

<p>1 Tuesday, 21 March 2017 2 (10.30 am) 3 THE CHAIRMAN: Yes, Mr Beer. 4 MR BEER: Sir, apologies for the delay. I think it was 5 a difficulty obtaining Mr Stuart Grainger on the link. 6 THE CHAIRMAN: As I understand, yes. 7 MR BEER: Thank you. 8 THE CHAIRMAN: Thank you. 9 MR BEER: I will wait for the usher to come back. 10 THE CHAIRMAN: Yes, of course. 11 I'm sorry, that is my fault, I left something in my 12 room. 13 MR BEER: That is all right. Mr Allen is already in court. 14 THE CHAIRMAN: Once you have taken the oath, Mr Allen, you 15 are perfectly free to sit down if you wish to do so. 16 Thank you. 17 Yes. 18 MR STEPHEN ALLEN (sworn) 19 Questions from MR BEER 20 MR BEER: Yes, Mr Allen. As the chairman said, you are free 21 to sit or stand as you wish. In front of you there 22 should be on your left-hand side a cypher key, can you 23 see that? 24 A. Yes. 25 Q. If at any stage you want to refer to somebody by name,</p> <p style="text-align: center;">Page 1</p>	<p>1 A. I was a sergeant. 2 Q. What was your role when you were not acting as a TAC 3 adviser? 4 A. I was a sergeant on the ARV team, so just generally 5 looking after the team. 6 Q. When did you first qualify as an AFO? 7 A. From memory it was early 2000s, maybe 2003. 8 Q. If I can help with your memory perhaps. If we look at 9 tab 10 in that bundle, please, there should be what is 10 called the EFire record for you, which was the 11 electronic training record for firearms officers, 12 maintained by the TFU. If you look at the second page 13 of that, page 905, the first entry we have is 14 8 December 2008, yes? 15 A. Yes. 16 Q. Then the next page, 906, again the first entry we have 17 is 906, ie it tends to suggest 2008. Is that because 18 this system only came in in 2008 and you were qualified 19 before then? 20 A. I can only think that would be the case, sir, yes. 21 Q. You think you became an AFO in the early 2000s? 22 A. Yes, sir. 23 Q. Okay. What roles did you perform as an AFO between the 24 early 2000s and 2012? 25 A. I was a PC on the ARV teams. So, within that, just</p> <p style="text-align: center;">Page 3</p>
<p>1 just look at the cypher key first and see whether their 2 name is on it. Refer to them by their cypher if their 3 name is on it. 4 Secondly, there should be a bundle with your name on 5 it there. If you open that, please, at tab 1. There 6 should be a witness statement in your name. 7 A. Yes. 8 Q. I think other than a witness statement at tab 2, which 9 was about special measures, that is your only witness 10 statement in the case. 11 A. Yes. 12 Q. The one at tab 1. It is dated 24 May 2012? 13 A. That's correct, yes. 14 Q. Are the contents of that true to the best of your 15 knowledge and belief? 16 A. They are, sir, yes. 17 Q. Thank you very much. 18 Can I deal with some of your background, please. 19 I think you are now retired from the police service. 20 A. That's correct. Yes, I am. 21 Q. When did you join the police service? 22 A. 1999. 23 Q. When did you retire? 24 A. 2014. 25 Q. What was your rank in March 2012?</p> <p style="text-align: center;">Page 2</p>	<p>1 the normal duty roles that are expected and then 2 promoted to the rank of sergeant. 3 Q. When were you promoted? 4 A. 2010. 5 Q. Were you just a -- I say "just a", were you a sergeant 6 on the ARV teams after being a sergeant? 7 A. Yes. Yes, I was. 8 Q. I want to see what your qualifications and experience 9 were in relation to MASTS. You remember now what MASTS 10 was? 11 A. Yes, I do. 12 Q. Just explain your understanding of MASTS. 13 A. As in what it stands for? 14 Q. No, just what it is. 15 A. It is a covert vehicle tactic. 16 Q. Okay, and a bit more by way of summary, what does it 17 involve or what did it involve? 18 A. From my recollection it involved armed officers, 19 non-uniformed armed officers delivering an advanced 20 tactic, which was support to surveillance operations. 21 Q. Right. Can we look, please, in relation to your 22 qualifications and experience in relation to MASTS. 23 Again staying within this bundle. If we look at 24 page 906, I don't think we see any training in relation 25 to MASTS then, on that page, which is 2008, 2009 and</p> <p style="text-align: center;">Page 4</p>

<p>1 part of 2010.</p> <p>2 A. No, I don't see anything.</p> <p>3 Q. Had you been trained in relation to MASTS before then,</p> <p>4 before this record began?</p> <p>5 A. Yes, I had, yes.</p> <p>6 Q. When had you been trained?</p> <p>7 A. I honestly could not tell you the date, I don't know.</p> <p>8 It was when all this was happening, but I couldn't --</p> <p>9 I honestly don't know what date it was.</p> <p>10 Q. It was before 2008?</p> <p>11 A. It must be. If it is not on this record, it must be,</p> <p>12 yes.</p> <p>13 Q. Of what did the training consist?</p> <p>14 A. It was a course.</p> <p>15 Q. Hold on, I think there is an issue ...</p> <p>16 THE CHAIRMAN: Carry on.</p> <p>17 MR BEER: Of what did it consist?</p> <p>18 A. I will have done the standard MASTS course.</p> <p>19 Q. Where was that? How long did that take?</p> <p>20 A. From recollection it was a week course in house, so in</p> <p>21 Manchester.</p> <p>22 Q. In GMP?</p> <p>23 A. Yes.</p> <p>24 Q. Do you remember whether you had refresher training in</p> <p>25 it?</p> <p style="text-align: center;">Page 5</p>	<p>1 Q. I think, according to this record, you first qualified</p> <p>2 in December 2010. Can we look, please, at 908, please.</p> <p>3 If you look five entries in, 20 to 24 December 2010,</p> <p>4 can you see that?</p> <p>5 A. Yes, I can.</p> <p>6 Q. Do you see it says "Bronze initial"?</p> <p>7 A. Yes.</p> <p>8 Q. Then can you help us with what the "initial" meant?</p> <p>9 A. "Initial" will have been the initial training, because</p> <p>10 the OFC or the operational commander, the firearms</p> <p>11 commander course, was a relatively new concept. So that</p> <p>12 was the initial upskilling and the initial training for</p> <p>13 that role.</p> <p>14 Q. Was there a distinction for OFCs between those qualified</p> <p>15 to operate in a MASTS operation and those not?</p> <p>16 A. I am sorry, could you repeat that, please?</p> <p>17 Q. Yes, for operational firearms commanders was there</p> <p>18 a distinction drawn between those that were qualified to</p> <p>19 run a MASTS operation and those that were not?</p> <p>20 A. For an OFC, you had to be competent in the tactic that</p> <p>21 you were the OFC for.</p> <p>22 Q. Yes, ie as an AFO?</p> <p>23 A. As an AFO, yes.</p> <p>24 Q. Does it follow that you thought that you were competent</p> <p>25 in the MASTS tactic when you were acting as an AFO?</p> <p style="text-align: center;">Page 7</p>
<p>1 A. I would say so, but I don't know if the records show</p> <p>2 that or not.</p> <p>3 Q. I think we will come to one in late 2011 in a moment.</p> <p>4 Did you deploy on MASTS operations?</p> <p>5 A. Yes, I did.</p> <p>6 Q. With what frequency?</p> <p>7 A. Again, I am sorry, I really cannot recollect how often</p> <p>8 but it will not have been as often as maybe ops team</p> <p>9 members, being on the uniformed side of operations, but</p> <p>10 I have deployed on them.</p> <p>11 Q. Okay. If we look over at page 907, I don't think we can</p> <p>12 see any MASTS training on there either. Or on 908, if</p> <p>13 we just look down there. But on 909, I think that is</p> <p>14 a two-hour course, a refresher course, on</p> <p>15 24 November 2011, the "120" being how many minutes</p> <p>16 I think. Yes?</p> <p>17 A. Yes.</p> <p>18 Q. But I don't think we can see what is being refreshed and</p> <p>19 I doubt six years on you can remember either?</p> <p>20 A. Sorry, no, I can't.</p> <p>21 Q. No, okay.</p> <p>22 Can I look then at your experience as an OFC,</p> <p>23 an operational firearms commander, it is right that you</p> <p>24 were a qualified OFC as well?</p> <p>25 A. That's correct, sir.</p> <p style="text-align: center;">Page 6</p>	<p>1 A. Yes.</p> <p>2 Q. Can I turn to your qualifications as a TAC adviser then.</p> <p>3 Can we in this tab as well, please, look at the</p> <p>4 entry of 9 February. This appears to be the first</p> <p>5 entry, at least that I can see, of you attending a TAC</p> <p>6 adviser's course, can you see that, 9 February?</p> <p>7 A. Yes.</p> <p>8 Q. Again it says "initial" or "initial update".</p> <p>9 In relation to TAC advisers, was a distinction drawn</p> <p>10 between so-called initial TAC advisers and pre-planned</p> <p>11 TAC advisers?</p> <p>12 A. Yes, there was.</p> <p>13 Q. Do you know whether this word "initial" here is</p> <p>14 referring to that distinction, ie you were trained as</p> <p>15 an initial TAC adviser rather than a pre-planned TAC</p> <p>16 adviser?</p> <p>17 A. I'm sorry, I don't know if that is the case or not.</p> <p>18 Q. Do you know whether you were trained as an initial TAC</p> <p>19 adviser or a pre-planned TAC adviser?</p> <p>20 A. In my opinion I was trained as both.</p> <p>21 Q. Why do you reach that opinion, we are going to look at</p> <p>22 some documents later that suggest that maybe that was</p> <p>23 not the case. Why do you think you were trained as both</p> <p>24 an initial TAC adviser and a pre-planned TAC adviser?</p> <p>25 A. Just down to the role I had at the time, the experience</p> <p style="text-align: center;">Page 8</p>

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<p>1 I had and the competence I held within the tactics.</p> <p>2 Q. Can we look, please, at bundle K. I don't think this is</p> <p>3 in your folder. Bundle K at page 1360.</p> <p>4 We should just flip back to see what this is by</p> <p>5 looking at 1355, please. It is the GMP specialist</p> <p>6 operations branch standard operating procedure for</p> <p>7 firearms and TAC advisers that was current, we</p> <p>8 understand, at the time of Operation Shire</p> <p>9 in March 2012. If we go forward to 1360, please, under</p> <p>10 paragraph 6, it says:</p> <p>11 "Officers who become accredited TAC advisers should</p> <p>12 undergo a formal shadowing and mentoring process prior</p> <p>13 to authorisation as an initial TAC adviser. Initial TAC</p> <p>14 advisers should, in order to maintain their competency,</p> <p>15 have been accredited as a tactical firearms commander</p> <p>16 ..."</p> <p>17 You had done that, had you?</p> <p>18 A. Yes.</p> <p>19 Q. "... attend a minimum of 8 hours' firearms refresher</p> <p>20 training per training year [we will come on to that in</p> <p>21 a moment], a peer review of their individual TAC adviser</p> <p>22 policy log should be reviewed by a competent planned</p> <p>23 tactical adviser on a minimum of two occasions during</p> <p>24 a training year and then provide evidence they have</p> <p>25 observed or a practitioner to the full range of tactics</p> <p style="text-align: center;">Page 9</p>	<p>1 authorise all initial and planned tactical advisers and</p> <p>2 the policy and compliance unit will manage the process."</p> <p>3 Were you a practitioner in those eight or so --</p> <p>4 A. Not all of them.</p> <p>5 Q. No. Which ones were you not a practitioner?</p> <p>6 A. CBRN, rifle, and the dynamic intervention and dynamic</p> <p>7 entry.</p> <p>8 Q. Can you remember -- I realise I am stretching your</p> <p>9 memory a bit here because you have left the police</p> <p>10 service and these are events a while ago -- a process by</p> <p>11 which you were told, "You are now moving from being</p> <p>12 an initial TAC adviser [which tended to be around ARV</p> <p>13 situations] to becoming a planned tactical adviser"?</p> <p>14 A. I can't remember a set process, no, sir.</p> <p>15 Q. With an ACC authorising you to do that?</p> <p>16 A. I remember we put a log in every year to show what jobs</p> <p>17 that we had been a tactical adviser on, but I don't</p> <p>18 remember the set process.</p> <p>19 Q. Okay.</p> <p>20 Can we go back to 1357, please.</p> <p>21 By the second hole-punch, in between the two</p> <p>22 hole-punches, it says, "GMP will maintain two levels of</p> <p>23 TAC advisers, initial and planned".</p> <p>24 Then miss a paragraph:</p> <p>25 "Firearms tactical advice for pre-planned firearms</p> <p style="text-align: center;">Page 11</p>
<p>1 available to an ARV officer, see ARV role profile per</p> <p>2 training year.</p> <p>3 "Officers can progress to become a planned tactical</p> <p>4 adviser by providing evidence that they have either</p> <p>5 observed or are practitioners in the range of tactics</p> <p>6 identified as advanced."</p> <p>7 Had you done that?</p> <p>8 A. Yes.</p> <p>9 Q. "Planned tactical advisers should in order to maintain</p> <p>10 their competency have been accredited as a firearms</p> <p>11 tactical adviser."</p> <p>12 It sort of seems repetitious, because to get there</p> <p>13 you need to have gone through the gateway of being</p> <p>14 an initial tactical adviser to start with:</p> <p>15 "Attend a minimum of 8 hours firearm's refresher</p> <p>16 training per training year, undergone a peer review ...</p> <p>17 and then provide evidence that they have observed or are</p> <p>18 practitioners in the full range of tactics available to</p> <p>19 an ARV officer per training year."</p> <p>20 Then:</p> <p>21 "In addition to the above, have either observed or</p> <p>22 are practitioners in the following advanced tactics,</p> <p>23 dynamic intervention, dynamic entry, armed interception,</p> <p>24 armed surveillance, MASTS, operations to counter threats</p> <p>25 to life, rifles, CBRN. The ACC specialist response will</p> <p style="text-align: center;">Page 10</p>	<p>1 operations should be primarily given by planned tactical</p> <p>2 advisers, ie TFU inspectors."</p> <p>3 I don't think you were that in March 2012, were you?</p> <p>4 A. I was not an inspector.</p> <p>5 Q. Then, "RPT sergeants ..." What is an RPT?</p> <p>6 A. That is the old name for the ops team.</p> <p>7 Q. You were not that?</p> <p>8 A. No.</p> <p>9 Q. Then:</p> <p>10 "TFU sergeants who have been authorised as planned</p> <p>11 TAC advisers."</p> <p>12 You cannot recall whether you were that?</p> <p>13 A. I was definitely a TFU sergeant.</p> <p>14 Q. Yes.</p> <p>15 A. I don't recall the -- the process of it being</p> <p>16 formalised.</p> <p>17 Q. We can put that file away, thank you.</p> <p>18 Going back to the EFire record that we were on in</p> <p>19 tab 10, if you look at the foot of page 908, we have</p> <p>20 seen the entry for 9 February, the TAC advisers' course</p> <p>21 initial or initial update, and then a month and a bit</p> <p>22 later, it says for 31 March, "TAC adviser</p> <p>23 re-accreditation". Do you know why you were being</p> <p>24 re-accredited a month after having gone on the initial</p> <p>25 or initial update course?</p> <p style="text-align: center;">Page 12</p>

1 **A. I can only assume that is the way the training cycle**
 2 **fell.**
 3 Q. Then over the page, please, it looks as if on
 4 25 October 2011 you attended a one-hour refresher
 5 course. Can you see that?
 6 **A. Yes, I can, sir.**
 7 Q. A TAC adviser refresher course?
 8 **A. Hmm.**
 9 Q. Okay. What can you now remember as to a TAC adviser's
 10 duties?
 11 **A. In respect of what, the actual job role itself?**
 12 Q. Yes.
 13 **A. It was to provide the relevant tactical advice for**
 14 **a commander who would be in possession of intelligence**
 15 **and information, who had been asked to lead on a job**
 16 **where firearms assets may be used. It was my -- or the**
 17 **job as a firearms TAC adviser to then outline the**
 18 **options available using the firearms assets.**
 19 Q. It is to advise on the tactical options?
 20 **A. Yes, yes, sir.**
 21 Q. You said on the assets available, what do you mean by
 22 that?
 23 **A. On any resources, any firearms resources, armed**
 24 **resources.**
 25 Q. Okay.

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1 What about them would you advise?
 2 **A. The capabilities.**
 3 Q. Okay. And their limitations?
 4 **A. Yes, and constraints, yes.**
 5 Q. Yes. If you turn up a bundle called policy and
 6 procedures, it will be handed to you. It is numbered in
 7 the top right-hand corner in red and it is page 334.
 8 Can you see -- I should have said, this is part of the
 9 manual of guidance. You remember the manual of
 10 guidance?
 11 **A. I remember it vaguely, yes.**
 12 Q. Yes, I don't imagine you remember all 200 pages but you
 13 remember the existence of a manual of guidance?
 14 **A. I do.**
 15 Q. The Bible or the manual that firearms officers operated
 16 to?
 17 **A. Yes, sir.**
 18 Q. This is the relevant edition for 2012. Under 5.24 the
 19 role of the tactical adviser is set out. Firstly:
 20 "The tactical adviser advises on the capabilities
 21 and limitations of the AFOs and other police resources
 22 being deployed."
 23 I think that is what you have told us already?
 24 **A. Yes.**
 25 Q. Then:

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1 "Advises the strategic or tactical firearms
 2 commanders on the implications of any tactical
 3 parameters which have been set."
 4 I don't think you have said that already. Firstly,
 5 would your advice usually be to the TFC rather than the
 6 SFC?
 7 **A. As a general rule it was the TFC, yes.**
 8 Q. Can you remember advising SFCs?
 9 **A. Not off the top of my head, no.**
 10 Q. Then it is suggested it is the implications of tactical
 11 parameters that have been set. What do you understand
 12 that to mean, so it is not advising on the tactical
 13 options available, it is if the tactical parameters have
 14 been set, what the implications of them are?
 15 **A. It is when you are discussing the tactic and the**
 16 **limitations or the way that that tactic is going to be**
 17 **delivered, if there is a parameter set by either the**
 18 **investigating team or the TFC, as in -- off the top of**
 19 **my head, say that a subject runs away, how far you would**
 20 **follow them or if you would follow them at all is the**
 21 **parameter of where your resources or where their**
 22 **resources would be deployed to.**
 23 Q. Thirdly:
 24 "Advises on the available tactical options for
 25 consideration by the SFC and TFC within the existing

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1 strategy and any tactical parameters set."
 2 You have told about that already by reference to the
 3 TFC:
 4 "Advises the firearms commanders on the tactical
 5 considerations, contingencies and implications for each
 6 tactical option."
 7 What do you understand that -- firstly, do you
 8 understand that that was part of your function, advising
 9 the commanders on tactical considerations, contingencies
 10 and implications for each tactical option?
 11 **A. Yes, I understood that. We used to refer to it or**
 12 **I used to refer to it as kind of painting the picture of**
 13 **what it would look like on the ground, was a common**
 14 **question. We would explain to them, you know, if this**
 15 **tactic was delivered, how it would look, what would**
 16 **happen in line with whatever parameters or limitations**
 17 **were set.**
 18 Q. I am interested in particular for the implications for
 19 each tactical option. What is meant by that?
 20 **A. I am guessing, and I am sorry because I can't fully**
 21 **remember how it was at the time but the implications**
 22 **would have been, you know, the resources being used, the**
 23 **type of tactic that was being used and what effect that**
 24 **would have.**
 25 Q. Okay, next:

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<p>1 "Should be in a position to assist and advise the 2 TFC at all stages of the operation." 3 Was that your understanding, that the TAC adviser 4 should be available to give advice at all stages of the 5 operation? 6 A. Yes. 7 Q. Okay: 8 "Provides tactical advice reflecting the existing 9 threat assessment and ensures that advice given is 10 recorded." 11 A. Yes. 12 Q. That was your understanding as well? 13 A. Mm. 14 Q. At 5.25, it is something we have heard before: 15 "The role of the TAC adviser is to advise and not to 16 make command decisions. The responsibility for the 17 validity and reliability of the advice lies with the 18 adviser, but the responsibility for the use of that 19 advice lies with the commander." 20 Does that reflect your understanding? 21 A. It does, yes. 22 Q. Was it the TFC's duty to consult a TAC adviser as soon 23 as practicable? 24 A. I believe it was. 25 Q. If we just go back two pages to 332, at paragraph 5.22:</p> <p style="text-align: center;">Page 17</p>	<p>1 A. Yes, as far as I can remember. 2 Q. Okay. 3 Superintendent Ellison told the chairman that a TFC 4 would not usually seek authority from an SFC without 5 having input from a TAC adviser first. Does that 6 reflect your recollection? 7 A. As far as I can recollect, sir, yes, it does. 8 Q. That, secondly, a TAC adviser would routinely be present 9 at the risk assessment meeting? 10 A. As far as -- 11 Q. For pre-planned operations? 12 A. As far as I can remember, sir, yes. 13 Q. Would that be because TAC advisers bring or were 14 supposed to bring subject matter expertise to the room? 15 A. Yes, sir. 16 Q. Secondly, that a number of the TAC adviser's duties are 17 required to be done in advance of the point at which the 18 SFC and the TFC discuss whether a firearms authority 19 should be granted? 20 A. As far as I can remember, sir. It is quite hazy. 21 Q. Right, okay. Remembering back now, was the risk 22 assessment meeting an important occasion to obtain 23 information and intelligence upon which to base advice? 24 A. I think -- yes, yes, it was. 25 Q. Remembering back to other operations, not necessarily</p> <p style="text-align: center;">Page 19</p>
<p>1 "The TFC ..." 2 Then the second bullet point: 3 "... should consult a tactical adviser as soon as 4 practicable." 5 That reflects your understanding? 6 A. It does, sir, yes. 7 Q. Was it their responsibility to come and find you, rather 8 than the other way round? 9 A. As far as I can recollect, it was always a phone call to 10 say where they had been to meet them there, if it was 11 a pre-planned. Or, if it was a spontaneous incident, 12 then over the phone. 13 Q. For pre-planned, was it normally a face to face? 14 A. As far as I can remember, yes, it was. 15 Q. In this type of operation, as it became, 16 Operation Shire, where a MASTS team or perhaps even 17 a similar advanced option was being considered or, in 18 the event, used, we have heard evidence from 19 Superintendent Ellison already, do you remember him? 20 A. Yes, vaguely. 21 Q. That there was or should have been a risk assessment 22 meeting. Does that term ring a bell, a risk assessment 23 or RA meeting? 24 A. Yes, it does, sir. 25 Q. That would usually be with the SIO included?</p> <p style="text-align: center;">Page 18</p>	<p>1 this one, was it the case that where the SIO was there 2 or the person effectively asking for the firearms 3 deployment, that they had all of the cards, as it were, 4 they had the intelligence and were able to provide it at 5 that meeting? 6 A. As far as I can remember, sir, yes, that was the case. 7 Q. Is the -- this is my description of stages, nothing from 8 the manual, I am compressing 200 pages into a few 9 sentences. Was the usual order of events in 10 a pre-planned operation as follows. Stage 1, SIO, or 11 other applying officer, approaches the TFC? 12 A. Yes. 13 Q. Stage two, TFC takes advice from the TAC adviser? 14 A. If they thought it was necessary at that point, I would 15 say, yes, sir. 16 Q. Stage 3, TFC, if he has decided that the grounds for 17 an authorisation are met, seeks authority from a SFC? 18 A. Yes, sir. 19 Q. Approval or amendment is made to the TFC's working 20 strategy? 21 A. Yes, sir. 22 Q. The tactical plan is either agreed or amended and the 23 contingencies are either agreed or amended? 24 A. Yes, sir. 25 Q. Okay. I think that four-stage process means that the</p> <p style="text-align: center;">Page 20</p>

