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1 tasking as being involved in -- potentially being
2 involved in the robbery team and that is what I am
3 basing that on. I am not saying that I have had [REDACTED]

[REDACTED] specifics and if

5 I have made the mistake of, as you called it yesterday,
6 lumping them together, then I have.

7 Q. But, Mr Heywood, the reasons you were being asked the

8 questions in interview was to discover why you granted
9 an authority and one of the reasons that you said that
10 you granted authority was the past history of the use of
11 violence --

12 A. Yes, sir.

13 Q. -- by men, including Mr Grainger.

14 You cannot at one and the same time say:

15 "I granted an authority because it had been
16 suggested that Mr Grainger was part of an OCG that was
17 planning to commit a robbery, and he was a violent man.

18 "Why was he a violent man?

19 "Because he was part of an OCG that was committing
20 a robbery."

21 It is self fulfilling, isn't it?

22 A. If you put it like that, yes, sir.

23 Q. I asked you yesterday, page 187, line 6, about a line in
24 your log, which said:

25 "They will have access to weapons."

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1 And asked:

2 "Who told you that they will have access to
3 weapons?"

4 You said:

5 "Could we deal with that tomorrow, sir?"

6 And I said:

7 "No, can you please tell us the person who told you
8 that they will have access to weapons."

9 You said:

10 "That would have been in my mind at the time
11 a conversation I had had with Rob Cousen."

12 I asked:

13 "In the course of the briefing at 1.45?"

14 You said:

15 "Yes, and probably previously in the briefing on
16 29th at covert tasking."

17 I asked:

18 "Was that Mr Cousen again?"

19 You said you were not sure Mr Cousen was present at
20 covert tasking but his boss may well have been.

21 I said:

22 "Aside from who told you that, are you saying that
23 the source of that was covert intelligence that you wish
24 to speak about in closed session?"

25 You said:

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1 "Some of it, yes, sir."

2 Can you help us as to when you received covert
3 intelligence that suggested that "the subjects will have
4 access to weapons"?

5 A. I am basing that, sir, on the effectively, I suppose,
6 the conversations on the 29th and previously. As I said
7 to you in open session, sir, we have 150 organised crime
8 groups on average in Greater Manchester. I have to
9 make -- or we have to make together a collective
10 decision about which ones to target. So I am always
11 probing about, you know, who has access to weapons, who
12 is the biggest threat to our communities. And in that
13 meeting we will have a discussion and it will have been
14 suggested to me that somebody like Totton in particular
15 will have or has used weapons and that is where
16 I brought that assumption from, sir.

17 If it is the wrong assumption then I apologise, but
18 I will have made that assumption from a number of
19 sources that have come together.

20 Q. Lastly, I asked you about whether you had seen the
21 intelligence chronology and I showed you it, a redacted
22 version of it. You said that you had seen some of the
23 entries in the course of tasking meetings. If we look
24 at the tasking meeting's document --

25 A. Yes, sir.

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1 Q. -- the first one is for 26 October, between pages 1 to
2 5.

3 A. Yes, sir.

4 Q. I don't think there is any mention in there of anything
5 that we have on an intelligence chronology.

6 A. I was making the assumption, sir, because I saw the
7 names involved and the size of the extracts you had,
8 that these would have been taken from the PowerPoint
9 notes.

10 Q. So you thought our intelligence chronology was taken
11 from these PowerPoint notes?

12 A. Yes, sir.

13 Q. Okay, in fact we know it is not, they are taken from
14 COPU logs.

15 A. Well I have not seen that, sir.

16 MR BEER: Thank you very much. That is all I ask.

17 MS BARTON: No thank you, sir.

18 THE CHAIRMAN: Ms Whyte, I see it is 1.05.

19 MS WHYTE: I have a couple and they will be very brief if
20 that assists.

21 THE CHAIRMAN: Certainly.

22 Questions from MS WHYTE

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

11 You have also said it is common practice to make up
12 the log after the event, when you say it is common
13 practice, are you referring to SFCs that you know, TFCs,
14 Tactical advisers? How do you know it is common
15 practice?

16 A. Because following this tragic event we obviously
17 debriefed some of the issues, a hot debrief, et cetera,
18 and we had some discussions around how we could
19 obviously make sure such tragic events don't occur.

20 And I think subsequently there has been some
21 guidance around sort of completion of logs, et cetera.

22 I am basing some of this on, you know, my contact
23 with fellow colleagues at, in various roles to be

24 honest. It depends how busy you are.