5 (Pages 17 to 20)

<p>1 TFC ought to take the advice of the TAC adviser before 2 seeking authority from the SFC?</p> <p>3 A. Yes, sir.</p> <p>4 Q. Before the TFC puts the working strategy to the SFC, 5 before the TFC seeks the approval of the tactical plan 6 from the SFC and before seeking approval of the 7 contingencies?</p> <p>8 A. Yes, sir.</p> <p>9 Q. Okay.</p> <p>10 Can I turn to what happened in relation to 11 Operation Shire then, without taking you to too many 12 documents. We know that there was a risk assessment 13 phone conference, rather than a face-to-face meeting, at 14 about 7.00 pm on 2 March, Friday, 2 March 2012.</p> <p>15 A. I am not aware of that.</p> <p>16 Q. Okay, I will take you to some documents just so you can 17 see the accuracy or otherwise of what I am saying. 18 Tab 7 in your bundle, please.</p> <p>19 This is Mr Granby's log, can you see that?</p> <p>20 A. Yes, sir.</p> <p>21 Q. TFC commander's policy file and decision log, commenced 22 2 March, completed 3 March.</p> <p>23 If you just go forwards to page 521, information and 24 intelligence narrative, can you see in the left-hand 25 column, 2 March 2012, 1900 hours, 7.00 pm.</p> <p style="text-align: center;">Page 21</p>	<p>1 20.50?</p> <p>2 A. Yes, sir.</p> <p>3 Q. "The tactical plan and contingencies indicated above are 4 authorised."</p> <p>5 Then back at 492 is the authority itself to deploy 6 armed officers.</p> <p>7 A. Yes, sir.</p> <p>8 Q. Were you consulted by Superintendent Granby before 9 8.50 pm on Friday the 2nd?</p> <p>10 A. I honestly don't remember that I was, sir.</p> <p>11 Q. Okay.</p> <p>12 Your TAC log, which we will come to in a moment, the 13 first entries of that are on the 3rd, the next day, when 14 you attend a briefing early in the morning. Your 15 witness statement that we have looked at does not 16 suggest that you were.</p> <p>17 Have you ever discussed or asked why, in this 18 operation, when you came on duty the following morning, 19 the application for the authority to the TFC had been 20 made and approved by him and the SFC had granted the 21 authority without any TAC advisers' input?</p> <p>22 A. I can only assume that there was a TAC adviser input at 23 the time, I don't know that for fact though.</p> <p>24 Q. We I think in fact know that there was not, there was 25 not any other TAC adviser. The only two TAC advisers</p> <p style="text-align: center;">Page 23</p>
<p>1 A. Yes, sir.</p> <p>2 Q. "Telecon, DI Cousen", yes? Then it is all set out?</p> <p>3 A. Yes, sir.</p> <p>4 Q. We have heard evidence from Mr Cousen already that this 5 was conducted by telephone, it was effectively his 6 application to Mr Granby for authority for a firearms 7 deployment to be sought from an SFC and he has told us 8 what was discussed. Were you part of this phone 9 conference on Friday the 2nd?</p> <p>10 A. No, sir, not that I remember.</p> <p>11 Q. Were you on duty then?</p> <p>12 A. I don't think I was, sir.</p> <p>13 Q. Superintendent Granby then sought and was granted 14 a firearms authority from the SFC, ACC Sweeney, at about 15 8.50 pm that day, the Friday evening. Again if we just 16 look, so you can see the accuracy of what I am saying, 17 if you go back a tab to tab 6, can you see Mr Sweeney's 18 log?</p> <p>19 A. Yes, sir.</p> <p>20 Q. Do you have that?</p> <p>21 A. Yes.</p> <p>22 Q. If you go forward to page 500, he says at 20.45 he 23 liaised with ACC Heywood, who was a previous SFC -- 24 forgive me just whilst I track down the time of the 25 authority, yes, if you go to page 498, can you see</p> <p style="text-align: center;">Page 22</p>	<p>1 are you and Y19, Y19 coming on at about 3.00 or 3.15 on 2 the Saturday taking over from you. You were the first 3 TAC adviser on this deployment. Has that ever been the 4 subject of discussion after the event, for example after 5 Mr Grainger had died, why it was that a lot of the work 6 that would ordinarily involve the TAC adviser had been 7 conducted without the TAC adviser being involved?</p> <p>8 A. Not to my recollection. I don't remember a discussion 9 taking place like that.</p> <p>10 Q. The AFO briefing was delivered at about 6.00 on 11 Saturday, 3 March. Do you remember that? You were 12 there, I think?</p> <p>13 A. I vaguely remember the briefing -- I couldn't be sure of 14 the time.</p> <p>15 Q. If we look, please, at your witness statement at tab 1. 16 It is quite short but there are a couple of things 17 I want to pick up on in it, please.</p> <p>18 You say at approximately 4.30 on Saturday the 3rd 19 you were on duty in full uniform with the purpose of 20 performing the role of TAC adviser for Operation Shire: 21 "At approximately 5.00 I liaised with the duty TFC 22 ..."</p> <p>23 That is Mr Granby, yes?</p> <p>24 A. Yes, sir.</p> <p>25 Q. "... and carried out a review of the information</p> <p style="text-align: center;">Page 24</p>

6 (Pages 21 to 24)

<p>1 intelligence available. We also carried out a review of</p> <p>2 the threat assessment against the working strategy and</p> <p>3 the powers and policy and it was agreed the MASTS tactic</p> <p>4 was appropriate."</p> <p>5 You say twice there that you were carrying out</p> <p>6 a review. Looking back, that should not really have</p> <p>7 been the case, should it, that you were reviewing that</p> <p>8 which had already been done? You ought to have been</p> <p>9 involved in the creation of a plan, not the review of</p> <p>10 one that had already been written, approved and</p> <p>11 formulated into a PowerPoint presentation, should you?</p> <p>12 A. I would agree that a TAC adviser should have been</p> <p>13 involved --</p> <p>14 Q. Yes.</p> <p>15 A. -- I wouldn't have thought it was necessary for it to be</p> <p>16 me personally.</p> <p>17 Q. No, okay, I will rephrase it then. You were coming on</p> <p>18 duty and you were presented with a situation in which</p> <p>19 a plan had already been created, written up, approved,</p> <p>20 formulated into a PowerPoint presentation --</p> <p>21 A. Yes, sir.</p> <p>22 Q. -- and you were being asked to review something that had</p> <p>23 already been done?</p> <p>24 A. Effectively, sir, I think that is the case, yes.</p> <p>25 Q. Was that usual or unusual?</p> <p style="text-align: center;">Page 25</p>	<p>1 wasn't anything attached to it, he says in a memo that</p> <p>2 I need not turn up, there was not actually anything</p> <p>3 attached to it.</p> <p>4 Can you recall what it was that was attached?</p> <p>5 A. I am sorry, I can't. If I would have had a copy of the</p> <p>6 briefing, a physical copy of the briefing, I would have</p> <p>7 attached that, any copies of any emails, I would</p> <p>8 generally have attached that, but without -- if I have</p> <p>9 written I have attached it, then I would have attached</p> <p>10 anything, but, I am sorry, I can't remember exactly what</p> <p>11 that was.</p> <p>12 Q. Okay, in terms of what you would refer to as a briefing,</p> <p>13 can we go forward to tab 8, please, in the bundle, and</p> <p>14 look at I think it is the third page in.</p> <p>15 Can you see at 1265 there are some redactions on</p> <p>16 there to take out names, and the like, but can you see,</p> <p>17 if you just flip over and then the next page, then the</p> <p>18 next page and then the next page, is this a typical TFU</p> <p>19 PowerPoint briefing?</p> <p>20 A. From recollection, sir, yes, it is.</p> <p>21 Q. Do you think that is what you would be referring to</p> <p>22 where you say "See attached briefing"?</p> <p>23 A. Quite possibly. Without knowing, I can't be sure.</p> <p>24 Q. If it was, if you go forward to 1267 -- I am going to</p> <p>25 work on the basis that it was the attached document,</p> <p style="text-align: center;">Page 27</p>
<p>1 A. I honestly don't know. I can't remember, I am sorry.</p> <p>2 Q. Okay.</p> <p>3 Can we turn to your log, please, which is in tab 3.</p> <p>4 We have the original here if you need to look at it for</p> <p>5 any handwriting issues or the like.</p> <p>6 This is your log, can you see that the first entry</p> <p>7 I think you make is on page 619?</p> <p>8 Is the writing on the first three lines of that page</p> <p>9 yours?</p> <p>10 A. It is, sir, yes.</p> <p>11 Q. 05.00 hours, 3 March:</p> <p>12 "Op Shire, see attached briefing. TFC:</p> <p>13 Superintendent Granby."</p> <p>14 Yes?</p> <p>15 A. Yes, sir.</p> <p>16 Q. The "attached briefing", was that a reference to</p> <p>17 a PowerPoint presentation?</p> <p>18 A. I presume so, sir. The fact that I have written that</p> <p>19 would refer to any material that I was in possession of</p> <p>20 at the time in relation to the operation.</p> <p>21 Q. That is what I am trying to nail down, what it does</p> <p>22 refer to and what you were in possession of at that</p> <p>23 time.</p> <p>24 When your log was subsequently inspected, soon after</p> <p>25 Mr Grainger's death, by Inspector Marcus Williams, there</p> <p style="text-align: center;">Page 26</p>	<p>1 okay?</p> <p>2 A. Yes, sir.</p> <p>3 Q. This would be the intelligence that you would be</p> <p>4 referring to on the page which said in your log</p> <p>5 "Information and intelligence", and you said, "See</p> <p>6 attached briefing". Yes?</p> <p>7 A. Yes, sir.</p> <p>8 Q. Just take a moment to look at it. (Pause)</p> <p>9 If you were given this PowerPoint, would you have</p> <p>10 known where the intelligence or information came from?</p> <p>11 A. I would have presumed it would have come from the SIO.</p> <p>12 Q. You were not, I think, party to a meeting at which the</p> <p>13 information was provided?</p> <p>14 A. No, sir.</p> <p>15 Q. So you didn't hear the SIO give the information over?</p> <p>16 A. No, sir.</p> <p>17 Q. I think it is the case that you don't know if he gave</p> <p>18 the intelligence over, but you presume that he did?</p> <p>19 A. Yes, sir.</p> <p>20 Q. Similarly, on the three threat assessments for the three</p> <p>21 subjects, on pages 68, 69 and 70, would your assumption</p> <p>22 be the same, that the intelligence that led to the</p> <p>23 creation of these came from the SIO?</p> <p>24 A. Yes, sir.</p> <p>25 Q. Why would you make that assumption?</p> <p style="text-align: center;">Page 28</p>

7 (Pages 25 to 28)

1 **A. If we go back to the initial risk assessment meetings,**
 2 **I would suggest that that information and intelligence**
 3 **would be discussed with the TFC which would formulate**
 4 **the -- whether there was going to be an operation or**
 5 **not.**
 6 Q. Do you remember a system where the TFC and the SIO maybe
 7 had a risk assessment meeting together at which
 8 intelligence passed one to the other, that formed the
 9 basis of the application for the authority to deploy.
 10 Once that had been granted, then an OFC in the TFU, or
 11 a researcher in the TFU, would then have the
 12 responsibility for drawing up these PowerPoints?
 13 **A. Yes, sir.**
 14 Q. What was the system, if there was one, of the OFC or the
 15 researcher who was drawing up the PowerPoints to get
 16 access to the information and intelligence that the SIO
 17 had passed to the TFC?
 18 **A. I can't recollect any set system, but I would have --**
 19 **just going on my own experience it would have come via**
 20 **email or speaking to the SIO and making sure that**
 21 **anything that had been mentioned verbally was handed**
 22 **over or any other research.**
 23 Q. The chairman has heard some evidence already that
 24 suggests that there were almost two things going on.
 25 One was the SIO speaking to the TFC and passing

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1 intelligence over, authority was granted. Once that had
 2 been granted, and the green light had been given, then
 3 the OFC or the researcher would access police systems to
 4 draw up these threat assessments. Ie there was a bit of
 5 a disconnect between the risk assessment meeting, the
 6 intelligence that the SIO had and the threat assessments
 7 drawn up by the OFC and the researcher. You think there
 8 was more of a link, that is your memory is it?
 9 **A. Yes.**
 10 Q. You were not party to any provision of this information
 11 and so I think you were not in any position to assess
 12 the accuracy, reliability or grading of the intelligence
 13 that had been provided?
 14 **A. That's correct, sir.**
 15 Q. Is that why the first column of your book is blank, if
 16 we go back to that in tab 3. At page 619.
 17 Can you see the first column is "Date and time" and
 18 the second column is "Intelligence grading 5x5x5"?
 19 **A. Yes, sir.**
 20 Q. You were not a party to the provision of any
 21 intelligence?
 22 **A. That's correct, sir.**
 23 Q. Ie where person A was giving it to person B and you were
 24 listening to it?
 25 **A. Mm hmm.**

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1 Q. Would it be normal for you to fill in that column?
 2 **A. Again, given that it is there, probably -- but I can't**
 3 **remember why or ...**
 4 Q. I mean, if it was the PowerPoint that was the attached
 5 document, the attached briefing, and if that had been
 6 drawn up by the OFC or somebody on his behalf, when you
 7 wrote this entry at 5.00 on the morning of the 3rd,
 8 effectively everything had been done?
 9 **A. Yes, sir.**
 10 Q. Would you agree that, in terms of tactical options, the
 11 fundamental job of a TAC adviser is to identify the
 12 tactical options and then advise the TFC in relation to
 13 each of them?
 14 **A. I would agree, yes.**
 15 Q. That would include the for and the against, the
 16 advantages and the disadvantages of each option?
 17 **A. Yes, sir.**
 18 Q. It would include the limitations of the AFOs to deliver
 19 each of the options?
 20 **A. Yes, sir.**
 21 Q. And it would include the consequences of the selection
 22 of a particular option?
 23 **A. Yes, sir.**
 24 Q. Thank you.
 25 Going through the rest of your log then, if we go to

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1 page 620 and on to 621, none of that is your
 2 handwriting, is it?
 3 **A. No, sir.**
 4 Q. That is all Y19's handwriting?
 5 **A. I don't know whose handwriting it is, but it is not**
 6 **mine.**
 7 Q. Okay.
 8 We can see that it is signed at 3.15 on the 3rd, can
 9 you see that on page 621?
 10 **A. Yes, sir.**
 11 Q. I think it follows that you did not reduce to writing
 12 any tactical options for the benefit of the TFC; is that
 13 right?
 14 **A. That's correct, sir.**
 15 Q. If the subjects had started to move in the stolen red
 16 Audi at, I don't know, 10.00 in the morning, 11.00 in
 17 the morning, midday, in fact at any time before 3.15,
 18 these would have been blank pieces of paper?
 19 **A. Yes.**
 20 Q. I think you agree that you should have completed this
 21 form?
 22 **A. Yes, sir.**
 23 Q. Does it go further than that? It is not, "Should have
 24 completed the form", it is, "Should have gone through
 25 the tactical options in a structured format, identifying

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<p>1 the advantages and disadvantages with each of them and 2 then recording it"?</p> <p>3 A. It should have been recorded. I can only assume, given 4 the way that I worked, that I did do that which is 5 reflected in the statement which says that we reviewed 6 and discussed all available options.</p> <p>7 Q. What does that mean though, because the plan had already 8 been approved the night before, the PowerPoint had been 9 drawn up and you seem probably to have seen it, you 10 don't write down any tactical options. Did you go 11 through each of the tactical options with 12 Superintendent Granby?</p> <p>13 A. I can only assume that the discussion we had to review 14 was a sense check, so to speak, to make --</p> <p>15 THE CHAIRMAN: A what check, sorry?</p> <p>16 A. A sense check, sorry, just to check the decision making 17 to date.</p> <p>18 MR BEER: We know that I think you came on duty at 4.30 and 19 went off at about 3.00, so just under 11 hours. I don't 20 think any deployment occurred in that time, any active 21 deployment occurred, the firearms officers were laid up 22 at Leigh.</p> <p>23 A. That's correct, sir.</p> <p>24 Q. What is the reason in that 11 hours for not recording 25 the fact that tactical options had been considered by</p> <p style="text-align: center;">Page 33</p>	<p>1 Q. Okay.</p> <p>2 Did it have a logical end point to it, was there 3 an outcome that it was directed to?</p> <p>4 A. The tactic itself --</p> <p>5 Q. Yes.</p> <p>6 A. -- will have been for an arrest.</p> <p>7 Q. When you said that the officers were mobile, the 8 firearms officers were mobile, did you mean that they 9 were always mobile or that they had the capability to go 10 mobile?</p> <p>11 A. Again from recollection, they always started in the 12 cars, so "mobile" in the sense that they were -- they 13 had vehicles.</p> <p>14 Q. Okay.</p> <p>15 But they weren't themselves tracking the 16 surveillance team?</p> <p>17 A. I think, again, from recollection, that would have 18 depended on the state and the intelligence at the time 19 and what information was coming back from the 20 surveillance team, but I do apologise I am quite hazy on 21 that now.</p> <p>22 Q. Okay.</p> <p>23 Can you remember when you approved the selection of 24 MASTS as the tactical option what considerations you 25 took into account?</p> <p style="text-align: center;">Page 35</p>
<p>1 you in conjunction with Superintendent Granby, that you 2 had offered advice on each of them and recording the 3 thought process?</p> <p>4 A. There is no reason. I think that is a failing on my 5 behalf.</p> <p>6 Q. Can we go forward to the approval of the MASTS tactic, 7 because I think that is what happened. As a result of 8 the review you agreed that the MASTS tactic was the 9 appropriate one; is that right?</p> <p>10 A. That's correct, sir, yes.</p> <p>11 Q. I have described MASTS as a "tactic" there, is that your 12 understanding too? That it is a tactic?</p> <p>13 A. Yes, sir.</p> <p>14 Q. What does it involve, we started out with this earlier 15 on this morning but what does it physically consist of?</p> <p>16 A. It physically consisted of and please bear with me 17 because this is just recollection from a while ago, it 18 is officers that are more highly trained in a more 19 advanced tactic, wearing covert gear so not standing out 20 as police officers, in unmarked police cars and it was 21 basically a mobile platform which supported surveillance 22 which would then offer a range of options should they be 23 deployed.</p> <p>24 Q. Should the firearms officers be deployed?</p> <p>25 A. Yes, sir.</p> <p style="text-align: center;">Page 34</p>	<p>1 A. It will have been the standard considerations, given the 2 subjects and the nature of any offence that was being 3 considered and then due attention being given to the 4 best way and the safest way to arrest those people.</p> <p>5 Q. I am thinking more: what would be on the list of 6 advantages of using MASTS?</p> <p>7 A. Again, from memory, it would have been a covert tactic, 8 so no police cars that would give an early indication 9 that the police were there.</p> <p>10 Q. So you maintain the element of surprise?</p> <p>11 A. Yes, sir, yes.</p> <p>12 Q. Yes.</p> <p>13 A. Which would enable police officers to get close enough 14 to effect an arrest.</p> <p>15 Q. Other advantages if you can remember? If you try and 16 think back.</p> <p>17 A. I promise I am thinking. The advantages that you use, 18 more advanced trained officers, so more highly trained 19 officers --</p> <p>20 Q. Yes.</p> <p>21 A. -- who were used to working in conjunction with other 22 specialist teams, ie the surveillance unit.</p> <p>23 Q. Right.</p> <p>24 A. I am sorry, that is all I can remember.</p> <p>25 Q. Okay, and what about on the other side of the coin, the</p> <p style="text-align: center;">Page 36</p>