25 MS WHYTE: Yes, thank you.

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1 Thank you, sir.

2 Questions from THE CHAIRMAN

3 THE CHAIRMAN: I just want to make sure that I understand

4 what you are saying about what is in this large box that

5 has been unredacted on page 601, Mr Heywood.

6 A. Yes, sir.

7 THE CHAIRMAN: I thought you said at the start of this

8 session that the phrase [REDACTED]

[REDACTED] was a direct reference to the covert tasking

10 meeting on 29 February. Is that right?

11 A. Yes, sir, that was ...

12 THE CHAIRMAN: In other words, the rest of that paragraph,

13 "[REDACTED] ..." That entry appears

14 to indicate that what you were told by the SIO at 13.45,

15 at that briefing? That does appear to be the position,

16 doesn't it?

17 A. It does appear to be, sir, but to try and help the

18 Inquiry, my only sort of observations is I may have

19 transposed some stuff in my head later on in that day.

20 THE CHAIRMAN: Later on that day?

21 A. Or, as I say, once -- when I was writing that log. Oh

22 sorry, I am getting myself confused. That is -- sorry
23 you are referring to the notes I made at the time,
24 aren't you, sir?
25 THE CHAIRMAN: I am referring to your log. You have the

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1 sheet in front of you. I can see it, that one.
2 A. That one?
3 THE CHAIRMAN: Yes.
4 A. Sorry, sir, yes.
5 THE CHAIRMAN: You have laid a lot of stress on information
6 you say you picked up from covert tasking meetings, but
7 at the beginning of this closed session I have a note
8 that you said that:
9 "By the expression '[REDACTED]' [and
10 I quote directly] I was referring to the covert tasking
11 of 29/2."
12 A. Yes, sir.
13 THE CHAIRMAN: Right. The implication of that seems to me
14 to be that all the rest of that unredacted paragraph is
15 supposed to be what you were actually told at that
16 discussion on 1 March at 13.45 by Mr Cousen.
17 A. Yes, sir, and five years on that is what I thought the
18 conversation we had had, but obviously I learned
19 colleagues --
20 THE CHAIRMAN: You say "five years on", Mr Heywood, but this

21 log, whether it was made the same day or the day after,

22 was not made five years after the event, was it?

23 A. No, sir.

24 THE CHAIRMAN: Does anybody else have any questions about

25 that?

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1 MR BEER: Just one.

2 Thank you Ms Cartwright for alerting me to it.

3 Further questions from MR BEER

4 MR BEER: The covert tasking bundle, your blue one at

5 page 21.

6 A. Yes, sir.

7 Q. We can see, on page 20, that neither Mr Rimmer nor

8 Mr Grainger are described as subjects.

9 A. Yes, sir.

10 Q. We can see that Mr Grainger does not appear to have been

11 mentioned in the content of the speaking note at

12 page 21; is that right?

13 A. Yes, sir.

14 Q. Does that help you to remember whether it was at that

15 meeting on the 29th that Messrs Grainger and Rimmer were

16 mentioned?

17 A. Sir, Mr Rimmer is mentioned, sir.

18 Q. Yes, I can see that, in the second line but in the

19 context of [REDACTED]
[REDACTED]

21 A. Yes, as I said, and I think counsel mentioned, that this
22 is the start of conversation. There may well have been
23 verbal conversations at that meeting where Grainger has
24 been mentioned. There has been no notes taken of that,
25 which is poor, but in my mind at that time we have had

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1 a conversation at some point.

2 But, as I said, I have tried to -- he wasn't in my
3 thinking at the time, Mr Grainger, it was Mr Totton who
4 was the target of this.

5 MR BEER: Thank you, sir.

6 THE CHAIRMAN: Does that conclude the evidence of this
7 witness or does he need to remain in case there is
8 material to be released?

9 MR BEER: He needs to remain.

10 THE CHAIRMAN: You are not released at this stage, thank
11 you.

12 MR BEER: Hold on, just wait one moment, sir, sorry.

13 THE CHAIRMAN: I will wait, yes. (Pause)

14 MR BEER: Yes, Ms Whyte, is quite right, if you go on to
15 page 25.

16 THE CHAIRMAN: Yes, there is a reference to

17 Anthony Grainger.

18 MR BEER: Yes. Thank you.

19 THE CHAIRMAN: Thank you.

20 2.15.

21 (1.13 pm)

22 (Proceedings resumed in open session)

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