<p>1 disadvantages of MASTS?</p> <p>2 A. Again, I can only think back and say the fact that maybe</p> <p>3 the police officers were covertly dressed, so not,</p> <p>4 unless -- you know, they could be confused I guess.</p> <p>5 I don't know, I can't remember, sorry.</p> <p>6 Q. Okay.</p> <p>7 Can you remember now whether the tactic was seen as</p> <p>8 high risk?</p> <p>9 A. I think any tactic involving firearms would be seen as</p> <p>10 high risk.</p> <p>11 Q. Not all tactics involve firearms, do they? You can do</p> <p>12 nothing, that doesn't involve firearms. You could</p> <p>13 disrupt activity. You could do routine ARV patrols.</p> <p>14 There are a number of options that don't necessarily</p> <p>15 involve the deployment of firearms officers.</p> <p>16 A. Yes, I mean doing nothing does not involve firearms</p> <p>17 officers but every other tactic would have an armed</p> <p>18 officer in there at some point, whether that be</p> <p>19 disruption or anything further advanced there would be</p> <p>20 an element of risk, because firearms are there.</p> <p>21 Q. Yes. In the range of those options where firearms are</p> <p>22 carried, can you recall whether MASTS was seen as</p> <p>23 a higher risk --</p> <p>24 A. It was referred to as an advanced tactic.</p> <p>25 Q. That might be right, it is an advanced tactic because of</p> <p style="text-align: center;">Page 37</p>	<p>1 contingencies and recorded your consideration of them?</p> <p>2 A. I can only assume that I did consider them and the</p> <p>3 failing is that I didn't record them.</p> <p>4 Q. Why do you think you did consider them and yet didn't</p> <p>5 record them?</p> <p>6 A. I honestly -- I don't know. I would have -- just going</p> <p>7 back to how I would normally have worked, I would have</p> <p>8 sat and discussed them and I think the TFC would have</p> <p>9 asked about them as well.</p> <p>10 Q. If, again, everything had been written up by now, by the</p> <p>11 TFC, and everything had been decided by the TFC in terms</p> <p>12 of authority to deploy, what the tactical options are,</p> <p>13 what the contingencies were, why do you think that on</p> <p>14 the morning of Saturday the 3rd he would then want to</p> <p>15 discuss them with you?</p> <p>16 A. I think it came down to the role and the relationship --</p> <p>17 I think it was referred to as the critical friend, where</p> <p>18 you were there to talk and discuss and challenge.</p> <p>19 Q. If you look at your witness statement at tab 1, made two</p> <p>20 to three months after the incident, in the third</p> <p>21 paragraph, you say that you:</p> <p>22 "... carried out a review of the information and the</p> <p>23 intelligence available, carried out a review of the</p> <p>24 threat assessment against the working strategy and the</p> <p>25 powers and policy. It was agreed that MASTS was</p> <p style="text-align: center;">Page 39</p>
<p>1 the training, but higher risk in terms of the type of</p> <p>2 intervention that may result from its use?</p> <p>3 Do you remember the term "decisive action"?</p> <p>4 A. Vaguely, sir, yes.</p> <p>5 Q. What is your recollection of the term "decisive action"?</p> <p>6 A. To bring about a result.</p> <p>7 Q. Can you remember any other disadvantages on that side of</p> <p>8 the coin, the use of the MASTS tactic?</p> <p>9 A. I am sorry, sir, I really can't.</p> <p>10 Q. I don't think you made any record in your log of the</p> <p>11 pros and the cons of the MASTS tactic and the reason why</p> <p>12 it was selected?</p> <p>13 A. No, I didn't, sir.</p> <p>14 Q. That is presumably the same answer as before, that that</p> <p>15 should have been done but wasn't?</p> <p>16 A. Yes, sir.</p> <p>17 Q. Turning to contingencies, please. Can we look at</p> <p>18 pages 622 to 623. That is not your writing, is it?</p> <p>19 A. No, sir.</p> <p>20 Q. We understand this to be Y19's writing and in fact on to</p> <p>21 624. It was part of your function I think to consider</p> <p>22 what possible contingencies required to be identified</p> <p>23 and what needed to be done in relation to each of them.</p> <p>24 A. Yes, sir.</p> <p>25 Q. I think you agree that you ought to have considered such</p> <p style="text-align: center;">Page 38</p>	<p>1 appropriate."</p> <p>2 You don't even in that short statement say that you</p> <p>3 examined the contingencies, do you?</p> <p>4 A. No, sir.</p> <p>5 Q. Are you effectively saying it is something that you</p> <p>6 ought to have done and would like to think that you did</p> <p>7 but have no recollection now of doing so?</p> <p>8 A. Yes, sir.</p> <p>9 Q. Okay. Back at tab 3, at pages 622 to 623. Again, if</p> <p>10 there had been a movement of the subjects in the morning</p> <p>11 10.00, 11.00, 12.00, these would have been blank pieces</p> <p>12 of paper?</p> <p>13 A. Yes, sir.</p> <p>14 Q. Can I turn to special munitions. The Inquiry has</p> <p>15 received some expert evidence that:</p> <p>16 "Competent specialist advice is essential to</p> <p>17 constantly assess the risks and benefits associated with</p> <p>18 the use of specialist munitions."</p> <p>19 Do you agree with that?</p> <p>20 A. Yes, sir.</p> <p>21 Q. Can we look, please, at file G2/1786.</p> <p>22 A. Sorry, could you repeat the page number?</p> <p>23 Q. 1786, please. (Pause)</p> <p>24 Again, if you just go to 1784, so you can see what</p> <p>25 the document is, this is GMP's specialist operations</p> <p style="text-align: center;">Page 40</p>

<p>1 branch standard operating procedure for the 2 authorisation of special munitions. 3 A. Yes, sir. 4 Q. It is the one we understand was operative at the 5 relevant time. If we go forward to 1786, in the middle 6 of the page, "Authorisation protocol for the issue, 7 deployment and use of special munitions": 8 "The strategic commander will only approve the use 9 of special munitions on a firearms operation once the 10 criteria for the deployment of AFOs has been met. 11 "After this criteria has been met. The tactical 12 commander, based on the advice received from the 13 firearms tactical adviser, who should outline the 14 tactical advantages and disadvantages of any special 15 munitions and based on the threat and risk assessment of 16 particular firearms operation will make a further 17 request to the SFC for the issue of special munitions." 18 Would you agree that this standard operating 19 procedure requires the provision of advice by a TAC 20 adviser to the TFC on the advantages and disadvantages 21 of special munitions before an application is made to 22 the SFC? 23 A. Yes, sir. 24 Q. Did you provide any advice to the TFC -- we know you 25 didn't before special munitions were authorised, but any</p> <p style="text-align: center;">Page 41</p>	<p>1 command and control ..." 2 What is the next word? 3 A. "Moved". 4 Q. "Moved", thank you: 5 "... to DSU. 8.10 TFC makes contact with Cheshire 6 force incident manager. 09.50, Cheshire TFC contacts 7 GMP TFC ..." 8 What is the next word? 9 A. "Informing". 10 Q. "... informing that four Cheshire ARVs on standby at 11 Risley police station, all Culcheth patrols briefed re 12 stay safe." 13 I don't think it is there and I think that is the 14 end of the log. 15 You haven't written up that you knew about special 16 munitions, have you? 17 A. No, sir. 18 Q. Would you have inspected the TFC's log? Would he have 19 given it to you to look at? 20 A. Generally not, sir, no. 21 Q. No. 22 So how did you know that it was part of the 23 authority? 24 A. I can only assume it would have been a conversation. 25 Q. That is the wrong way round, isn't it? A TAC adviser,</p> <p style="text-align: center;">Page 43</p>
<p>1 advice to the TFC on the advantages and disadvantages of 2 each of the special munitions that had already been 3 authorised? 4 A. Not that I can remember. 5 Q. Did you know that two types of special munitions, CSDC 6 and RAM rounds, had been authorised? 7 A. I can only presume that I did, sir, yes. 8 Q. Why do you presume that you did? 9 A. Because they were part of the authority. 10 Q. If we go back to your log, in terms of what you have 11 written down, at 619 -- sorry, this is tab 3 in your 12 bundle -- there is no record on 619 of you knowing that 13 or recording that. Then if you go forward to 620 to 14 621, this had not been written when you were on duty. 15 We are going to hear from Y19 that he wrote this up when 16 he came on. 17 A. Yes, sir. 18 Q. I don't think that can have been your source of 19 knowledge. Similarly I don't think it is referred to at 20 622 to 624. If we go to 625, I think the first dozen or 21 so lines up to but not including 3.15 pm are your 22 writing, aren't they? 23 A. Yes, sir. 24 Q. 5.37, "Briefing at Openshaw by X7", yes: 25 "Ended at 06.15, MASTS team to Leigh police station,</p> <p style="text-align: center;">Page 42</p>	<p>1 if not you, should have advised on, as we have seen, the 2 pros and cons of each of the special munitions before 3 authority was granted? 4 A. Yes, sir. 5 Q. Not you finding out after the event? 6 A. Yes, sir. 7 Q. Okay. 8 What did you know about CSDC, the CS dispersal 9 canister? 10 A. At the time I am sure I knew more than I do now. I know 11 it was a CS form of incapacitant that was put into the 12 vehicle. 13 Q. Looking back now, can you remember what the advantages 14 and disadvantages of it were? 15 A. I would be thinking on my feet now to be honest, sir, if 16 I was to go through advantages and disadvantages. 17 I honestly cannot remember. 18 Q. Okay. 19 Was it part of your role to advise on, assuming 20 State Amber and State Red were called, whether or how 21 the arrest or intervention would be performed? 22 A. I would say that the TFC would seek advice on that given 23 the way things were unfolding, or as an operation 24 unfolded, should I say. 25 Q. Can you explain that on a more practical level? Would</p> <p style="text-align: center;">Page 44</p>

<p>1 you, for example, imagine a situation where a car was 2 driving towards an intended location and the option was 3 we stop it before it gets there or we let it arrive and 4 then make the intervention once it has arrived at the 5 location. Would you be involved in saying to the TFC: 6 "Well, look, a hard stop on the car involves this 7 risk, there are these pros, these cons, I think it is 8 dangerous or it is preferable ... if we wait until they 9 arrive at the scene, there are these pros and these 10 cons, I think this is the best option." 11 Is that the kind of conversation that would or 12 should take place? 13 A. Yes, sir, it would have been a dynamic decision making 14 or dynamic based on the information and intelligence 15 that was most up to date at the time. 16 Q. Would you commonly be actually involved in advising and 17 discussing with the TFC, in the way I have just 18 described in my example, a car moving to a suspected 19 known location, would you be involved in saying, "Well, 20 look, these are the things we need to consider, these 21 are the pluses, these are the minuses"? 22 A. I would expect so, but it would be on the request of the 23 TFC if he came to you for the advice. 24 Q. Is that the way it worked, you didn't offer advice up 25 unless asked?</p> <p style="text-align: center;">Page 45</p>	<p>1 coming on duty or otherwise, that the likely targets of 2 the subjects' intended robbery were cash in transit 3 deliveries or banks, building societies, Post Offices or 4 other financial institutions? 5 A. I can't remember, sir. 6 Q. Can you remember being told that the risk periods had 7 therefore been identified as being when the cash in 8 transit deliveries took place? 9 A. I honestly cannot remember being told that. 10 Q. Or when the financial institutions were open? 11 A. Again, sir, I can't remember being told that 12 information. 13 Q. Can you remember being told that the last cash in 14 transit delivery for this day, Saturday, 3 March, in 15 Culcheth was at about lunchtime on 3 March? 16 A. Sorry, sir, I don't remember receiving that information. 17 Q. And the financial institutions that I have mentioned 18 were all closed by 12.30, lunchtime? 19 A. Again, sir, I don't recall being given that information. 20 Q. Assume that that information was available, as I think 21 we know it was, there ought to have been a review of 22 tactics then, shouldn't there? 23 A. I would suggest so, yes, sir. 24 Q. Because an opportunity to commit a robbery on the 25 hypothesis that the subjects were after cash in transit</p> <p style="text-align: center;">Page 47</p>
<p>1 A. I think every situation would have been different. 2 Again, I would be guessing to say that those 3 conversations to my recollection would have taken place. 4 Q. If it was open as to whether you offered it or the TFC 5 asked, the TFC might be thinking, well, he is not saying 6 anything, he is happy -- 7 A. I think as -- 8 Q. -- silence means he is content? 9 A. I think as a TAC adviser, if anything was deemed to be 10 potentially dangerous or out of the scope of what was 11 happening, then I would have intervened and I presume 12 any other TAC adviser would do the same. 13 Q. Can you remember from the end of the briefing, at about 14 6.00 or 6.15 in the morning, and when you went off duty 15 at about 3.00, whether you reviewed the tactics? 16 A. I can't remember, sir. 17 Q. As I have said, you were on duty on this operation for 18 just under 11 hours, 4.30 to about 3.00 pm. There is no 19 record, if we look at tab 3 at page 625 of you reviewing 20 the tactics, is there? 21 A. No, sir, I can only assume that there was no cause 22 because nothing happened when I was on duty. 23 Q. I am going to suggest some things did happen in that 24 period, and I want to see whether you knew about them. 25 Can you remember whether you were told, either at</p> <p style="text-align: center;">Page 46</p>	<p>1 deliveries or financial institutions had gone, for at 2 least this location, Culcheth? 3 A. Yes, sir, I agree. 4 Q. I am thinking in particular, please, if we look at 5 tab 7, which is Mr Granby's log at 559. Do you have 6 that? 7 A. 559, yes, sir. 8 Q. Can you see the entry at 10.45? 9 A. Yes, sir. 10 Q. This is whilst you are on duty, the Saturday morning. 11 You are in the command suite, yes? 12 A. Yes, sir. 13 Q. Mr Granby says: 14 "Review with ACC Sweeney. No new intelligence, 15 discuss with SIO the likely targets and risk periods. 16 Cash in transit deliveries predominantly 11.00 till 17 1.00, banks, building societies, Post Office all closed 18 by 12.30. Agree to review again at 13.00." 19 Can you remember whether you were a party to that 20 discussion? 21 A. I don't recollect it, sir, at all. 22 Q. It tends to suggest that thought was being given 23 mid-morning to the fact that the likely targets and the 24 risk periods were as identified there, the risk period 25 diminishes or ends at 1.00, let's look at it again at</p> <p style="text-align: center;">Page 48</p>

12 (Pages 45 to 48)

<p>1 1.00, yes?</p> <p>2 A. Yes, sir.</p> <p>3 Q. Then if you look at the bottom of the page, "Review with</p> <p>4 ACC Sweeney ..." This is at 12.45, so it is about 15</p> <p>5 minutes beforehand, yes?</p> <p>6 A. Yes, sir.</p> <p>7 Q. Then there should be an extra page inserted in your</p> <p>8 folder there, which has, "Subjects are running out of</p> <p>9 potential targets". Do you have that, "12.45, review</p> <p>10 with ACC Sweeney, subjects are running out of potential</p> <p>11 targets"?</p> <p>12 A. Yes, sir.</p> <p>13 Q. Yes?</p> <p>14 I mean, if the TFC and the SFC were discussing at</p> <p>15 10.45 and then 12.45 what the likely targets were, what</p> <p>16 the risk periods were, and if at 12.45 it was assessed</p> <p>17 that the subjects are running out of potential targets.</p> <p>18 Would you agree that these are significant opportunities</p> <p>19 for a review of the tactics?</p> <p>20 A. I would agree, sir, yes.</p> <p>21 THE CHAIRMAN: Mr Beer, I don't want to interrupt if you</p> <p>22 have not completed a particular point.</p> <p>23 MR BEER: In fact it is fortuitous because I had, that is</p> <p>24 a good time for a break.</p> <p>25 THE CHAIRMAN: We will break at that point then until 12.05.</p> <p style="text-align: center;">Page 49</p>	<p>1 Q. You I think didn't take part in the post-incident</p> <p>2 procedure, the PIP, that took place that evening after</p> <p>3 Mr Grainger had died?</p> <p>4 A. That's correct, sir.</p> <p>5 Q. I think you aware that a review was conducted by GMP by</p> <p>6 Inspector Marcus Williams of yours and Y19's logs, yes,</p> <p>7 after the event?</p> <p>8 A. Yes.</p> <p>9 Q. If we can look, please, in tab 13 of your bundle, I have</p> <p>10 rearranged mine taking out all of the odd pages and</p> <p>11 putting them in in order. I am looking for page 3835,</p> <p>12 which should be a report of Marcus Williams, dated</p> <p>13 14 March, do you have that?</p> <p>14 A. Yes, sir.</p> <p>15 Q. If we leave that open, please. Then at the same time</p> <p>16 look at bundle X, which will be shown to you, X, at</p> <p>17 page 22, please.</p> <p>18 We have seen the reports dated 14 March. Then at</p> <p>19 the foot of the page, this email dated 16 March from</p> <p>20 Inspector Williams to Chief Inspector Lawler, can you</p> <p>21 see he says:</p> <p>22 "Boss, Y19 and Steve [that is you] came in to see me</p> <p>23 after their AEP course today and asked about the</p> <p>24 review."</p> <p>25 Which I think is the review that he had conducted of</p> <p style="text-align: center;">Page 51</p>
<p>1 MR BEER: Thank you, sir.</p> <p>2 (11.55 am)</p> <p>3 (A short adjournment)</p> <p>4 (12.10 pm)</p> <p>5 MR BEER: Thank you, Mr Allen.</p> <p>6 THE CHAIRMAN: Thank you, Mr Beer.</p> <p>7 MR BEER: You, I think, handed over to Y19 at about 3.00 to</p> <p>8 3.15 on the 3rd, yes?</p> <p>9 A. Yes, sir.</p> <p>10 Q. Can you remember the substance of the handover?</p> <p>11 A. I can't. I can only assume that it will have been</p> <p>12 bringing him up to speed with everything that had</p> <p>13 happened during the day, anything that I had done or</p> <p>14 discussed and then I would have left him to go and speak</p> <p>15 to the TFC.</p> <p>16 Q. Was it just the two of you that conducted the handover,</p> <p>17 do you see what I mean, rather than the SIO being there,</p> <p>18 Mr Cousen or the TFC, Mr Granby?</p> <p>19 A. I think it was, sir, yes.</p> <p>20 Q. Other than saying what you think you would have done in</p> <p>21 general terms, you cannot remember what you actually</p> <p>22 said?</p> <p>23 A. I'm sorry, sir, no, I can't.</p> <p>24 Q. You then went off duty?</p> <p>25 A. Yes, sir.</p> <p style="text-align: center;">Page 50</p>	<p>1 your logs:</p> <p>2 "I have told them my observations and</p> <p>3 recommendations. They have no issue with this."</p> <p>4 Yes?</p> <p>5 A. I can see that, where it says that, sir.</p> <p>6 Q. Can you remember that, that you went for a meeting or</p> <p>7 went with Y19 and saw Inspector Williams and he told you</p> <p>8 the outcome of his review of your logs and you, together</p> <p>9 with Y19, said you had no issue with what he had</p> <p>10 concluded?</p> <p>11 A. I don't recall the meeting at all, sir.</p> <p>12 Q. Okay. Can we look at the other bundle then, to see what</p> <p>13 the review concluded. Mr Williams's report says:</p> <p>14 "As requested, I have reviewed the TAC adviser's</p> <p>15 policy log for Operation Shire. The basis of my</p> <p>16 observations come from having passed the TAC adviser's</p> <p>17 course in Lancashire ..."</p> <p>18 He sets out his experience, yes?</p> <p>19 A. Yes, sir.</p> <p>20 Q. The third paragraph:</p> <p>21 "The log refers to two TAC advisers, Sergeants Allen</p> <p>22 and Y19 and records show both officers to be planned</p> <p>23 tactical advisers."</p> <p>24 That does suggest that you were a planned TA, yes?</p> <p>25 A. Yes, sir.</p> <p style="text-align: center;">Page 52</p>

<p>1 Q. That accords with your recollection?</p> <p>2 A. Yes, sir.</p> <p>3 Q. "Sergeant Allen commences the log and hands over to Y19</p> <p>4 at 3.15 pm [which is correct]. Having reviewed the</p> <p>5 intelligence documents I believe there was sufficient</p> <p>6 information/intelligence to warrant the granting of</p> <p>7 a firearms authority. This was based on the [something]</p> <p>8 around the members of group having ready access to</p> <p>9 automatic weapons, members of the group having used</p> <p>10 firearms during the commission of previous offences and</p> <p>11 their previous records of unpredictable violent natures.</p> <p>12 "In addition there is intelligence pointing towards</p> <p>13 the manner of driving the group have used whilst being</p> <p>14 surveyed, which would indicate an irresponsible and</p> <p>15 dangerous disregard for members of the public, which</p> <p>16 when taken into consideration with them facing</p> <p>17 significant custodial sentences should they be convicted</p> <p>18 allows a reasonable assumption to be drawn that they may</p> <p>19 cause danger to officers if an arrest attempt is made</p> <p>20 whilst they are within a vehicle.</p> <p>21 "In my view, the deployment of armed officers to</p> <p>22 negate the threat presented by these individuals is</p> <p>23 a proportion response and complies with their article 2</p> <p>24 obligations."</p> <p>25 Then he turns to the log which we have looked at:</p> <p style="text-align: center;">Page 53</p>	<p>1 to be continuing advice and not as a result of</p> <p>2 an initial meeting, but this is not mentioned anywhere</p> <p>3 in the log."</p> <p>4 I think you probably agree with that in the light of</p> <p>5 the answers you have given already.</p> <p>6 A. I do, sir.</p> <p>7 Q. Over the page:</p> <p>8 "There is no record of the threat assessment of the</p> <p>9 TFC or the working strategy."</p> <p>10 We have looked at the log and I think that is the</p> <p>11 case, isn't it?</p> <p>12 A. Yes, sir.</p> <p>13 Q. "In the light of this, it is difficult to review the</p> <p>14 quality or value of the tactical advice given as its</p> <p>15 relevance to the threat and likelihood of achieving the</p> <p>16 working strategy cannot be assessed."</p> <p>17 I think you would agree that is a logical conclusion</p> <p>18 to draw, isn't it? If there is no record of the threat</p> <p>19 assessment or of your working strategy, you can't</p> <p>20 quality assess it?</p> <p>21 A. That's correct, sir, yes.</p> <p>22 Q. Under "Tactical options":</p> <p>23 "Here three options are given and the for and</p> <p>24 against boxes contain good rationale. A number of</p> <p>25 references to a tactic achieving the operational</p> <p style="text-align: center;">Page 55</p>
<p>1 "The log reads like a continuation log and yet is</p> <p>2 marked as 'Book 1'."</p> <p>3 Do you know what he is referring to there?</p> <p>4 A. I can only assume that he is referring to, it is</p> <p>5 a continuation of a previous book that has been filled</p> <p>6 in by somebody else, but with it being marked as "Book</p> <p>7 1" that obviously does not suggest that.</p> <p>8 Q. Do you think what he is getting at is the substance of</p> <p>9 the conclusion there is that you start the book saying</p> <p>10 "See attached briefing ..."</p> <p>11 A. It would --</p> <p>12 Q. Which tends to suggest it is a continuation of</p> <p>13 a previous authority or a previous deployment rather</p> <p>14 than what in fact it was, which was a fresh deployment?</p> <p>15 A. Yes, sir.</p> <p>16 Q. Okay.</p> <p>17 Under the heading "Information/intelligence":</p> <p>18 "The information/intelligence section holds very</p> <p>19 little information but does refer to an attached</p> <p>20 briefing, which was not attached."</p> <p>21 Do you remember earlier I said there was a memo, and</p> <p>22 this is it:</p> <p>23 "... by Sergeant Allen and later in the day Y19</p> <p>24 makes reference to the TFU and SIO having the</p> <p>25 intelligence in their policy logs. The advice appears</p> <p style="text-align: center;">Page 54</p>	<p>1 objective are made but there is no reference or mention</p> <p>2 to what this objective is."</p> <p>3 I think all of this relates to Y19's entries, yes?</p> <p>4 A. Yes, sir.</p> <p>5 Q. Under the fourth paragraph there:</p> <p>6 "The preferred tactic option is recorded on page 17</p> <p>7 as 'Option 2: MASTS', this is signed at 3.15 by the TFC</p> <p>8 and Y19 and yet it would appear this advice was actually</p> <p>9 provided by Sergeant Allen."</p> <p>10 I just want to question that conclusion. You hadn't</p> <p>11 actually provided advice that the preferred option was</p> <p>12 MASTS, had you? You reviewed a decision that had</p> <p>13 already been made --</p> <p>14 A. Yes.</p> <p>15 Q. -- that MASTS was the --</p> <p>16 A. The preferred option.</p> <p>17 Q. -- tactical option to be selected?</p> <p>18 A. Yes, sir.</p> <p>19 Q. Okay.</p> <p>20 "Contingencies", that all relates to I think</p> <p>21 something that Y19 mentioned and then Inspector Williams</p> <p>22 says in the second paragraph under "contingencies":</p> <p>23 "Again the contingencies are signed off by the TFC</p> <p>24 and TA but again the signatures are at 3.15 and appear</p> <p>25 to be signed by Y19 after being given by</p> <p style="text-align: center;">Page 56</p>

1 Sergeant Allen."
 2 Again, you didn't give the advice on contingencies,
 3 did you?
 4 **A. I will have given advice on contingencies, but I didn't**
 5 **record it.**
 6 Q. Why do you say that you will have given it, given that
 7 there is no record of it and do you remember in your
 8 statement, made in May 2012, we looked at that and there
 9 wasn't even any record in there of you giving advice
 10 about contingencies?
 11 **A. I am basing it on the assumption -- and I honestly**
 12 **cannot remember -- but I am basing it on the assumption**
 13 **of what I would normally have done and the demands a TFC**
 14 **would have made.**
 15 Q. Under the heading, "Log of events and policy decisions",
 16 he says:
 17 "Again, the content of this section is sparse and in
 18 my opinion there may well be significant points missing.
 19 "1, there is no mention of what tactic has been
 20 authorised or by who."
 21 I think that is right, isn't it?
 22 **A. Yes, sir.**
 23 Q. "2, there is no record of the briefing reference
 24 number."
 25 That is perhaps a more minor point:

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1 "3, there is no mention of the tactic being
 2 rehearsed before deployment as usually happens or any
 3 rationale as to why this has not happened."
 4 Can I ask you about that. Was it usual, as
 5 Inspector Williams says here, that a tactic was
 6 rehearsed before deployment?
 7 **A. It was usual, yes, sir.**
 8 Q. What would the rehearsal consist of?
 9 **A. To my recollection, it would have been the officers who**
 10 **were being deployed rehearsing the specific roles that**
 11 **they had been allocated in a briefing, the position they**
 12 **were sat in the vehicle and the role that came along**
 13 **with that.**
 14 Q. Can you flesh that out a little bit please?
 15 Assume it was a hard stop, a three-vehicle hard stop
 16 on a moving target, they would actually sit in the cars
 17 that they would be sitting in later, in the seats they
 18 would be sitting in later and practice a hard stop?
 19 **A. Yes, sir.**
 20 Q. Yes?
 21 If it was a containment that they anticipated
 22 a containment in a building, how would they rehearse
 23 that?
 24 **A. I am not sure they could properly rehearse that given**
 25 **the fact that the unknown would be what that building**

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1 **would be.**
 2 Q. Right. Can you give some other examples of rehearsals
 3 that were possible and did occur?
 4 **A. I can't think of any. I can only remember the vehicle**
 5 **options.**
 6 Q. Okay. What about a vehicle that was stationary or laid
 7 up? Was there a rehearsal for that situation, ie which
 8 car would go where, and what officer would do what?
 9 **A. I can't remember whether they rehearsed that on the day**
 10 **or not but during the training, various options of**
 11 **vehicle positions were always presented so training**
 12 **would have been -- at some point have happened.**
 13 Q. There is a difference between training where you might
 14 not be with the same people that on the day that you
 15 would be deployed with, and a rehearsal where you are
 16 with the people you are going to be deployed with and
 17 you may know more about your actual subjects, the
 18 vehicle that they are in in this example and where they
 19 might be, when you have to intervene, or intercept.
 20 Forget about whether it was done here, because
 21 I think we are going to hear evidence that there wasn't
 22 a rehearsal. What kind of rehearsal would take place,
 23 could take place, for an intervention on a static
 24 vehicle?
 25 **A. The rehearsals that could take place I would presume are**

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1 **where -- the position the vehicle was parked in, whether**
 2 **it was moving or not, which side people were in or who**
 3 **was in the vehicle.**
 4 Q. Would they already know who was in the alpha, bravo,
 5 charlie and delta cars?
 6 **A. Yes, sir, they would.**
 7 Q. That would be set --
 8 **A. In the briefing.**
 9 Q. -- in the briefing?
 10 **A. Yes, sir.**
 11 Q. When they did the rehearsal, the roles on a vehicle
 12 intervention are pretty clear from training about what
 13 alpha, bravo and charlie do?
 14 **A. In principle, yes, sir, they were but given the dynamic**
 15 **nature of the tactics then officers were always told to**
 16 **look for work.**
 17 Q. Yes. I am getting back to the rehearsal, what kind of
 18 things would be done on the rehearsal, so say in the
 19 alpha car, they would say:
 20 "We think it is going to be, a driver's side on
 21 stop, therefore driver's side rear passenger is going to
 22 provide cover? Front seat passenger is going to get out
 23 of the vehicle, rear side passenger is going to get out
 24 of the vehicle."
 25 That kind of thing?

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<p>1 A. Are we talking about the firearms officers, sir? 2 Q. Yes. 3 A. They would have been given a pre-determined role, so 4 a door to go to, or an area to go to, as part of the 5 responsibility that they would be given on the 6 deployment on the briefing. 7 Q. In the rehearsal, would they enact that role? 8 A. To my knowledge, they would, yes. 9 Q. So physically sit in a car, get out of the car and do 10 a walk through or a run through of what they would do? 11 A. Yes, sir. 12 Q. Okay. Was that commonly done? 13 A. Yes, sir, to my knowledge. 14 Q. You have seen it done? 15 A. Yes, sir. 16 Q. You have participated in it being done? 17 A. Yes, sir. 18 Q. Do you know why it was not done here? 19 A. I don't, sir, sorry. 20 Q. Do you remember whether there was any discussion over it 21 being done? 22 A. I can't remember any discussion. 23 Q. Mr Williams continues: 24 "If it did happen, I would expect reference being 25 made to this and that the TA and TFC observed it. I am</p> <p style="text-align: center;">Page 61</p>	<p>1 I think those entries are yours, and therefore the 2 two things that Mr Williams says are not recorded, ie, 3 an equivalent entry in the contingency section nor 4 reference to advice given to the TFC or policy decisions 5 are down to you? 6 A. Hmm. 7 Q. Why is that, that those things are not recorded? 8 A. I do not have a reason, I can only put it down to 9 a failing. 10 Q. Item 5: 11 "Y19 takes over the log at 3.15, there is more 12 writing now and it appears that he has noticed the 13 absence of the TFC signatures as previously mentioned. 14 Overall the recordings appear to be lacking substance, 15 there is no mention of any policy decisions or records 16 made of updates to or from the OFC. There is no record 17 made of any rest periods for the staff or this being 18 discussed with the TFC. There is no mention over the 19 page of any tipping points used for the use of special 20 munitions or whether these had been authorised." 21 Then some other things that relate to Y19's time: 22 "Overall [he says], I am aware this review is being 23 done with the benefit of hindsight and the knowledge of 24 how events unfold. However, whilst experience tells me 25 the advice regarding the tactic is sound, that is not</p> <p style="text-align: center;">Page 63</p>
<p>1 aware of some OFCs using an NFI ..." 2 What is an NFI? 3 A. A national firearms instructor. 4 Q. "... to observe officers during this run through to 5 ensure compliance with the SOP. Unfortunately no 6 mention is made of this in the log." 7 Did you have experience of that as well? As well as 8 the run through being done, the dry run, as well as the 9 TFC and the TA watching it, the TFC would bring in 10 a national firearms instructor to watch? 11 A. I personally don't have experience of that. 12 Q. You haven't seen that done before? 13 A. No, but within the operation teams, there was people who 14 were trained to be NFIs, so it could refer to that. 15 Q. Right. Item 4, he says: 16 "There is a clear and relevant record of the 17 Cheshire FIM being made aware of the incident and the 18 fact that Cheshire patrols have been briefed regarding 19 the stay safe model." 20 I think both of those are your entries, yes: 21 "Mention is made that Cheshire have four ARVs on 22 standby at a nearby location, but this is not then 23 recorded in the contingency section nor is there any 24 reference to any advice given regarding these ARVs to 25 the TFC or any subsequent policy decisions."</p> <p style="text-align: center;">Page 62</p>	<p>1 supported by the information within this log. 2 I consider the information to be sparse and there is 3 a distinct lack of recording of policy decisions or the 4 rationales behind the decisions made. There is 5 a definite lack of detail which may be due to the nature 6 of the intelligence but I feel the options given and the 7 contingencies discussed are somewhat generic." 8 Do you accept the criticism made there? 9 A. I do, yes. 10 Q. This is written up as a recording issue, it is all about 11 what you have written down. How do we know that that is 12 not reflective of a failure to give the substance of the 13 advice that ought to have been given when there is not 14 a written record of it? 15 A. We don't know. 16 Q. Okay. 17 Recommendations: 18 "Sergeants Allen and Y19 to remain offline as 19 planned TAs pending a period of development. That 20 development is to be coordinated by myself and somebody 21 else and should include both sergeants being shown 22 examples of TAC logs considered more thorough, combined 23 with a refresher of the process of giving tactical 24 advice within the national decision making model." 25 Can we see what happened with this and look in the</p> <p style="text-align: center;">Page 64</p>

<p>1 X bundle, please. 2 He is saying you are to remain offline as TAC 3 advisers. Go to X/25, please. If you look at the 4 bottom of X/25, over to X/26, this is Mr Williams 5 sending the report to Mr Lawler: 6 "Sir, please find attached a report regarding my 7 review of the TAC advisers' log regarding the above 8 operation. In summary my recommendations are for Y19 9 and Allen to remain as initial/spontaneous TAC advisers 10 but remain offline as pre-planned TAC advisers, pending 11 some further refresher training. Particularly around 12 the area of recording rationales, policy decisions and 13 the general nuts and bolts of being a planned TA, fully 14 documented in the report." 15 Back to 25, Mr Lawler's reply: 16 "Marcus, thanks for this excellent review in the 17 time requested, I know you have a lot on. Please ensure 18 the development takes place soonest." 19 And then to Mr Giladi: 20 "For gold on Monday please, suggest we recommend in 21 accordance with Marcus back online as initial TAs only 22 pending development for both Y19 and Allen. Disclosure 23 issue for IPCC through John Brennan?" 24 Then if we go to the top of the page, please, that 25 is an email from Marcus Williams to Stephen Collier, do</p> <p style="text-align: center;">Page 65</p>	<p>1 Mr Lawler is keen to progress this but I understand 2 there is due process to go through. When you asked for 3 some thorough green TAC ad policy books do you mean 4 their box, Y19 and Steve?" 5 Then if you look at the reply, it starts at page 27: 6 "Hi pal, what I was thinking is ..." 7 Then to the top of 28: 8 "... dig out some good green logs to show them as 9 examples, ie thorough rationales for advice given, 10 contingencies, good logs et cetera, from the Shire log, 11 certainly not any of Y19 or Steve's logs. I have seen 12 some good work from [blank] and X7 in the past. 13 "Can we go through these prior to speaking with Y19 14 and Steve and show how they then link in with the NDM to 15 give the lads a foundation to base further logs upon." 16 Then this: 17 "They both state they have never been shown how to 18 fully complete a log or had the required level of depth 19 explained." 20 Two things arising from that long exchange I have 21 taken you through. You see that Mr Williams says that 22 you and Y19 needed to be shown some good or thorough 23 green books, yes? 24 A. Yes, sir. 25 Q. That they certainly should not be any of your own ones.</p> <p style="text-align: center;">Page 67</p>
<p>1 you know who Stephen Holliwel was. 2 A. I do, sir, yes. 3 Q. Who was he? 4 A. He was an inspector on the Firearms Unit. 5 Q. Your inspector? 6 A. He was not my inspector, no. 7 Q. Okay? 8 He says, Mr Williams: 9 "Steve, could you please dig out some 'thorough 10 planned advice records' then we can get together to 11 discuss how to proceed with this." 12 That is dated 16 March, can you see that? 13 A. Yes. 14 Q. "Please dig out some thorough planned advice records", 15 yes? 16 A. Yes. 17 Q. Then if we can go to page 27, please, or in fact on to 18 page 28. In the middle of the page, on 5 April, 19 Mr Collier's reply to "please dig out some thorough 20 logs": 21 "Marcus, believe me I know how busy you are and 22 I hate having to bother you, but I am going to anyway. 23 What do I need to do to get Y19 and Steve A back online 24 as planned TAC advisers? Is there something I can do or 25 do they need developmental training over at FTU?"</p> <p style="text-align: center;">Page 66</p>	<p>1 Was the log that we were looking at today for 2 Operation Shire more or less the same as your other 3 green books? 4 A. I can't remember, sir. I would have thought not. 5 Q. Then he records, Mr Williams: 6 "They [that is you and Y19] both state that they 7 have never been shown how to fully complete a log." 8 Is that right, that you told Mr Williams that? 9 A. I can only presume it is if it is in here. 10 Q. Is the substance of it right, that you hadn't been shown 11 how to complete a log in a pre-planned firearms 12 operation? 13 A. I can't remember any other training other than what we 14 would have had on an initial course. 15 Q. Did that include requirements for recording in a log 16 advice given and the reasons for it? 17 A. I can't remember what the actual content of the course 18 was, but I would have assumed that there was some kind 19 of mention of it on there. 20 Q. Then he says that: 21 "They have never had the [that is you and Y19] 22 required level of depth explained." 23 Is that right? 24 A. Again, I can only assume it might be, given the fact it 25 has been quoted in an email. I don't remember.</p> <p style="text-align: center;">Page 68</p>

<p>1 Q. Can we turn, please, to page 32. 2 We are now, in the middle of the page, on to 3 an email from you of 19 April to I think your boss, so 4 an officer in the airport section. Can you see that? 5 A. I am looking at the bottom email. 6 Q. Yes, the bottom email, from you. 7 A. Yes, sir. 8 Q. "Boss, just to keep you updated on my re-accreditation 9 for planned TAC advice, I have spoken to Inspector 10 Williams this morning, he is waiting for 11 Inspector Collier to pull together a collection of good 12 examples from which he can pull together a training 13 package. I believe Mr Collier is on nights for a couple 14 of weeks so I am unsure how long my current situation 15 will continue." 16 Then, at the top of the page, we can see your boss, 17 we don't need to know his name, sending that email on to 18 Chief Inspector Lawler, yes? He or she says: 19 "Boss, we are some weeks down the line from the 20 start of this, and I was hoping for a speeder conclusion 21 to be honest. I have already had to use J4 and pay 22 a stand by payment on one occasion and with [blank] 23 having some time off soon, I might have to do the same. 24 I will keep you updated. Cheers." 25 Back on to page 31, Mr Lawler at the bottom of the</p> <p style="text-align: center;">Page 69</p>	<p>1 [blank] and [blank] and myself as part of the annual 2 review and on this basis I will be signing them up as 3 planned ARV advisers." 4 That is not full accreditation to give planned 5 tactical advice in all firearms operations; is that 6 right? 7 A. That's correct. 8 Q. "They will not be authorised to deliver advice on the 9 advanced tactics in the light of the recent changes in 10 this area." 11 Do you remember what the "recent changes in this 12 area" were? 13 A. I'm sorry, I don't. 14 Q. Okay. Can you recall a change in the national 15 curriculum for TAC advisers, in fact it had been 16 introduced in May or June 2011, which required TAC 17 advisers for operations, for example, involving the use 18 of MASTS to be competent and have proficiency in the 19 delivery of that tactic themselves? 20 A. I don't remember. 21 Q. You don't remember that. Okay. 22 He continues, Mr Williams: 23 "I would like to have individually given them 24 an input on completing policy logs, but there has not 25 been the time and this is going to be covered in the</p> <p style="text-align: center;">Page 71</p>
<p>1 page replies back to your boss and says, "So was I." 2 Then addresses an email to Mr Williams and 3 Mr Collier: 4 "Marcus, Steve can we put a little bit of urgency 5 into this to ensure we have TA planned resilience, 6 understand the shift problem but no doubt with your 7 expertise this can be overcome." 8 Then lastly, can we go to X/43, please, so you are 9 putting a little bit of a chaser in and that is being 10 passed up the line to Mr Lawler and he passes it back 11 down the line to Inspectors Williams and Collier. Then 12 43, please, we are now at the foot of the page, if you 13 look at 42 into 43, it is an email of 2 May, so we are 14 two months on now, yes? 15 A. Yes, sir. 16 Q. Superintendent Giladi asks Chief Inspector Lawler: 17 "Mike, what is the latest with the two TAC ads?" 18 That is you and Y19. 19 Then on 42, Mr Lawler passes it down to Mr Williams: 20 "Update for Mr Giladi, please. Obviously our latest 21 guidance will also affect this." 22 Then at the top of the page, and this may be more 23 important, at the top of the page, 42, Mr Williams says 24 to Mr Lawler: 25 Sir, their TAC ad diaries have now been reviewed by</p> <p style="text-align: center;">Page 70</p>	<p>1 next round of command training in line with the most 2 recent updates Mr Lawler has from the NPIA. I am 3 satisfied that a number of flaws in their logs were due 4 to a lack of knowledge in the MASTS tactic, and hence 5 they were unable to formulate rationales for decisions 6 as they didn't know what alternatives there were." 7 Does Mr Williams's conclusion there reflect in your 8 understanding -- this involves a degree of self 9 analysis -- the true position, that the flaws that we 10 have identified in your log was due to a lack of 11 knowledge of the MASTS tactic? 12 A. I disagree with that. I was a trained MASTS operator at 13 the time and had attended the necessary refresher 14 training. 15 Q. You see the plan that had been developed before now had 16 been to take you through some green books, good ones, 17 some thorough ones, as developmental training, 18 effectively. This is Mr Williams saying, "I haven't 19 been able to do that because there hasn't been time, but 20 in any event the flaws in your log was down to the fact 21 that you had a lack of knowledge on the MASTS tactics, 22 so there is no need to do it anyway, because you are not 23 going to be MASTS authorised in the future". Do you 24 see? 25 A. I understand what you are saying, but I disagree with it</p> <p style="text-align: center;">Page 72</p>

<p>1 still.</p> <p>2 Q. He says:</p> <p>3 "Hence you were unable to formulate rationales for</p> <p>4 decisions as you didn't know what the alternatives</p> <p>5 were."</p> <p>6 Do you agree or disagree with that?</p> <p>7 A. I disagree.</p> <p>8 MR BEER: Yes, thank you very much. They are the questions</p> <p>9 that I ask.</p> <p>10 THE CHAIRMAN: Do you have any questions, Mr Thomas?</p> <p>11 MR THOMAS: Yes, sir, I do. Thank you, sir.</p> <p>12 Questions from MR THOMAS</p> <p>13 MR THOMAS: Mr Allen, I represent Mr Grainger's family.</p> <p>14 I have a few questions for you.</p> <p>15 Can you just help with this. As a TAC adviser, was</p> <p>16 this the first case that you had been an adviser on</p> <p>17 where there had been a fatality?</p> <p>18 A. Yes, sir.</p> <p>19 Q. Therefore, following that, you knew that your conduct</p> <p>20 would come under scrutiny?</p> <p>21 A. Yes, sir.</p> <p>22 Q. And you knew your conduct would come under scrutiny</p> <p>23 before you prepared your first statement?</p> <p>24 A. Err.</p> <p>25 Q. You knew there was going to be an IPCC investigation</p> <p style="text-align: center;">Page 73</p>	<p>1 minimise to the greatest extent practicable the risk to</p> <p>2 subjects, to police officers and to the public, is that</p> <p>3 fair?</p> <p>4 A. Yes, sir.</p> <p>5 Q. Therefore you knew that, when giving tactical advice of</p> <p>6 that thing -- shorthand, it is an article 2 duty, but</p> <p>7 you knew that that had to be at the forefront of the</p> <p>8 tactical advice you gave, would that be fair?</p> <p>9 A. Yes, sir.</p> <p>10 Q. Yes.</p> <p>11 In terms of, then, the tactical advice that you</p> <p>12 gave, threat assessments and risk assessments, if you</p> <p>13 are bearing that article 2 duty in mind, it would be</p> <p>14 very important. Do you agree?</p> <p>15 A. I am not fully au fait with the ins and outs of the</p> <p>16 article 2 anymore, but --</p> <p>17 Q. Article 2 is just words. It simply means, and I will</p> <p>18 repeat it, "Minimising to the greatest possible extent</p> <p>19 as far as practicable, the risk to the lives of others".</p> <p>20 Do you follow?</p> <p>21 A. Yes.</p> <p>22 Q. That is all that article 2 means.</p> <p>23 A. Okay.</p> <p>24 Q. I am asking you, and it is a simple question, in</p> <p>25 performing your duties as a tactical adviser, you would</p> <p style="text-align: center;">Page 75</p>
<p>1 into this death?</p> <p>2 A. Yes, sir, but I was not a part of that at the time.</p> <p>3 Q. I appreciate that, but you knew that you had given</p> <p>4 tactical advice the morning before this man had been</p> <p>5 shot dead --</p> <p>6 A. Yes, sir.</p> <p>7 Q. -- yes?</p> <p>8 Can you just help me with this, what is the</p> <p>9 explanation, what is your explanation for your memory --</p> <p>10 because you have been asked a number of questions by</p> <p>11 Mr Beer this morning -- being so sparse?</p> <p>12 A. I left the police in 2014 --</p> <p>13 Q. Okay.</p> <p>14 A. -- and I was only involved or brought into this Inquiry</p> <p>15 in December last year --</p> <p>16 Q. Right.</p> <p>17 A. -- so from leaving the police I have had nothing to do</p> <p>18 with it.</p> <p>19 Q. Right.</p> <p>20 Can we see if we can agree on one or two things</p> <p>21 which should not have too much problems in terms of your</p> <p>22 memory.</p> <p>23 As a tactical adviser, you would have known that</p> <p>24 part of your duty in terms of providing tactical advice</p> <p>25 was to ensure that the tactical advice you gave should</p> <p style="text-align: center;">Page 74</p>	<p>1 have to have that in mind. Is that fair?</p> <p>2 A. That is fair.</p> <p>3 Q. Right. To have that in mind, you would have to bear in</p> <p>4 mind any risks or threat assessments, because that would</p> <p>5 impact on the tactical advice you give. Do you follow?</p> <p>6 A. Yes.</p> <p>7 Q. Well is that what you did here?</p> <p>8 A. I believe it was, sir, yes.</p> <p>9 Q. Sorry, your voice dropped.</p> <p>10 A. I said I believe it was, sir, yes.</p> <p>11 Q. All right.</p> <p>12 Can you just help me with this, and there is</p> <p>13 a series of questions that you were asked where -- I am</p> <p>14 not going to go through or repeat Mr Beer's questions,</p> <p>15 but this is a different nuance to them. You were asked</p> <p>16 at various stages, why haven't you recorded this? Why</p> <p>17 haven't you noted that? Why haven't you done this? You</p> <p>18 remember that series of questions Mr Beer just asked</p> <p>19 you.</p> <p>20 A. I do, yes.</p> <p>21 Q. Right. Your response to that is, it was a failure and</p> <p>22 I can only apologise for that?</p> <p>23 A. A failure in recording, yes, sir.</p> <p>24 Q. Yes, all right. I am going to take it just a step --</p> <p>25 but why? I understand you didn't do it, but my question</p> <p style="text-align: center;">Page 76</p>

<p>1 is: why didn't you do this? Help us with that, because 2 you have not answered that question, yet. 3 A. I don't know. I can't answer that question as to why. 4 Q. You see, because it is not just one thing, it is 5 a number of things. I am not going to repeat them. At 6 every stage it is, "I didn't do this, I didn't do that, 7 I apologise for that". Help the chairman understand, 8 these are things that you knew about, correct? Are 9 they? 10 A. Knew about the -- what was going on? 11 Q. Knew about that you had to record the pros and the cons, 12 that you had to record what your rationale was, these 13 were all things that you knew about as a tactical 14 adviser, is that right, or didn't you know about them? 15 A. I did know about them, yes. 16 Q. You knew about these things, why didn't you do it? 17 A. As I said, I have no explanation as to why I didn't do 18 it. It is a failing in the recording. 19 Q. May I suggest a different explanation. You can agree 20 with it or disagree with it. 21 May I suggest that either there was no record of 22 this because you didn't know about these things or, 23 alternatively, this was you just rubber-stamping what 24 had happened before which would have been a dereliction 25 of your own duty, do you follow? Which is it?</p> <p style="text-align: center;">Page 77</p>	<p>1 that? 2 A. Yes, sir. 3 Q. Tell us, what was the tactic in relation to that? 4 A. I will have known at the time. My recollection is quite 5 hazy now -- 6 Q. Try. 7 A. -- but it will have been used to help with the strike 8 when the strike went in. 9 Q. What happens to the canister? 10 A. It gets put into the car. 11 Q. Yes. Who is in the car? 12 A. The subjects. 13 Q. Right. When you put a CS canister in a car with 14 subjects, what happens to the subjects? What is the 15 rationale behind putting the canister in the car, help 16 us? 17 A. To help with the incapacitation, sir, to help stop the 18 subjects from getting out or doing stuff. 19 Q. Sorry, so let's just be clear on this. Your idea and 20 understanding of putting a CS canister into an enclosed 21 space is to, what, help stop the subjects -- let me 22 finish, I will let you respond. Help stop the subjects 23 from getting out of the vehicle. That is what you just 24 said; is that right? 25 A. As I said, I've got a very hazy recollection now because</p> <p style="text-align: center;">Page 79</p>
<p>1 A. I don't believe it is either of those. I believe that 2 when I turned up on duty that day I will have discussed 3 it with the TFC, who would have been happy with the 4 advice I gave, which is why we proceeded. 5 Q. You say he would have been happy with the advice you 6 gave, but no record of it. 7 A. That's correct. 8 Q. Right. Let me move on. 9 I want to come on to some matters that Mr Beer has 10 not asked you about in relation to some of the operation 11 that took place and some of the tactics. 12 Let's look at the special munitions, I am taking it 13 again a step further than what you were asked. 14 We can agree, can't we, that the use and the 15 deployment of special munitions fairly and squarely 16 falls within your role as a tactical adviser, agreed? 17 A. To advice on the use, not the authority for use. 18 Q. No, I am not talking about the authority for the use, 19 but it would be a tactic that you would advise on? 20 A. Yes, sir. 21 Q. Whether it is a good idea or bad idea, depending on the 22 circumstances? 23 A. Yes, sir. 24 Q. If we just take the CS dispersal canister, one of the 25 tactics, you knew what the tactic was in relation to</p> <p style="text-align: center;">Page 78</p>	<p>1 it is some years down the line since I have looked at 2 this. 3 Q. I mean this not disrespectfully, but if you put a CS gas 4 canister -- you know what CS does, don't you? 5 A. I do, sir, yes. 6 Q. It incapacitates somebody, it interferes with their 7 breathing and makes it very difficult for them to 8 breathe. Agreed? 9 A. Agreed, yes. 10 Q. You know, again, I'm not being disrespectful, but this 11 is not rocket science, when you use a CS canister on 12 somebody, it causes involuntary movement, coughing, 13 spluttering, agreed? 14 A. Agreed. 15 Q. Eyes watering, yes? 16 All right, so you know the basics, even though you 17 say you are hazy. You put a CS gas canister into 18 an enclosed vehicle, do you agree that you are likely to 19 have a load of involuntary movements from the subjects 20 in the enclosed vehicle? 21 A. I agree there is potential for that to happen. I think 22 everybody reacts differently to CS, but that is 23 an unknown. 24 Q. All things being equal, that is the purpose behind the 25 CS, isn't it? That is what you would want to do, you</p> <p style="text-align: center;">Page 80</p>

1 want to incapacitate them. People will have difficulty
 2 in breathing, yes?
 3 **A. Yes.**
 4 Q. There is likely to be -- in terms of you doing a risk
 5 assessment, which is what you say you did, there is
 6 likely to be involuntary movements, isn't there?
 7 **A. Yes.**
 8 Q. Just help the chairman with this. From a tactical point
 9 of view: what was the aim behind putting a canister into
 10 an enclosed vehicle? What was the aim?
 11 **A. I would say the aim -- the overall aim was to effect**
 12 **an arrest.**
 13 Q. But how? Because you are giving tactical advice and
 14 this is what I want you to help the chairman with. You
 15 want to effect an arrest. I get that. I understand
 16 that. But how is a CS gas canister going to help?
 17 **A. It is part of the tactic that was used and based on the**
 18 **risk and threat assessment.**
 19 Q. Forgive me, it may just be me but I am struggling to
 20 follow this. The goal is to arrest and arrest safely
 21 with the minimum risk to life, as far as practicable,
 22 agreed?
 23 **A. Yes.**
 24 Q. That is the goal.
 25 Right. That much I understand.

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1 Now, you lob -- sorry, you put a CS gas canister
 2 into a vehicle when you have armed officers outside
 3 pointing their weapons at the subjects. Let's see if we
 4 can agree on this, you are going to get involuntary
 5 movements, we have just agreed on that, yes?
 6 **A. Yes.**
 7 Q. You are going to have the subjects having difficulty
 8 breathing, yes?
 9 **A. Yes.**
 10 Q. Come back to the question that I have asked you, how is
 11 this assisting in the arrest?
 12 **A. Because it is going to, again, from recollection, it**
 13 **would help keep the people in the car. You are asking**
 14 **me a question that I can't remember the true answer to.**
 15 Q. Again, this is not rocket science. If you put
 16 a canister that is stopping people from breathing into
 17 a car, the likelihood is -- because it is just
 18 an ordinary normal human reaction to want to breathe,
 19 isn't it?
 20 **A. It is.**
 21 Q. People will do their utmost to breathe, it is just
 22 trying to live, isn't it?
 23 **A. It is.**
 24 Q. If you have a CS canister in the car, the likelihood is
 25 people are not going to be thinking rationally, they are

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1 going to try and get out of the car so they can get some
 2 oxygen to breathe, aren't they?
 3 **A. Potentially, yes.**
 4 Q. Well, if you want the individuals to remain in the car,
 5 then the last tactic that you want to be using is to be
 6 lobbing a CS canister into an enclosed vehicle, surely?
 7 **A. As I said, I can't remember the ins and outs of the**
 8 **tactics or the use of it anymore.**
 9 Q. Well, just help me with this, just in terms of the
 10 tactics, because you are the TAC adviser --
 11 **A. I was the TAC adviser.**
 12 Q. You were the TAC adviser on the day. I know that it
 13 changed, but you were the TAC adviser, you were the one
 14 who reviewed, although there is no note of it, you say
 15 that you would have given this advice. You say this
 16 wasn't a rubber-stamping exercise, correct?
 17 **A. Yes.**
 18 Q. I would have thought that -- you can correct me if
 19 I have this wrong -- the firearms officers would want to
 20 control and dominate the subjects.
 21 **A. Yes, that's correct.**
 22 Q. They would, because you have firearms being pointed at
 23 you, you would want to ensure that the subjects make no
 24 sudden movements?
 25 **A. Yes.**

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1 Q. Because if the subjects make sudden movements, those
 2 sudden movements could be misinterpreted as threats?
 3 **A. Potentially.**
 4 Q. And anybody applying their reasonable minds to this,
 5 sudden movements that could be interpreted as threats
 6 could mean that somebody ends up being shot?
 7 **A. It could.**
 8 Q. So, again, this is not rocket science, this is what you,
 9 as the TAC adviser, in terms of the pros and cons that
 10 Mr Beer was asking you about not less than 10 minutes
 11 ago, these are the things that you have to be advising
 12 on. Isn't it?
 13 **A. It is.**
 14 Q. Did you?
 15 **A. I presume I did.**
 16 Q. You presume you did? You presume you did?
 17 **A. I have no record and I have said that that is a failing,**
 18 **however I can't remember what I did and did not do five**
 19 **years ago.**
 20 Q. Tell us then, you presume you did. Tell us, what do you
 21 think the advice was you gave the firearms officers,
 22 because this is risky, isn't it?
 23 **A. Honestly, I can't remember the advice I gave. If I was**
 24 **to talk now I would be unsure.**
 25 Q. Surely, surely, in terms of this option, if you want to

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1 dominate and control, it is the last thing you would be
 2 advising to happen, so if you are saying you are
 3 presuming you did, tell us, in terms of the advice, was
 4 it advice, "You know, what lads, I don't think this is
 5 a good idea"?

6 **A. I would not have advised the people on the ground,
 7 I would have advised the tactical firearms commander --**

8 Q. No, I understand that --

9 THE CHAIRMAN: Let him finish his answer.

10 MR THOMAS: Forgive me, sir.

11 Sorry, I interrupted you.

12 THE CHAIRMAN: What were you going to say?

13 **A. I would not have advised the people on the ground on the
 14 use of it, it was a tactic that was authorised -- or an
 15 option in a tactic that was authorised by a strategic
 16 firearms commander after discussion with a tactical
 17 firearms commander based on other tactical advice. The
 18 actual use of it would have been based on a dynamic risk
 19 assessment on the ground. I would not have spoken to
 20 the people actually deployed on the strike about it.**

21 MR THOMAS: You would have advised the tactical firearms
 22 commander, correct?

23 **A. Yes.**

24 Q. Did you tell the tactical firearms commander, "Bearing
 25 in mind what we want to achieve, I don't think this is

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1 an option that is a good option"?

2 **A. It was a nationally approved tactic, from memory.**

3 Q. Forgive me, it might have been an approved tactic but
 4 you are performing a risk assessment in relation to the
 5 advice. You can say -- just because you have weapons in
 6 the armoury, doesn't mean you have to use them, does it?

7 **A. No, I agree.**

8 Q. That is where you come in. This is why you are
 9 performing your function. Did you give advice saying:
 10 "You know what, given the risks and what we want to
 11 achieve, I don't think this is a tactic that we should
 12 be deploying, because it is very risky."

13 **A. I think --**

14 Q. Did you give that advice?

15 **A. I think all firearms operations are risky, I can't go
 16 back to the advice I gave at the time, like I said, but
 17 a dynamic risk assessment will always have been made by
 18 the officers on the ground who were deploying with the
 19 various weapons or CSDCs.**

20 Q. That was not the question I asked you. You can dodge
 21 it, but I am going to ask it again.
 22 Did you in your role, because that is your role, you
 23 can say, can you not, whether or not an option is a good
 24 idea or a bad idea, can't you?

25 **A. I can.**

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1 Q. I have just been concentrating on one specific tactic.
 2 Did you advise against it?

3 **A. As I said, I don't remember the specific advice I gave
 4 but, given the fact that they had it on the operation,
 5 I would say I didn't advise against it, but what I was
 6 trying to explain and not dodge your question was the
 7 fact that it is a dynamic risk assessment to use that,
 8 so authority is given to have it on the operation.**

9 Q. What does that mean? Does that mean that the
 10 individuals should go through this process and decide
 11 whether or not they should use it?

12 **A. Yes, I would say it was a dynamic risk assessment that
 13 would need to take place at the time.**

14 Q. Let me move on, sir.
 15 As part of the tactical adviser's role, you went
 16 through the rehearsals that can happen.

17 **A. Yes.**

18 Q. When you lay out tactics, do you provide advice as to
 19 whether there should be a rehearsal?

20 **A. I can't remember -- that generally, from recollection,
 21 would fall down to the OFC at the time to make sure the
 22 team that was being deployed would be ready.**

23 Q. Do you see your role just as a passive role, you just
 24 say, "You have options A, B, C, D", is that how you see
 25 your role or do you see your role as, "You have A, B, C

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1 D and my advice is, given the circumstances
 2 [I appreciate that circumstances might be dynamic] that
 3 this is a better course if this is the eventuality or
 4 this is option B, an alternative course if this
 5 happens"?

6 How do you see your role, passive, you just lay out
 7 the options, or slightly more engaging?

8 **A. As I said earlier, I think I described it as a critical
 9 friend to the TFC, so I would see it as a role where
 10 advice is given, based on the questions or the
 11 intelligence or the information that is there but again,
 12 dynamically, as things change I would expect to be
 13 involved in conversations with the TFC.**

14 Q. You can say, can't you, whether an idea is not a good
 15 idea given the circumstances?

16 **A. I can offer my advice, yes.**

17 MR THOMAS: Sir, forgive me I have just noticed the time.

18 THE CHAIRMAN: I would like if possible to finish this
 19 witness before the short adjournment and it depends how
 20 long you are going to be and it depends also on what
 21 other questions other applicants may have for --

22 MR THOMAS: Sir, I think I have nearly finished.

23 THE CHAIRMAN: Would you like to finish your questions at
 24 any rate, Mr Thomas. We will finish off there.

25 MR THOMAS: Yes. (Pause)

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<p>1 Sir, I think I will stop there.</p> <p>2 THE CHAIRMAN: Thank you.</p> <p>3 Thank you, Mr Thomas.</p> <p>4 Mr Weatherby, do you have any questions?</p> <p>5 MR WEATHERBY: Yes, I will be very brief indeed.</p> <p>6 THE CHAIRMAN: Thank you.</p> <p>7 Questions from MR WEATHERBY</p> <p>8 MR WEATHERBY: I have one short topic, because it has been</p> <p>9 covered in some detail already but there is just one</p> <p>10 point I want to develop in a few questions with you,</p> <p>11 Mr Allen.</p> <p>12 Firstly, I represent Gail Hadfield-Grainger who was</p> <p>13 Mr Grainger's partner.</p> <p>14 You have been asked a lot of questions about</p> <p>15 recording. Mr Beer has put to you the manual, as he</p> <p>16 described it, the Bible, and that refers to the</p> <p>17 importance of recording of the decisions and the</p> <p>18 rationales in your post as adviser, yes?</p> <p>19 A. Yes.</p> <p>20 Q. You have also been referred to the standard operating</p> <p>21 procedures for tactical advisers and the same thing</p> <p>22 comes through there, the importance of recording, yes?</p> <p>23 A. Yes.</p> <p>24 Q. Would you agree with me, firstly, that it is a general</p> <p>25 duty in policing to record what happens in a situation</p> <p style="text-align: center;">Page 89</p>	<p>1 iterations of the same document. Yes? It is the third</p> <p>2 one I want to ask you about. Before anybody else makes</p> <p>3 the point, can I make it clear that this is an iteration</p> <p>4 of the document which followed shortly after the</p> <p>5 shooting of Mr Grainger.</p> <p>6 A. Is that page 1362 I'm at?</p> <p>7 Q. Yes. Well, sorry, give me a moment and I will tell you.</p> <p>8 Yes, it is. In fact, it is page 1369.</p> <p>9 Do you have that?</p> <p>10 A. Yes, I have.</p> <p>11 Q. It is the third paragraph down. Before I just read it</p> <p>12 out, can I just reiterate, and I am not trying to be</p> <p>13 unfair to you here, this is an iteration of the document</p> <p>14 where this was added after the death of Mr Grainger, but</p> <p>15 it is important because it makes a point which I am</p> <p>16 going to suggest to you ought to have been clear in your</p> <p>17 mind, yes?</p> <p>18 It is this, it is the third paragraph:</p> <p>19 "It is a key requirement of the Human Rights Act</p> <p>20 that the deployment of armed officers is both auditable</p> <p>21 and accountable. To this end, tactical advisers are</p> <p>22 required to record and retain an auditable record of</p> <p>23 their advice. A comprehensive record of the advice</p> <p>24 given by tactical advisers in situations where AFOs may</p> <p>25 or have been deployed should be maintained."</p> <p style="text-align: center;">Page 91</p>
<p>1 and decisions taken, rationales and the such like?</p> <p>2 A. Yes.</p> <p>3 Q. Yes?</p> <p>4 Is it that general sort of procedural issue that you</p> <p>5 are putting your hands up to say that there was</p> <p>6 a failure here --</p> <p>7 A. Yes.</p> <p>8 Q. -- in not recording?</p> <p>9 A. Yes.</p> <p>10 Q. Is it simply that or is it more than that?</p> <p>11 A. I think it is simply that.</p> <p>12 Q. It is simply that?</p> <p>13 A. Yes.</p> <p>14 Q. Let's just develop that slightly. You have been asked</p> <p>15 questions about the importance of your advice in terms</p> <p>16 of the fact that it relates to high risk operations</p> <p>17 involving firearms.</p> <p>18 A. Yes.</p> <p>19 Q. Yes?</p> <p>20 Can I just refer you to one document. It is another</p> <p>21 standard operating procedure and it is in tab 15.</p> <p>22 A. Sorry, which folder -- I've got two folders.</p> <p>23 Q. It is your folder, do you have tab 15?</p> <p>24 A. Yes, I have.</p> <p>25 Q. There should be three documents in there. Three</p> <p style="text-align: center;">Page 90</p>	<p>1 Then there is a reference to a module.</p> <p>2 A. Yes.</p> <p>3 Q. Would you agree with me, having been prompted by that,</p> <p>4 that in fact your failure was a really serious failure</p> <p>5 in terms of the non-recording?</p> <p>6 A. It was a failure, yes, sir.</p> <p>7 Q. Well, I am distinguishing between "a failure" and</p> <p>8 "a really serious failure". It is not just a procedural</p> <p>9 policing failure, this failure to keep a proper record,</p> <p>10 is it?</p> <p>11 A. Sorry, I don't understand what you mean.</p> <p>12 Q. From the passage I have just read out to you, the</p> <p>13 importance here was that you were in a key position</p> <p>14 where you were required to maintain an auditable and</p> <p>15 accountable record and you failed almost completely to</p> <p>16 do that, didn't you?</p> <p>17 A. I failed to keep an up to date TAC book, yes.</p> <p>18 Q. I am not going to fence words with you, I am going to</p> <p>19 put to you that was a really serious failure, that is</p> <p>20 right isn't it?</p> <p>21 THE CHAIRMAN: That is a matter for me to judge isn't it,</p> <p>22 Mr Weatherby, ultimately?</p> <p>23 MR WEATHERBY: Thank you very much.</p> <p>24 THE CHAIRMAN: Ms Barton?</p> <p>25 Mr Davies?</p> <p style="text-align: center;">Page 92</p>

<p>1 Ms Whyte?</p> <p>2 Questions from THE CHAIRMAN</p> <p>3 THE CHAIRMAN: Given what you say, Mr Allen, about what you</p> <p>4 referred to as your hazy recollection of events in 2012,</p> <p>5 I am not going to ask you to recall anything specific</p> <p>6 about Operation Shire itself but as a general</p> <p>7 proposition, from your perspective as a TAC adviser, was</p> <p>8 it your understanding at the time that the purpose of</p> <p>9 using CSDC was to make the subjects get out of the car</p> <p>10 they were in or was it to keep them inside the car?</p> <p>11 A. Sir, I honestly cannot remember the intricacies of that</p> <p>12 and I don't want to say one thing and base it on</p> <p>13 something that I am not sure on.</p> <p>14 THE CHAIRMAN: You are telling me you cannot even remember</p> <p>15 in general terms what your understanding of the CSDC</p> <p>16 procedure was?</p> <p>17 A. That's correct, sir, yes.</p> <p>18 THE CHAIRMAN: Thank you.</p> <p>19 Does anybody have anything to ask arising out of</p> <p>20 that?</p> <p>21 MR BEER: No, sir. There is one question that I forgot to</p> <p>22 ask with your leave that I will, if I may.</p> <p>23 THE CHAIRMAN: Certainly.</p> <p>24</p> <p>25</p> <p style="text-align: center;">Page 93</p>	<p>1 a mistaken reference to J18, namely</p> <p>2 Superintendent Granby.</p> <p>3 Did you give the strict reminder briefing to the</p> <p>4 AFOs in the course of the briefing?</p> <p>5 A. I would say not. I don't remember doing it and it was</p> <p>6 not something that a TAC adviser would generally have</p> <p>7 done.</p> <p>8 Q. No, that is why I asked. Do you know how your name came</p> <p>9 to be written on page 556?</p> <p>10 A. I have no idea. That is the first time I have seen this</p> <p>11 document.</p> <p>12 MR BEER: Yes, thank you very much. I don't know if there</p> <p>13 is anything arising from that. I should have asked it</p> <p>14 earlier but forgot to.</p> <p>15 THE CHAIRMAN: Thank you.</p> <p>16 Thank you very much. That is the end of your</p> <p>17 evidence, you are free to go.</p> <p>18 MR BEER: Sir, the next witness is Y19, who is a screened</p> <p>19 witness, so it is quite convenient -- sorry, not</p> <p>20 screened, anonymous.</p> <p>21 THE CHAIRMAN: Right. We will resume at 2.15.</p> <p>22 MR BEER: Thank you very much.</p> <p>23 (1.11 pm)</p> <p>24 (The Luncheon Adjournment)</p> <p>25 (2.27 pm)</p> <p style="text-align: center;">Page 95</p>
<p>1 Further questions from MR BEER</p> <p>2 MR BEER: Just in your bundle, please, at tab 7, this is</p> <p>3 Superintendent Granby's log, if you turn to page 556, do</p> <p>4 you see on that page a printed copy of the human rights</p> <p>5 and strict reminder briefing to all AFOs?</p> <p>6 A. Yes, sir.</p> <p>7 Q. This is something that is read out I think in the course</p> <p>8 of briefings?</p> <p>9 A. Yes.</p> <p>10 Q. A standard text?</p> <p>11 Can you see at the foot of the page there, it says</p> <p>12 "Strict reminder delivered by ..." Then it has your</p> <p>13 name, Sergeant Allen, signed I think by</p> <p>14 Superintendent Granby at 6.15. Yes?</p> <p>15 A. Yes, sir.</p> <p>16 Q. The record of the briefing that we have, if you turn</p> <p>17 forwards to tab 9, at page 345, this is a transcript of</p> <p>18 the tape recording, can you see it says "N18".</p> <p>19 A. Yes, sir.</p> <p>20 Q. Which I think is ACC Sweeney. It says:</p> <p>21 "Okay, the Human Rights Act, use of force, personal</p> <p>22 responsibility ..."</p> <p>23 It suggests on its face, this document, that he was</p> <p>24 giving the strict reminder. In fact I am not sure that</p> <p>25 he was present at that meeting and that may be</p> <p style="text-align: center;">Page 94</p>	<p>1 THE CHAIRMAN: Yes, Mr Beer.</p> <p>2 MR BEER: Sir, apologies once again for the delay. I think</p> <p>3 there was a slight delay in participants getting through</p> <p>4 the security arch.</p> <p>5 THE CHAIRMAN: Yes, I was actually responsible for some of</p> <p>6 the delay myself, just getting my things together.</p> <p>7 MR BEER: I think people might need a little more time in</p> <p>8 relation to anonymous witnesses, to get into court</p> <p>9 earlier.</p> <p>10 Sir, it is Y19 who is in the witness box.</p> <p>11 THE CHAIRMAN: Thank you.</p> <p>12 Y19 (sworn)</p> <p>13 THE CHAIRMAN: Feel free to sit down if you wish to do so,</p> <p>14 Y19.</p> <p>15 A. Thank you, sir.</p> <p>16 Questions from MR BEER</p> <p>17 MR BEER: Y19, my name is Jason Beer and I ask questions on</p> <p>18 behalf of the Inquiry.</p> <p>19 In front of you there should be two things, firstly</p> <p>20 on your left-hand side a cypher key. If you wish to</p> <p>21 refer to other witnesses, just check the cypher key</p> <p>22 first to see whether they have been anonymised like</p> <p>23 yourself and if so please refer to them by their cypher.</p> <p>24 A. I understand, sir.</p> <p>25 Q. Secondly, there is a bundle in your name. Can I take</p> <p style="text-align: center;">Page 96</p>

<p>1 you through some of the contents of it, please, starting 2 with tab 1. 3 There should be a witness statement dated 4 23 May 2012. 5 A. Yes, sir. 6 Q. I think that is your witness statement; is that right? 7 A. That's correct, sir, yes. 8 Q. Then to tab 2, a witness statement dated 9 31 January 2013. 10 A. That's correct again, sir. 11 Q. Again in your name. 12 At tab 3, a witness statement dated 14 June 2013. 13 A. Sir, yes, that's correct. 14 Q. Tab 4, a short witness statement dated 18 August 2013. 15 A. That's correct, sir. 16 Q. Tab 5, a witness statement dated 5 March 2014. 17 A. That's correct, sir. 18 Q. Tab 6, a witness statement dated 23 June 2014. 19 A. That's correct, sir. 20 Q. Tab 7, a witness statement dated 16 October 2014. 21 A. And again that is correct, sir. 22 Q. Lastly, in tab 8, a witness statement dated 23 29 October 2014. 24 A. Once again that, is correct, sir. 25 Q. Thank you.</p> <p style="text-align: center;">Page 97</p>	<p>1 Q. When had you first qualified as an AFO? 2 A. That would have been June 2009. 3 THE CHAIRMAN: June? 4 A. Sorry, May/June 2009. 5 THE CHAIRMAN: June 2009? 6 A. Yes. 7 MR BEER: What role did you perform as an AFO between 2009 8 and March 2012? 9 A. Again, near enough all based with the armed response 10 vehicle teams and so I also did some acting inspector 11 duties during that time, so with the teams again. 12 Q. Again, within the ARV? 13 A. Within the ARV world, yes. 14 Q. Thank you. 15 A number of the experts that have been instructed 16 over time in relation to this case have looked at your 17 training records and said that you were not 18 occupationally competent in the role of MASTS. Do you 19 agree with that? 20 A. Not particularly, sir, no. So in terms of TAC advising 21 although I was certainly operationally competent in 22 physically carrying out a MASTS then I do agree, then 23 I wouldn't be. 24 Q. As an AFO you were not operationally competent as 25 a MASTS officer?</p> <p style="text-align: center;">Page 99</p>
<p>1 Are the contents of those eight witness statements 2 true to the best of your knowledge and belief. 3 A. To the best of my knowledge and belief, sir, yes. 4 THE CHAIRMAN: Mr Beer, I am sorry to interrupt, I can't lay 5 my hand on my copy of this witness's bundle at the 6 moment. 7 MR BEER: I think it is on your far right, sir. 8 It is now front and centre, sir. 9 THE CHAIRMAN: Thank you. It was over there, thank you very 10 much. Thank you. I do apologise. 11 MR BEER: Can I start then please with your background. 12 When did you become a police officer. 13 A. Sir, I became a police officer in late 2001, and was 14 based on a territorial division in south Manchester. 15 Q. Do you remain serving as a police officer now? 16 A. I do, sir, yes. 17 Q. In March 2012, I think you were a sergeant. Is that 18 right? 19 A. That's correct. 20 Q. Do you remain in that rank or have you changed rank? 21 A. At the moment I am currently a temporary inspector. 22 Q. In March 2012, what was your role when you were not 23 acting as a TAC adviser? 24 A. I was just an ARV sergeant working with the armed 25 response vehicle teams.</p> <p style="text-align: center;">Page 98</p>	<p>1 A. Correct. 2 Q. But you are saying that you disagree with what they have 3 said -- 4 A. In terms of being able to give TAC advice. 5 Q. On a MASTS operation? 6 A. On a MASTS operation, sir. 7 Q. In summary, why do you disagree with what they have 8 said? 9 A. Because I hadn't been told that I hadn't been qualified 10 to TAC advise on that. 11 Q. That is a different issue though, that is whether you 12 knew you were not operationally competent. Why do you 13 think, knowing what you know now, that you were 14 operationally competent? 15 A. Well knowing what I know now, then obviously it would 16 appear that I wasn't. 17 Q. Right. Okay. 18 A. Sorry, sir, sorry for the confusion. 19 Q. Okay. At the time in March 2012, you believed that you 20 were? 21 A. That's right. 22 Q. But knowing what you know now, in summary, is that that 23 you now know there was a change to the national 24 curriculum in May or June 2011 -- 25 A. That's correct, sir.</p> <p style="text-align: center;">Page 100</p>

<p>1 Q. -- that required you to be proficient as a MASTS officer 2 and proficiency meant you were yourself an AFO as 3 a MASTS officer? 4 A. That's correct, yes, I became aware of that after the 5 events unfolded. 6 Q. Okay. 7 I just want to pick up on something you said in one 8 of your previous statements about this, and if we can 9 turn up tab 8, please -- 10 A. I have that, sir. 11 Q. -- at page 134. 12 A. I have that, sir. 13 Q. It is under the heading: 14 "The CPS allege that 'neither Y19, the tactical 15 adviser from 2.00 on 3 March nor X7, the OFC who led the 16 MASTS team on 3 March 2012 appear to have been 17 operationally competent'. " 18 You reply to that by saying: 19 "In 2009 I attended a TAC course which I passed, 20 between 2009 and 2012 I undertook duties as a TAC 21 adviser as part of my duties as a firearms officer. For 22 the first 12 months or so after the course I was 23 mentored by other more experienced TAC advisers. From 24 mid 2010 I was a fully qualified TAC adviser." 25 I think so far so much uncontroversial, yes?</p> <p style="text-align: center;">Page 101</p>	<p>1 "The chief firearms instructor for GMP confirmed 2 that the requirements for me to be a TAC adviser in the 3 MASTS tactic were complete and complied with the 4 guidance available at the time. I was accredited to 5 allow me to give advice on the tactic. As 6 an experienced firearms officer I would not undertake 7 any role I was not qualified to do on this or any other 8 firearms operation. It is my opinion that I was 9 competent to undertake the role of TAC adviser on 10 3 March 2012." 11 The chief firearms adviser you were referring to 12 there, who was that? 13 A. It would either be -- 14 Q. You might need to look at the list. 15 A. Q6 or -- just trying to see whether the previous CFI was 16 on there. 17 Q. Q6, in fact, didn't succeed in an application for 18 anonymity. That is Marcus Williams, yes? 19 A. That's right, yes, sir. 20 Q. You think it was Marcus Williams? 21 A. Well there was also another CFI prior to that as well. 22 Q. Who was that, you can name him. 23 A. I can name him? 24 Q. Yes. 25 A. He is Jonathan Clarke, inspector.</p> <p style="text-align: center;">Page 103</p>
<p>1 A. Yes. 2 Q. Then: 3 "I have been made aware that a statement from 4 Kevin Nicholson from the College of Policing makes 5 reference to my role. I am a firearms officer. Though 6 not trained in the MASTS tactic, over the years as a TAC 7 I have attended numerous sessions involving MASTS 8 training sessions and actual operations. I am fully 9 aware of the MASTS tactic and how it has to be applied 10 as part of a firearms operation." 11 What you were saying then was that you believed that 12 although you were not trained as an AFO in the MASTS 13 tactic, having attended some sessions, numerous sessions 14 involving MASTS and attending some operations involving 15 MASTS, that made you competent. Is that what you are 16 saying there? 17 A. To a certain extent, yes, sir. 18 Q. Dealing with the part which says you have attended 19 numerous sessions involving MASTS training and actual 20 operations, attending a number of MASTS operations as 21 a TAC, when you were not qualified to attend -- as we 22 now know -- wouldn't make you operationally competent? 23 A. Not necessarily, no, sir. 24 Q. You say, further on in this paragraph -- sorry, the next 25 paragraph:</p> <p style="text-align: center;">Page 102</p>	<p>1 Q. Can you remember which of those it was? 2 A. I've got a feeling that it was Jonathan Clarke, because 3 I had spoken about this before with regards to MASTS 4 tactics and such, having observed only did that make me 5 competent? And obviously at the time I think policies 6 and procedures around GMP and TAC advice were around 7 that, if you had observed so many, so MASTS tactics, so 8 training sessions and such, then that -- 9 Q. That made you competent enough? 10 A. Exactly, sir. 11 Q. Yes. 12 Can you remember when this discussion took place? 13 A. I can't. So in fairness, sir, I would be guessing. 14 Q. Was it before Operation Shire on 3 March? 15 A. Oh certainly, yes, sorry. 16 Q. Yes? 17 A. Yes. 18 I know certainly in terms of the training session 19 that I attended in the November, so 2011. 20 Q. November 2011? 21 A. Yes, it was some time around then, so that conversation 22 may have taken place. For some reason I have got it in 23 my head that I think it was Inspector Clarke that I had 24 spoken to about it. 25 Q. Can you remember why you were having the discussion,</p> <p style="text-align: center;">Page 104</p>

26 (Pages 101 to 104)

<p>1 because the evidence that GMP has given the Inquiry at 2 the moment is that it didn't know that the national 3 module had changed in June 2011 --</p> <p>4 A. Hmm.</p> <p>5 Q. -- to introduce more explicitly a requirement that you 6 were a practitioner in MASTS, in this example. Why in 7 November, if GMP didn't know about the change, would you 8 have been having this discussion?</p> <p>9 A. I think it had come out of the discussions -- we were 10 watching the tactics I think over I think it was a two- 11 or three-hour period, so we watched numerous run 12 throughs of numerous different scenarios and whilst they 13 were extensive, I mean to come away from that thinking, 14 "Well, does that now make me MASTS TAC qualified?" 15 I don't know, I just believed you should practice what 16 you preach and if you have done that operation, 17 operationally, so then it made you much better and 18 provides better experience in advising somebody rather 19 than somebody who has just watched a training session.</p> <p>20 Q. I see.</p> <p>21 A. I hope you understand where I am coming from with that, 22 sir.</p> <p>23 Q. I do.</p> <p>24 It was you that was querying: am I sufficiently 25 qualified to give advice on a MASTS operation when I am</p> <p style="text-align: center;">Page 105</p>	<p>1 disciplines were you qualified?</p> <p>2 A. Pre-planned and initial, spontaneous, sir.</p> <p>3 Q. The document, I am not going to turn it up to try and 4 save a bit of time, says:</p> <p>5 "For pre-planned firearms operations advice should 6 be given by planned tactical advisers who should be TFU 7 inspectors, [you were not that], an RPT sergeant 8 [I don't think you were that] or TFU sergeants who have 9 been authorised as planned TAC advisers." 10 You were that?</p> <p>11 A. That's correct.</p> <p>12 Q. How did get your authorisation, how was it sort of 13 bestowed or conferred upon you?</p> <p>14 A. You attend obviously TAC advisers' course, you then go 15 through an accreditation period by being mentored, so in 16 observing other TAC advisers who are accredited go 17 through various different tactical advice scenarios. So 18 live jobs. So likewise then, so the roles reverse and 19 you give the advice but you are also mentored through 20 that so there is somebody who looked at your performance 21 during that.</p> <p>22 You then fill out a TAC advice diary, so which you 23 then submit to the CFI for approval and authorisation.</p> <p>24 Q. If we look, please, at your training record on EFire, 25 which is tab 16 of the bundle. The course that you were</p> <p style="text-align: center;">Page 107</p>
<p>1 not a MASTS officer?</p> <p>2 A. Yes. And it was a discussion amongst the other TACs 3 that were there that day as well, so -- because there 4 were numerous other TACs that were watching that set of 5 scenarios.</p> <p>6 Q. This was not in the context of a policy change at 7 a national level that would have answered your question 8 for you, "No, you are not qualified to do this, you must 9 stop", it was because you felt a concern that standing 10 and watching other people do something might not be the 11 best basis for you to advise as an expert later on?</p> <p>12 A. Yes, certainly within that class lesson that day, so 13 some of the other TAC advisers that were there had 14 actually carried out and performed that role as part of 15 their AFO duties. I realised that, "Well I am limited 16 in that because I have never actually physically done 17 that, but I have watched a lot of scenarios".</p> <p>18 Q. In terms of your qualification as a TAC adviser. 19 I think through this witness statement, we can see that 20 from mid-2010 you were a fully qualified TAC adviser, is 21 that right?</p> <p>22 A. That's right, sir.</p> <p>23 Q. We have seen a document already, a GMP policy document, 24 that draws a distinction between initial TAC advisers 25 and pre-planned TAC advisers. In which of those two</p> <p style="text-align: center;">Page 106</p>	<p>1 mentioning I think is on page 917.</p> <p>2 A. It is easier if I stand, sir, to be honest with you.</p> <p>3 Q. Can you see 917?</p> <p>4 A. I can see 917.</p> <p>5 Q. Can you see 30 September 2011, four entries from the 6 bottom.</p> <p>7 A. That's correct, yes.</p> <p>8 Q. It is a MASTS refresher course. That was other people 9 doing the course and you watching?</p> <p>10 A. That's correct. So they weren't actually completing 11 a course, they were actually doing a set of scenarios, 12 it was a MASTS team with people who were already 13 qualified in that. It was just a refresher for them.</p> <p>14 Q. Right. I see.</p> <p>15 It looks like it was a full day's course.</p> <p>16 A. It only lasted two to three hours.</p> <p>17 Q. Did it?</p> <p>18 A. It may have gone on into the afternoon but the TAC 19 advisers' bit was in the morning.</p> <p>20 Q. Okay right, okay.</p> <p>21 Can you remember whether anyone looked at any 22 documents, when you were raising this issue with the 23 chief firearms instructor that you felt a bit wobbly or 24 concerned.</p> <p>25 A. No, in fairness, sir, I mean it was a very informal</p> <p style="text-align: center;">Page 108</p>

<p>1 conversation around it, so -- from what I remember.</p> <p>2 Q. Nobody went off and checked?</p> <p>3 A. No, nobody went and did any documentation checks or</p> <p>4 anything like that and I did come away from it reassured</p> <p>5 that I was okay.</p> <p>6 Q. Was that the end of it, it wasn't --</p> <p>7 A. It didn't raise its head again until the March.</p> <p>8 Q. Then, in the March, did you then know or was it then</p> <p>9 revealed to you that, in fact, at that very time</p> <p>10 in November 2011, for six months or so, national policy</p> <p>11 had been changed?</p> <p>12 A. The first I knew about any national policy changes, sir,</p> <p>13 were after the event. So -- and those were relayed to</p> <p>14 me through an email, so following advice from Q6,</p> <p>15 Mr Williams.</p> <p>16 Q. Mr Williams, okay.</p> <p>17 Can you describe for us -- do you still practice in</p> <p>18 firearms?</p> <p>19 A. I don't, sir, no. I left the unit in 2012.</p> <p>20 Q. Going on what you can remember, then, what are a TAC</p> <p>21 adviser's duties, what is a TAC adviser's role?</p> <p>22 A. A TAC adviser's duties are to advise in the main the</p> <p>23 tactical firearms commander, the silver, but that can</p> <p>24 also extend to the strategic firearms commander, the</p> <p>25 gold, so -- and I suppose it is to look at what the</p> <p style="text-align: center;">Page 109</p>	<p>1 A. Quite correct, sir, yes.</p> <p>2 Q. Can you give us a flavour, an example, of what kind of</p> <p>3 advice might be given?</p> <p>4 A. In terms of the actual people that are being deployed?</p> <p>5 They may have a specialist skill set in terms of the</p> <p>6 MASTS teams. Some of them will be qualified with</p> <p>7 a shotgun, which they will use to blow out the tyres, so</p> <p>8 vehicles with specialist rounds.</p> <p>9 Likewise as well you may be looking at other</p> <p>10 officers within that team who cannot perform certain</p> <p>11 roles, so --</p> <p>12 Q. That sounds like you are really listing the</p> <p>13 qualifications of AFOs, rather than advising on the</p> <p>14 capabilities and limitations. Do you see the</p> <p>15 difference --</p> <p>16 A. I do, sir, sorry.</p> <p>17 Q. -- one is what qualifications somebody has to do certain</p> <p>18 things. I wondered whether this might be something</p> <p>19 different?</p> <p>20 A. Well, in fairness, I mean obviously there is certain</p> <p>21 capabilities that are carried by if you like a marked</p> <p>22 ARV, so some of the equipment they carry and the way</p> <p>23 that they will present to subjects, so then somebody who</p> <p>24 is in unmarked vehicles, wearing normal day clothes</p> <p>25 et cetera, and that might alter your tactics because of</p> <p style="text-align: center;">Page 111</p>
<p>1 objectives are, what they are trying to achieve, their</p> <p>2 strategy and what the AFOs and the suite of tactics that</p> <p>3 they are able to deploy in order to carry out, if you</p> <p>4 like, that objective and make sure it comes to an arrest</p> <p>5 strategy or a safe conclusion. And to obviously keep</p> <p>6 advising as they request it.</p> <p>7 Q. Okay.</p> <p>8 That is a fairly complete statement of it. If we</p> <p>9 just look at the policy and procedure bundle, which will</p> <p>10 be shown to you. At page 334 -- they are numbered in</p> <p>11 the top right in red, it is quite a long way through.</p> <p>12 A. Right, okay, sir. (Pause)</p> <p>13 334, sir.</p> <p>14 Q. Thank you very much.</p> <p>15 This is the relevant edition of the manual of</p> <p>16 guidance on police use of firearms operative</p> <p>17 in March 2012. Under paragraph 524 it says:</p> <p>18 "the tactical adviser (1) advises on the</p> <p>19 capabilities and limitations of the AFOs and other</p> <p>20 police resources being deployed."</p> <p>21 Was that your understanding, that that was part of</p> <p>22 the TAC adviser's role?</p> <p>23 A. It is, sir, yes.</p> <p>24 Q. There you are speaking about the limitations of the</p> <p>25 people?</p> <p style="text-align: center;">Page 110</p>	<p>1 the limitations that they could present in being able to</p> <p>2 go into certain places and such.</p> <p>3 Q. Right, I see.</p> <p>4 The second thing it suggests is:</p> <p>5 "The TA advises the SFC or TFC on the implication of</p> <p>6 any tactical parameters which have been set."</p> <p>7 I think you have told us that already.</p> <p>8 A. That's correct, sir.</p> <p>9 Q. Thirdly:</p> <p>10 "Advises on the tactical options for consideration</p> <p>11 by the SFC and TFC within the existing strategy and any</p> <p>12 tactical parameters set."</p> <p>13 I think you have told us about that already.</p> <p>14 You said I think primarily, or you used a similar</p> <p>15 word, the advice is given to the TFC but potentially to</p> <p>16 the SFC.</p> <p>17 A. That is quite correct, yes.</p> <p>18 Q. What dictated whether the SFC took advice from a TAC?</p> <p>19 A. It would be obviously, if they are present at any</p> <p>20 particular meeting that you go to, so they will ask</p> <p>21 advice, just as openly as the TFC will, so the tactical</p> <p>22 firearms commander.</p> <p>23 Q. Would the request to receive advice come from the SFC or</p> <p>24 would you always positively offer it up as the TAC</p> <p>25 adviser to an SFC?</p> <p style="text-align: center;">Page 112</p>

1 **A. You would hope that you would offer it up anyway, but**
 2 **likewise most of the SFCs, so they are highly**
 3 **experienced and would ask anyway. So it could be**
 4 **a two-way thing.**
 5 Q. Okay.
 6 Fourthly:
 7 "Advises the firearms commanders on the tactical
 8 considerations, contingencies and implications for each
 9 tactical option."
 10 Would this be one of the key functions of a TAC?
 11 **A. I would say so, sir, yes. That is a fair point.**
 12 Q. Fifthly:
 13 "Should be in a position to assist and advise the
 14 TFC at all stages of the operation."
 15 Would that usually be by, on a pre-planned job,
 16 being physically co-located with them?
 17 **A. Yes, I mean all the pre-planned jobs I have ever done,**
 18 **so whether it be MASTS or direct entries, anything like**
 19 **that, I have always been with the TFC present.**
 20 Q. Right:
 21 "Provides tactical advice reflecting the existing
 22 threat assessment and ensures that advice given is
 23 recorded."
 24 Then it says at 525:
 25 "The role of a TA is to advise and not to make

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1 command decisions. The responsibility for the validity
 2 and reliability of the advice lies with the adviser, but
 3 the responsibility for the use of the advice lies with
 4 the commander."
 5 Does that reflect your understanding?
 6 **A. It does, sir, yes.**
 7 Q. We can put that away, thank you.
 8 In this type of operation that we are considering on
 9 3 March, where a MASTS team or similar advanced tactic,
 10 similar option, is being used, would you agree that
 11 ordinarily there is a risk assessment meeting that
 12 proceeds it and which involves the SIO?
 13 **A. Certainly, sir, yes.**
 14 Q. Would you agree with some evidence we have heard already
 15 from Superintendent Ellison, that a TFC would not
 16 ordinarily seek authority from an SFC without having
 17 received TAC advice first?
 18 **A. Yes, that is my understanding, sir.**
 19 Q. Secondly, that a TAC adviser would routinely be present
 20 at the risk assessment meeting?
 21 **A. That is what I always practised, sir, and the way I had**
 22 **been mentored.**
 23 Q. He explained it that that was because TAC advisers bring
 24 subject matter expertise to the room --
 25 **A. That is quite right, sir.**

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1 Q. -- and it was necessary for it to be done, secondly, at
 2 that stage, because a number of the TAC adviser's
 3 duties, functions, had to be performed in advance of the
 4 point when the SFC and the TFC discussed whether or not
 5 to grant a firearms authority?
 6 **A. Could you just say the question again, sorry, sir?**
 7 Q. Yes, the reason that the TAC adviser was ordinarily
 8 present at the risk assessment meeting was not just
 9 bringing expertise to the room but because a number of
 10 the jobs that the TAC adviser has to do must be done
 11 before the SFC and the TFC discuss whether or not to
 12 grant a firearms authority.
 13 **A. I understand, sorry, sir, yes. Correct.**
 14 Q. In terms of the chronology of events, it comes at the
 15 beginning?
 16 **A. It does, sir.**
 17 Q. Right.
 18 The risk assessment meetings that you had
 19 attended -- not in this case, in other cases -- did they
 20 present an opportunity to be exposed to the intelligence
 21 case on which the operation was to be mounted?
 22 **A. There were times, yes, obviously with that, sir.**
 23 Q. Did you find that at such meetings the SIO, or the
 24 person giving the intelligence briefing, that they
 25 obviously had significant advantages over the firearms

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1 side of the operation?
 2 **A. Oh most definitely, sir.**
 3 Q. Because they had lived or breathed the operation for
 4 days, weeks or months beforehand?
 5 **A. And that is their area of expertise, sir.**
 6 Q. Yes. The usual order of events in a pre-planned
 7 operation, and again I have applied my logic to this.
 8 **A. I understand, sir.**
 9 Q. Stage one, SIO, or other equivalent person, approaches
 10 the TFC and says there is going to be a need for
 11 a firearms deployment, yes?
 12 **A. Yes, certainly, sir.**
 13 Q. Stage 2, TFC takes advice from the TAC adviser.
 14 **A. That's correct, sir -- as well as the SIO, hopefully all**
 15 **joined --**
 16 Q. All joined together?
 17 **A. So they can all benefit from each others' perspectives,**
 18 **that is how it should happen.**
 19 Q. Exactly, yes.
 20 Stage 3, if the TFC has decided that grounds for
 21 authorisation are met, seeks authority from the SFC.
 22 **A. That's correct, sir.**
 23 Q. Seeks approval or amendment to the working strategy.
 24 **A. Correct, sir.**
 25 Q. Agrees the tactical plan and the contingencies with the

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<p>1 SFC?</p> <p>2 A. Quite right, sir.</p> <p>3 Q. That three-stage process means that the TFC must take</p> <p>4 the advice of the a TAC adviser before seeking authority</p> <p>5 from an SFC?</p> <p>6 A. Quite right, sir.</p> <p>7 Q. Before putting the working strategy, the contingencies</p> <p>8 and the tactical plan to the SFC?</p> <p>9 Can we turn then to Operation Shire and in fact what</p> <p>10 happened here.</p> <p>11 A. Certainly, sir.</p> <p>12 Q. We know that there was a risk assessment phone</p> <p>13 conference, rather than a face-to-face meeting, at about</p> <p>14 7.00 pm on Friday, 2 March.</p> <p>15 Just so you can see that in the papers that we have,</p> <p>16 can you turn up tab 13 in your bundle.</p> <p>17 A. Tab 13, sir.</p> <p>18 Q. You should find in there Mr Granby's log.</p> <p>19 A. I have, sir, yes.</p> <p>20 Q. If you go to page 521.</p> <p>21 A. 521, sir.</p> <p>22 Q. You can see Mr Granby has recorded on 2 March, which was</p> <p>23 the Friday, at 7.00, "Telecon, SIO Detective Inspector</p> <p>24 Cousen".</p> <p>25 Then he sets out some of the intelligence that he</p> <p style="text-align: center;">Page 117</p>	<p>1 received a call and, forgive me, I can't remember who</p> <p>2 from, but stating that we needed to make sure that</p> <p>3 Sergeant Allen was aware that he would be TAC advising</p> <p>4 on a MASTS the following morning, I think his report</p> <p>5 time was 5.30, so and he would have been on morning</p> <p>6 duties anyway I believe.</p> <p>7 Q. If what I have summarised is correct, that this was</p> <p>8 a telephone call between TFC and Mr Cousen in which the</p> <p>9 intelligence case was outlined to some extent and then</p> <p>10 Superintendent Granby went off and sought an authority</p> <p>11 from ACC Sweeney, the SFC, the gold, at about 8.50 pm</p> <p>12 that night. At that time authority was granted, no TAC</p> <p>13 advice having been given by anyone at that stage?</p> <p>14 I think, on the basis of what you have described so</p> <p>15 far, that would be quite an unusual state of affairs?</p> <p>16 A. In fairness, yes, sir.</p> <p>17 Q. The AFO briefing was delivered at about 6.00 the</p> <p>18 following morning, on the Saturday morning. You weren't</p> <p>19 on duty at that time?</p> <p>20 A. I wasn't, no, sir.</p> <p>21 Q. It was delivered using, we have heard evidence,</p> <p>22 a template of a PowerPoint presentation that had been</p> <p>23 developed in relation to a different operation the</p> <p>24 previous day -- that's still Operation Shire,</p> <p>25 a different deployment the previous day?</p> <p style="text-align: center;">Page 119</p>
<p>1 received or where it is to be found, yes?</p> <p>2 A. Yes, that's right, sir.</p> <p>3 Q. As far as we know this was a two-person telephone call,</p> <p>4 TFC to DI Cousen. You were not involved at this stage</p> <p>5 in giving any tactical advice?</p> <p>6 A. I wasn't, no, sir.</p> <p>7 Q. We have heard from Mr Allen this morning that neither</p> <p>8 was he.</p> <p>9 As far as we know, no tactical adviser was involved</p> <p>10 in giving advice at this stage. Do you happen to know</p> <p>11 now why that was?</p> <p>12 A. I don't, sir. Like I say, my involvement in anything to</p> <p>13 do with Op Shire didn't start until the 3rd, so other</p> <p>14 than having to on that evening having to telephone</p> <p>15 Sergeant Allen at his home address to say that he needed</p> <p>16 to be in for a briefing, that was my only involvement</p> <p>17 with it at that point.</p> <p>18 Q. Just picking up on that, you say that in one of your</p> <p>19 statements that you had to put a call through to</p> <p>20 Sergeant Allen and say you are coming in next morning as</p> <p>21 the TAC on Operation Shire, you need to get up early.</p> <p>22 A. Yes.</p> <p>23 Q. Why were you doing that?</p> <p>24 A. I was actually on duty anyway with the ARV teams, I was</p> <p>25 on a late shift that weekend, so Friday evening I had</p> <p style="text-align: center;">Page 118</p>	<p>1 A. That's correct, sir.</p> <p>2 Q. I think we have agreed that part of the job, the</p> <p>3 fundamental job, of a TAC adviser is to identify</p> <p>4 tactical options for the silver and then advise the TFC</p> <p>5 in relation to each of them, yes?</p> <p>6 A. Yes, sir.</p> <p>7 Q. That includes the for and the againsts of each option?</p> <p>8 A. That's correct, sir.</p> <p>9 Q. The limitations of the AFOs that you have at hand to</p> <p>10 deliver each of them, yes?</p> <p>11 A. Correct, sir.</p> <p>12 Q. And the consequences of the selection of a particular</p> <p>13 option?</p> <p>14 A. That's correct, sir.</p> <p>15 Q. You were approached I think by Steve Allen at about</p> <p>16 3.00 pm on the Saturday --</p> <p>17 A. That's right, sir.</p> <p>18 Q. -- and told there was a possibility that you were going</p> <p>19 to be required to take over the TAC adviser's role from</p> <p>20 him?</p> <p>21 A. That's correct, sir.</p> <p>22 Q. Indeed that happened about 15 minutes later at 3.15?</p> <p>23 A. That's about right, sir.</p> <p>24 Q. Can we look, please, in tab 1 of your bundle, at your</p> <p>25 very first witness statement.</p> <p style="text-align: center;">Page 120</p>

<p>1 A. Tab 1, sir. 2 Q. At the foot of the page, you say, 3.15 that same day: 3 "I attended the command suite and familiarised 4 myself with the Operation Shire briefing document." 5 What was the briefing document that you were 6 referring to there? 7 A. That briefing document, sir, would have been the 8 PowerPoint briefing that would have been delivered to 9 the officers on the MASTS team that morning, so -- 10 Q. About nine hours earlier? 11 A. That's right, correct, sir. 12 Q. Then you say: 13 "... and I received a current situation report from 14 the TFC and Steve Allen surrounding the location of 15 police and firearms resources and the subjects of the 16 operation." 17 A. That's correct, sir. 18 Q. In that description there, it seems that there was 19 a briefing about where police officers were, ie where 20 they were located. Is that right? 21 A. That's correct, sir. I believe they were up at Leigh 22 police station. 23 Q. Thank you: 24 "... and a briefing about the subjects of the 25 operation."</p> <p style="text-align: center;">Page 121</p>	<p>1 A. I understand, sir, it is not very clear. 2 Q. No, no, that is all right. 3 Did you look at the TFC's own log? 4 A. I didn't, no, and I didn't physically look at his grey 5 book. 6 Q. Did you look at the SIO's daybook or policy book? 7 A. No, sir, in fairness, I mean the handovers I have been 8 given have been done verbally, so both in the room at 9 the same time as Mr Cousen. 10 Q. You don't go start inspecting the superintendent's or 11 the DI's books? 12 A. No. 13 Q. No, okay. 14 What does this in fact refer to, does this in fact 15 also refer to the PowerPoint? 16 A. To the PowerPoint, yes, and the verbal information 17 I have received. 18 Q. This is a bit of a misdescription then -- 19 A. It is, sir. 20 Q. -- because it refers to a policy log and there wasn't 21 a policy log that you looked at? 22 A. Well, when I say "policy logs", I am probably referring 23 to their books, so yes, I concede that, sir. 24 Q. Thank you. 25 Can we go back, please, to the statement we were</p> <p style="text-align: center;">Page 123</p>
<p>1 Can you recall what either Mr Allen or Mr Granby 2 told you about the subjects of the operation in addition 3 to or separate from that which you had read in the 4 PowerPoint? 5 A. Nothing any further than that, so what was in the 6 PowerPoint. 7 Q. Okay. 8 If we look at tab 10, that is your joint policy log 9 with Mr Allen. He presumably handed this to you? 10 A. He did, sir, yes. 11 Q. I think we have it here if you need to refer to it, we 12 have seen it referred to as a green book and that is -- 13 A. That's correct, sir. 14 Q. -- obviously why. He hands over the green book, passes 15 the torch over, effectively, to you? 16 A. That's right, sir. 17 Q. On page 619, I think there is your first entry. 18 A. 619, sir, yes, I've got it. 19 Q. Thank you. Under "Information and intelligence", you 20 have written at 3.15: 21 "Intel as per TFC and SIO briefing and policy logs." 22 Yes? 23 A. Yes, that's right, sir. 24 Q. I just want to try and break down what that means, 25 because it could be three or four different things.</p> <p style="text-align: center;">Page 122</p>	<p>1 reading in tab 1 and look at the top of page 2 of it, 2 please. 3 A. Page 2. 4 Q. Yes: 5 "Having reviewed the information and intelligence 6 available to me, the threat assessment and working 7 strategy, police powers and policy and action required 8 made by the TFC, I assumed the role of TAC for 9 Operation Shire." 10 Yes? 11 A. That's correct, sir. 12 Q. Just bearing that statement in mind and flicking back to 13 tab 10, looking at Steve Allen's log as it then stood, 14 at page 619. 15 A. Yes, sir. 16 Q. There would have been those three lines of writing, yes, 17 by him? 18 A. Sorry, yes, sir. 19 Q. Yes. 20 Over the page, 620, that is your writing, and 621 21 and 622, yes. 22 A. Just let me make sure I've got the right ones. That's 23 correct, 620, 621. 24 Q. And 622 and 623? 25 A. That's correct, sir.</p> <p style="text-align: center;">Page 124</p>

31 (Pages 121 to 124)

<p>1 Q. Then if you go on to 625.</p> <p>2 A. That's right, sir.</p> <p>3 Q. The first 15 or 16 lines on there are Mr Allen's</p> <p>4 writing?</p> <p>5 A. That's correct, sir.</p> <p>6 Q. I think that is all that would have been written in</p> <p>7 there when you took over the book --</p> <p>8 A. That's correct, sir.</p> <p>9 Q. -- the three lines at the beginning and then this half</p> <p>10 page here?</p> <p>11 A. And that bit.</p> <p>12 Q. You said in your statement:</p> <p>13 "Having reviewed the threat assessment and working</p> <p>14 strategy, the police powers and the policy and action</p> <p>15 ..."</p> <p>16 You assumed the role. There wasn't much in writing</p> <p>17 for you to review?</p> <p>18 A. Certainly not, no, sir.</p> <p>19 Q. Did that strike you, that without -- I appreciate this</p> <p>20 is effectively an opportunity to criticise a former</p> <p>21 colleague, but did it strike you that this book was</p> <p>22 noticeably and significantly scant on detail?</p> <p>23 A. That's correct, sir.</p> <p>24 Q. You have said something about this before, and if we</p> <p>25 just look at tab 8, please.</p> <p style="text-align: center;">Page 125</p>	<p>1 of the absence of writing.</p> <p>2 A. That's correct, sir.</p> <p>3 THE CHAIRMAN: Sorry to interrupt, just for the benefit of</p> <p>4 the shorthand note, in quoting that passage on page 133,</p> <p>5 I think you referred on line 4 to "Take the role of</p> <p>6 TFC", and it is "TAC" of course.</p> <p>7 MR BEER: Yes, I'm sorry.</p> <p>8 THE CHAIRMAN: It is a small point but it could cause</p> <p>9 confusion for anybody reading the website.</p> <p>10 MR BEER: Thank you, sir. I apologise for the slip of the</p> <p>11 tongue.</p> <p>12 THE CHAIRMAN: Yes.</p> <p>13 MR BEER: If we go to tab 10, please, which is your log, at</p> <p>14 page 619. I have asked you about the first two lines</p> <p>15 that you wrote and I just wanted to ask about the third</p> <p>16 line, so 619.</p> <p>17 A. 619, sir?</p> <p>18 Q. Yes:</p> <p>19 "The threat assessment remains as per briefing</p> <p>20 document, as does working strategy attached."</p> <p>21 The first thing, "Threat assessment remains as per</p> <p>22 briefing document", is that the PowerPoint?</p> <p>23 A. That will be the PowerPoint, sir, yes.</p> <p>24 Q. If we look at the PowerPoint, and I am going to use the</p> <p>25 one for 3 March, hold a finger in where we are and go</p> <p style="text-align: center;">Page 127</p>
<p>1 A. Certainly.</p> <p>2 Q. Which is one of your witness statements, I think it is</p> <p>3 the last one.</p> <p>4 A. Tab 8, sir, yes.</p> <p>5 Q. Thank you.</p> <p>6 If you look at page 133, which is the second page.</p> <p>7 A. 133, sir.</p> <p>8 Q. Yes, thank you.</p> <p>9 In the second and third line, you say:</p> <p>10 "My next tour of duty was during the afternoon of</p> <p>11 3 March when I was informed that Op Shire was continuing</p> <p>12 and I would take the role of TFC for the rest of the</p> <p>13 evening. Steve Allen undertook a handover of the</p> <p>14 operation with me, when we sat down to discuss all</p> <p>15 aspects of the previous information available. The TAC</p> <p>16 logs were examined by myself and agreed as correct."</p> <p>17 Given what you have just said and what we see, how</p> <p>18 could the TAC log have been agreed as correct?</p> <p>19 A. No, it is a fair point, sir. I can't really explain it,</p> <p>20 so at the end of the day I have had the verbal handover.</p> <p>21 You are quite right in pointing out that there is very</p> <p>22 little detail in the log at that point. I have taken it</p> <p>23 upon myself on the information that I have been</p> <p>24 provided, so to start filling it out myself.</p> <p>25 Q. Thank you. We see that you seek to make up the deficit</p> <p style="text-align: center;">Page 126</p>	<p>1 forward to tab 14.</p> <p>2 A. Tab 14. Tab 14.</p> <p>3 Q. If you go forward to 1268.</p> <p>4 A. 1268.</p> <p>5 1268, sir.</p> <p>6 Q. We then see three threat assessments, yes?</p> <p>7 A. That's correct, sir.</p> <p>8 Q. In relation to the subjects. Then if you go forward to</p> <p>9 1271, there is a wider threat assessment in relation to</p> <p>10 different groups of people, the first three are in</p> <p>11 relation to our three subjects and then there are</p> <p>12 different population groups. Is that what you were</p> <p>13 referring to?</p> <p>14 A. That would have been what I was referring to, sir, yes.</p> <p>15 Q. You also say that "the working strategy remains as per</p> <p>16 the briefing document". Is that the document we see at</p> <p>17 1272?</p> <p>18 A. 1272, sir, and yes that would be what I was referring</p> <p>19 to.</p> <p>20 Q. What you were saying by your log there is that the</p> <p>21 threat assessments and the working strategies that had</p> <p>22 been drawn up by other people earlier in the day, at</p> <p>23 3.15, remained extant and unchanged --</p> <p>24 A. That's correct, sir.</p> <p>25 Q. -- yes?</p> <p style="text-align: center;">Page 128</p>

<p>1 Can we go, please, to tab 8 in the bundle, and 2 page 134. 3 A. Page 134, sir. 4 Q. Thank you. The last paragraph, where you say: 5 "I have been asked to briefly explain my role within 6 Op Shire as regards the risk assessment protocols, 7 including bespoke and dynamic risk assessments. When 8 I took over the role of the TAC on the afternoon of 9 3 March the discussions with Steve Allen involved all 10 aspects of the assessments that had been agreed with the 11 TFC during the morning of 3 March 2012. These 12 assessments remained in place and I agreed with them." 13 What assessments had been agreed with the TFC during 14 the morning of 3 March? 15 A. In terms of the actual assessments that we were 16 referring to at the time, it would have been the actual 17 tactical objectives of what we were trying to achieve. 18 So in terms of the arrest strategy, et cetera. 19 Q. Can you help a little bit more? I am not fully 20 understanding what -- 21 A. I understand, sir. 22 Q. -- that means. 23 A. Okay, so with regards to the assessments, obviously the 24 conversation will have been around the threat assessment 25 around three subjects, and likewise what we were going</p> <p style="text-align: center;">Page 129</p>	<p>1 the preferred tactical option and sign it -- 2 A. That's correct. 3 Q. -- with Mr Granby, at 3.15? 4 A. That's correct, sir. 5 Q. In doing this, in listing options 1, 2 and 3, were you 6 reflecting which tactical options had in the past been 7 considered and rejected, and which one had been 8 favoured, ie were you retrospectively writing up that 9 which had already been done by some other people? 10 A. Say that if for instance by like by Sergeant Allen in 11 the morning, yes. 12 Q. Yes, or indeed somebody else the previous day if there 13 had been somebody else -- 14 A. If there had been somebody else the previous day, yes. 15 Q. Or was this a fresh exercise? 16 A. If you like, it was probably both. So I review what 17 Sergeant Allen discussed with the TFC and was I still in 18 agreement with it. Those would have been the three 19 points, yes, sir. 20 Q. I mean in particular, looking at the pros and the cons, 21 were these your pros and your cons or were you sort of 22 faithfully recording that which Sergeant Allen had told 23 you were his pros and his cons? 24 A. It would be wrong to say I was faithfully recording what 25 Sergeant Allen had told me. I had a book that I worked</p> <p style="text-align: center;">Page 131</p>
<p>1 to do, so in terms of deploying officers and dealing 2 with them as a tactic. So those assessments and what 3 was planned by the TFC at that point were agreed, so ... 4 Q. Is this another reference to what we have just been 5 looking at, the threat assessments and the working 6 strategy remained unchanged? 7 A. That's correct, sorry, sir. 8 Q. I just wanted to work out whether this was something 9 different than we had just been looking at. 10 A. No, I understand, sir. 11 Q. As a result of that, did you then write up tab 10, 12 page 620? 13 A. I would have done, sir, yes. 14 Q. Which is the tactical options? 15 A. That's correct, sir. 16 Q. We can see that they are all on page 620, and there are 17 three of them, "Option 1, unarmed operation", and you 18 list three positives and three negatives. Yes? 19 A. That's correct, sir. 20 Q. "MASTS, including special munitions", and you I think 21 list three positives and two negatives and, "Overt foot 22 or vehicle strike, armed", two positives, three 23 negatives? 24 A. That's correct, sir. 25 Q. Then over the page you record that option 2, MASTS, is</p> <p style="text-align: center;">Page 130</p>	<p>1 from at the time, so with regards to what certain 2 outcomes are and so what the fores and against are, so 3 but having the information relayed to me from 4 Sergeant Allen I was confident those reflected what some 5 of our concerns and our positives out of it were, sir. 6 Q. I am still -- I appreciate you are trying to help us 7 here, five years after the event. Was this you writing 8 up some reasoning in relation to a decision that had 9 already been taken place but you applying your mind to, 10 "Well, these are the options and these are the pros and 11 cons of them"? 12 A. Yes. 13 Q. Irrespective of whether in fact they had been considered 14 in this way previously? 15 A. That's correct, sir. 16 Q. Right, okay. 17 The reason I ask is, if you keep a finger in this 18 folder here -- 19 A. Certainly, sir. 20 Q. -- and turn to tab 13, which is Mr Granby's log, and 21 look at page 541, we should have a finger in two places 22 at the moment, we are going to have to flick back 23 between them, 620 in tab 10 and 541 in tab 13. 24 A. Yes. 25 Q. In the equivalent place in Mr Granby's log, if you just</p> <p style="text-align: center;">Page 132</p>

<p>1 take a moment to read his tactical options, they are 2 just on that page. 3 A. I see them, sir, yes. 4 Q. Thank you. 5 You can see, firstly, that there are only two 6 options recorded as against your three. 7 A. I understand, sir. 8 Q. His first one is "unarmed tactics", and his second one 9 is "MASTS", yes? 10 A. That's correct, sir. 11 Q. Secondly, his MASTS is recorded as not including 12 specialist munitions, he has just written it up as 13 straightforward MASTS, yes? 14 A. That's correct, sir. 15 Q. Then, I am not going to spend time doing it now, you had 16 included both of these, unarmed tactics -- you called it 17 "unarmed operation" -- and MASTS, but the fores and the 18 againsts in yours are different from his? 19 A. That's correct, yes, sir. 20 Q. Yes? 21 If you look at the top of page 620, it says: 22 "The following tactical options are based on the 23 threat assessment, working strategy, tactical parameters 24 and powers and policy as communicated to me by the 25 tactical firearms commander." <p style="text-align: center;">Page 133</p> </p>	<p>1 A. I understand, sir. 2 Q. -- so I don't know whether this was in existence or not? 3 A. Okay. 4 Q. It ought to have been from the previous night -- 5 A. Certainly, sir, I understand. 6 Q. -- effectively, but at the moment we don't know when it 7 was written. We have yet to hear from Mr Granby. You 8 are telling us that your page 620/621 is not a fresh 9 decision, it is -- 10 A. It is part of the discussions and the threat assessment, 11 sir. 12 Q. Okay. 13 You record the fact that MASTS was the preferred 14 option and the book is signed on 621 at 3.15 by both of 15 you. 16 A. That's correct, sir. 17 Q. Was it signed at that time? 18 A. It was, sir, yes. 19 Q. Okay. 20 Could you explain your understanding of the MASTS 21 option? 22 A. The MASTS option, so, for me, is that it gives you 23 a very dynamic, so ability to detain your subjects, so 24 whilst they are in a vehicle, obviously providing mobile 25 armed support to surveillance, so you are being directed <p style="text-align: center;">Page 135</p> </p>
<p>1 It looks like the way it is supposed to happen is he 2 is supposed to tell you those four things, threat 3 assessment, working strategy, tactical parameters, 4 powers and policy, you make a recommendation, you draw 5 up a list of tactics, possible tactics, make 6 a recommendation or give him advice and he makes 7 a decision. 8 Looking at these two pages against each other, there 9 is a mismatch, isn't there? 10 A. There certainly is when you look at it like that. 11 Q. You have a different number and different reasons from 12 the TFC. 13 Does that indicate that looking at page 620 and 621, 14 this was essentially a fresh decision? 15 A. In fairness, sir, no. I mean obviously I can't account 16 for Mr Granby's listings and how he does his tactics and 17 what is there, so the third one was taken into account, 18 the fact that the -- we had marked Cheshire ARVs laid up 19 somewhere as well, so at Risley I believe and I wanted 20 to capture that as a further tactic. Though I was under 21 the impression that he had also recorded that. 22 As I say, I didn't go through his book with him at 23 the time. 24 Q. At the moment we don't know when he wrote his 25 page 541 -- <p style="text-align: center;">Page 134</p> </p>	<p>1 in by them, so but at the same time it gives you that 2 element of surprise, so to quickly detain suspects and 3 the vehicle that they are in is incapacitated quickly. 4 Q. Would I be right in thinking that the essence of your 5 answer there is that, although it is support to 6 surveillance, the purpose of the surveillance is itself 7 to be able to tell you when the time is right to make 8 an intervention? 9 A. It forms part of that intelligence picture up to the 10 intervention point. That's right, sir. 11 Q. If I can take it a bit beyond that. 12 A. Certainly, sir. 13 Q. The sense I got from your answer, correct me if it is 14 an incorrect sense, is that although it is support to 15 surveillance, the purpose of the surveillance is to 16 facilitate an intervention on subjects? 17 A. That's correct, in this case, yes, sir. 18 Q. In this case it is, but I am talking very generally at 19 the moment about MASTS tactics. 20 A. I am sorry, yes. I understand, sir. Yes, across the 21 board. 22 Q. In all cases the purpose of the MASTS tactic is to make 23 an intervention. The surveillance is a stepping stone 24 to making an intervention? 25 A. That is my understanding of it, sir, yes. <p style="text-align: center;">Page 136</p> </p>

1 Q. Right, okay.
 2 You mentioned a couple of times there that the
 3 subjects would be in a vehicle. Again, is that your
 4 understanding that MASTS is a vehicle-based tactic?
 5 **A. Primarily, so but it also can turn -- there is obviously**
 6 **other options that you can launch from a MASTS in terms**
 7 **of if they were to break out of the vehicle, so then you**
 8 **could have foot chases, which you try and avoid at all**
 9 **costs, but they can also enter into a building where you**
 10 **may have to then put on, if you like, lock the premises**
 11 **down and then deal with it by means of direct entry or**
 12 **any other kind of building tactics that we have.**
 13 Q. Yes.
 14 Can you help us as to any lists -- lawyers like
 15 lists -- of advantages of the MASTS "tactic", as we
 16 calling it. On the transcript "tactic" in my words is
 17 going to be in inverted commas. Can you help us with
 18 that?
 19 **A. Sir, the ones certainly that I have observed are very**
 20 **quick moving so once tactics -- once they have gone to**
 21 **State Red, and they descend on a vehicle for want of**
 22 **a better word, there isn't very much room to move so**
 23 **very quickly on to the subject vehicle. So, and it**
 24 **seems like it is -- out of ones that I have personally**
 25 **seen, there isn't much chance of getting out of it, so**

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1 **in terms of being able to break out through doors or**
 2 **anything like that, because the amount of people that**
 3 **they are using on a MASTS, so the element of surprise**
 4 **that comes with that, it is just a very dynamic tactic.**
 5 **So that detains people very quickly.**
 6 Q. Other pluses, advantages, of the MASTS that you can
 7 remember now?
 8 **A. There is numerous ones, sir, in terms of like I say the**
 9 **element of surprise. So also being able to go into**
 10 **areas where an ARV might -- a liveried ARV may show out**
 11 **and alert the subjects to the presence of police.**
 12 Q. It is covert?
 13 **A. It is covert, yes, sir.**
 14 Q. What about on the other side of the coin, disadvantages?
 15 **A. Well, with an element of surprise, people can react**
 16 **differently. So it is another thing to say that**
 17 **subjects don't think it is an attack that might be**
 18 **coming from somebody other than police. Likewise, as**
 19 **well, because of its very dynamic nature, you have got**
 20 **a lot of officers running about very quickly to get on**
 21 **to doors, et cetera, so there is always an element where**
 22 **there might be a risk to the officers doing that actual**
 23 **tactic and conducting it.**
 24 Q. The first one of those you mentioned, that the subjects
 25 might not realise that the intervention is being made by

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1 police officers, they might think they are being
 2 attacked by other people.
 3 **A. Certainly, sir.**
 4 Q. Was that a commonly recognised risk?
 5 **A. I would suggest so, sir, yes, certainly that is how**
 6 **I recognised it.**
 7 Q. Can you remember in relation to Operation Shire whether
 8 anyone highlighted to you any intelligence that
 9 suggested that that risk might be particularly acute,
 10 a higher risk, in relation to these subjects?
 11 **A. No, sir. So not with regards to the intelligence that**
 12 **I was privy to.**
 13 Q. That one of the subjects, Mr Totton, had previously been
 14 the subject of an attempt on his life, a shooting, at
 15 which firearms were discharged and two men had died?
 16 **A. That's correct, sir. I was aware of the circumstances**
 17 **surrounding that but not the key players that were**
 18 **involved in it.**
 19 Q. You knew about the Brass Handles --
 20 **A. That's correct, sir, yes.**
 21 Q. -- but you didn't know it involved Mr Totton?
 22 **A. No, not at that stage.**
 23 Q. Right, okay. Nobody said, "Look, these people might
 24 believe that they are at risk from a gang or even
 25 a rival gang", if these people were members of an OCG,

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1 "We need to think carefully about how we identify
 2 ourselves as police officers?"
 3 **A. It should be something that should be considered,**
 4 **certainly.**
 5 Q. Yes, can you remember whether there was any particular
 6 emphasis placed on this, because of intelligence about
 7 one in particular of the subjects having had a direct
 8 attempt made on his life using a firearm in the past?
 9 **A. Certainly not from my perspective. So I mean I only**
 10 **joined the operation in the afternoon, so I was not**
 11 **aware whether it had been discussed on a briefing or by**
 12 **the teams themselves when they were going through**
 13 **a rehearsal or anything like that.**
 14 MR BEER: Sir, we have gone for an hour now. I think we are
 15 intending to finish at about 4.30 today.
 16 THE CHAIRMAN: Yes, we need to finish at 4.30.
 17 MR BEER: I wonder whether we could take a short break.
 18 THE CHAIRMAN: Yes, 3.35.
 19 (3.30 pm)
 20 (A short adjournment)
 21 (3.35 pm)
 22 MR BEER: Thank you, sir.
 23 Y19, we were looking at the list of disadvantages of
 24 the MASTS tactic.
 25 **A. Yes, sir.**

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1 Q. Would you agree that the dynamism that you spoke of as
 2 an advantage also might be seen as one of the
 3 disadvantages of the MASTS tactic, in that it can result
 4 in the tactic being quite high risk?
 5 **A. No doubt about that, sir.**
 6 Q. Was it commonly viewed in the menu of options as being
 7 quite a high risk tactic?
 8 **A. I would suggest so, sir.**
 9 Q. Did a MASTS deployment usually involve the simultaneous
 10 authority to deploy special munitions?
 11 **A. I was aware that it was always a bolt-on addition if you**
 12 **like, so a contingency, so that special munitions could**
 13 **be used. I had certainly seen it discussed in other TAC**
 14 **adviser meetings, obviously I was not privy to what had**
 15 **happened here to make that happen on this particular**
 16 **operation, sir.**
 17 Q. No. You said that you were aware that it was always
 18 a bolt-on contingency, looking at other operations, not
 19 this one. Do you mean that, when you did a MASTS
 20 operation on a vehicle, a bolt on was always special
 21 munitions, whether they were used or not is a different
 22 thing?
 23 **A. Yes, it would always be a term for consideration, sir.**
 24 Q. When you say "a term for consideration", do you mean
 25 consideration by the AFOs on the ground whether to use

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1 special munitions or not?
 2 **A. No, no, it would have to be authorised first, sir.**
 3 Q. Was it always authorised first, as sort of a necessary
 4 bolt on as part of a MASTS vehicle led operation?
 5 **A. My apologies, that's correct, sir.**
 6 Q. Right, so really one went with the other hand in hand --
 7 **A. Yes.**
 8 Q. -- a different question of whether or not they were used
 9 on the day?
 10 **A. Correct, sir.**
 11 Q. Yes.
 12 The Inquiry has received some expert evidence from
 13 Mr Arundale that:
 14 "Competent specialist advice is essential constantly
 15 to assess the risks and benefits associated with the use
 16 of special munitions."
 17 Would you agree with that?
 18 **A. Correct, sir.**
 19 Q. We have a policy, GMP SOP, unless you want me to I am
 20 not going to take you to it. It was extant at this time
 21 and says in summary that it is for the SFC to authorise
 22 specialist munitions during a particular operation.
 23 That is based on advice from the TFC that, but having
 24 consulted the TAC adviser.
 25 **A. That's correct, that is my understanding of it also,**

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1 **sir.**
 2 Q. Thank you.
 3 Did you in this case give any advice on special
 4 munitions?
 5 **A. Not at all, sir, that advice had already been given not**
 6 **only by my predecessor but obviously prior to this**
 7 **anyway.**
 8 Q. Did you reconsider at all that issue or had that moment
 9 already passed, as it were?
 10 **A. For me, sir, that moment had passed. The wheels were**
 11 **already in motion so it was a live operation that was**
 12 **running and those decisions had been made prior to my**
 13 **arrival on it.**
 14 **I might add, at that point, sir, as well, I had not**
 15 **seen anything from an intelligence point of view or from**
 16 **discussions with the SIO or TFC that would suggest**
 17 **anything would change as from -- at that point in time.**
 18 Q. Had you been involved in operations in the past where
 19 the specialist munition CSDC had been considered?
 20 **A. No. Not at all, sir.**
 21 Q. This would have been your first operation where it was
 22 proposed to use CSDC, when you were the TAC adviser?
 23 **A. With me as the TAC adviser, yes, sir.**
 24 Q. Did that concern you at all?
 25 **A. In fairness, sir, no, it didn't, so -- because as far as**

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1 **I am concerned, the team that were on the ground, they**
 2 **all receive extensive training, I have been fortunate**
 3 **enough to watch some of that training and as far as I am**
 4 **concerned they were qualified to use that and will**
 5 **obviously assess the situation as they go along so as to**
 6 **whether they deploy those kind of munitions.**
 7 Q. Do you appreciate there is a slight difference, or maybe
 8 a significant difference, between the situation that
 9 confronts a group of AFOs who are driving at speed, in
 10 this case towards a car, each of them with a number of
 11 weapons in the belief that the people in the car are or
 12 may be armed and may be planning or about to conduct
 13 a robbery, and deciding whether or not to break a window
 14 and put in a CSDC, use RAM rounds to disable tyres.
 15 Versus a colder, calmer, cooler reflection by somebody
 16 sitting in an office, the command suite, and thinking
 17 about, "What are the consequences of putting in a CSDC
 18 canister?" Yes? They are very different things?
 19 **A. I understand, sir.**
 20 Q. You are in the latter position, what was your
 21 understanding of the pros, or the reasons, for using
 22 CSDC?
 23 **A. From my own point of view, so CSDC would be used as**
 24 **a means of gaining compliance, obviously, the**
 25 **unfortunate outcome of that though is you also have some**

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1 **disorientation to the occupants of the vehicle and,**
 2 **having experienced exposure to CS spray before now, it**
 3 **is difficult to comply when you have got lungs full of**
 4 **mucus, et cetera, moving about and people are shouting**
 5 **stuff at the -- you obviously go to the self**
 6 **preservation bit of I need to get rid of the irritant**
 7 **out of my eyes and such. So you can make undue**
 8 **movements is what I am getting at, sir.**
 9 Q. There is a bit of a contradiction there, you are using
 10 the thing to secure compliance but the physical effect
 11 of the thing may mean there is less compliance?
 12 **A. Correct, sir.**
 13 Q. Had that ever been spoken about or talked about:
 14 "It is a bit odd here, we are using something to try
 15 and bring compliance to our situation, order, regularity
 16 and safety, and in fact what it does is might it cause
 17 sharp, sudden irregular movements? It might cause
 18 people to wish to move their hands, and we are asking
 19 them to show us their hands ..."
 20 Hands are one of the most important things in
 21 a firearms operation?
 22 **A. Of course, sir, yes.**
 23 Q. "We are asking them to show us their hands and they are
 24 not going to want to do that, they are going to want to
 25 rub their eyes, cover their eyes, get a bottle of water,

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1 get a scarf and rub their face."
 2 Had that ever been spoken about?
 3 **A. Not personally by myself. As I say, this is the first**
 4 **time on a live operation where that is being used. It**
 5 **is in motion so it is not something that was open to**
 6 **discussion, whether that has been done during training**
 7 **sessions and such as a observation by those that have**
 8 **been watching it then I am not too sure, sir.**
 9 Q. Can I just test what you have said on a couple of
 10 occasions now, that this was a live operation and you
 11 added there that it was not really open for discussion.
 12 Trying to self analyse a little bit now, looking
 13 five years on, did you feel that was the situation, that
 14 this had all been written up, had been decided on and
 15 you couldn't say, "Hold on, what is with the CSDC?" Or,
 16 "Why are we using that?"
 17 **A. In fairness, sir, it was just a case of obviously that**
 18 **has been authorised so the operatives on the ground will**
 19 **make that decision whether or not they are going to use**
 20 **them, so based on whatever presents before them.**
 21 **I understand the arguments between why you would and**
 22 **maybe not consider it. As I say I had never personally**
 23 **taken that up with anybody.**
 24 Q. Okay, can I explore another potential disadvantage with
 25 that, bearing in mind what you have just said.

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1 **A. Certainly, sir.**
 2 Q. In the case of use with a car, or in a car, was the
 3 purpose of the dispersal to make the subjects stay in
 4 the car or get out of it?
 5 **A. I would presume, and it is a presume because as I say**
 6 **I have not ever been an operative on the actual MASTS**
 7 **strike phases, so I would presume that it is going to**
 8 **make people want to get out of an enclosed space.**
 9 THE CHAIRMAN: That is not quite what you were asked. You
 10 have answered what it might make the occupants do,
 11 I think you were being asked what the purpose was.
 12 **A. Sorry, sir.**
 13 THE CHAIRMAN: That is all right.
 14 MR BEER: Effectively the design of the tactic, putting
 15 a CSDC canister into a vehicle. Is the intended outcome
 16 for people to stay in the vehicle or to get out? If you
 17 don't know, don't guess.
 18 **A. I am not guessing, sir, but the tactics that I have**
 19 **observed, so it is always to get the doors open, and**
 20 **pull out, extract, so, the occupants of the vehicle. It**
 21 **is a very fluid motion where it happens, so I am not --**
 22 **I suppose I would be guessing, so, is what I am getting**
 23 **at.**
 24 Q. You don't know whether the purpose of putting the
 25 canister in is to incapacitate people within the vehicle

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1 and therefore make them remain there because they are
 2 incapacitated, or to encourage them to get out of the
 3 vehicle?
 4 **A. Well, for me it is to gain compliance, so, as we have**
 5 **just previously discussed. So that has its advantages**
 6 **and disadvantages, for me it is a case of trying to**
 7 **secure the occupants of the vehicle, to bring them out**
 8 **and detain them.**
 9 Q. Had the use of special munitions ever been covered on
 10 a TAC adviser's course or refresher course that you had
 11 been on?
 12 **A. I do recall it being mentioned, but again I can't be**
 13 **sure whether it was an actual input regarding its use.**
 14 **On my TAC adviser's course, it was mentioned as like,**
 15 **again, this bolt on to a tactic, but nothing about**
 16 **like -- no discussions around why we do it or anything**
 17 **like that.**
 18 Q. Right. You were not yourself qualified to use it as
 19 an AFO?
 20 **A. No, certainly not, sir.**
 21 Q. Another potential disadvantage is, would you agree, that
 22 an officer must go forwards to the vehicle and, I think
 23 with one hand, use a window breaker and I think with the
 24 other hand put the canister in?
 25 **A. That's correct, sir.**

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<p>1 Q. Therefore he or she cannot have a gun in either of those 2 two hands?</p> <p>3 A. That's correct, they are committed with trying to break 4 the window plus deploy the canister.</p> <p>5 Q. That officer almost as a pathfinder is going forward in 6 an exposed position towards the subject vehicle where 7 necessarily it is believed that the people are in 8 possession of firearms or are otherwise so dangerous 9 that armed officers are necessary?</p> <p>10 A. Correct, sir.</p> <p>11 Q. That puts that officer at some risk?</p> <p>12 A. Definitely the potential there for some risk, sir.</p> <p>13 Q. That might increase the perception of risk of other 14 officers who are providing cover for him or her?</p> <p>15 A. There is always that potential, yes, because you are 16 wanting to make sure everybody is covered from all 17 angles.</p> <p>18 Q. Yes.</p> <p>19 Again I think you have answered this already, that 20 was not the subject of any explicit discussion before 21 this incident?</p> <p>22 A. No, sir.</p> <p>23 Q. Okay.</p> <p>24 We know that this vehicle, the Audi, had tinted 25 windows on its sides, quite heavily tinted windows down</p> <p style="text-align: center;">Page 149</p>	<p>1 subjects are doing with their hands?</p> <p>2 A. Of course, sir.</p> <p>3 Q. And lastly, would you know this, it has the potential to 4 destroy or degrade any evidence in the vehicle?</p> <p>5 A. Yes, with it being a chemical, and I should imagine it 6 can interact with other surfaces and other compounds and 7 chemicals, degrading certain evidence.</p> <p>8 Q. Do you know whether that kind of process, that we have 9 just gone through now in five minutes or so, of thinking 10 what the pros and cons are of the use of CSDC in a MASTS 11 vehicle-based operation had been undertaken in this 12 operation?</p> <p>13 A. Again, I can only speak from the part that I was 14 involved in, so -- and it certainly was not a discussion 15 at the time of State Amber or Red going in.</p> <p>16 Q. No, so in the 13 hours from 6.00 in the morning until 17 7.00 at night when really Amber started, whilst the 18 officers were sitting at Leigh police station, you don't 19 know whether that discussion had taken place?</p> <p>20 A. No, I wouldn't know if they had had a discussion around 21 that, sir, no.</p> <p>22 Q. No.</p> <p>23 You I think also looked at contingencies; is that 24 right.</p> <p>25 A. That's correct, sir.</p> <p style="text-align: center;">Page 151</p>
<p>1 both sides.</p> <p>2 A. I believe so, yes.</p> <p>3 Q. Did you know that before 7.00ish on the 3rd?</p> <p>4 A. I can't say I did, sir, no.</p> <p>5 Q. Would you agree that that is another issue, if you had 6 known about it, that might be added to a risk matrix, 7 that you are asking an officer to go forwards to the 8 side windows, which is where the window must be broken 9 to put the canister in, when he can't necessarily see 10 what is going on inside, from the side?</p> <p>11 A. Yes.</p> <p>12 Q. It is not an explosive canister, is it, it does not have 13 an explosive discharge to it?</p> <p>14 A. No.</p> <p>15 Q. It deploys as a vapour; is that right?</p> <p>16 A. That's correct, sir.</p> <p>17 Q. But it is not colourless?</p> <p>18 A. Not that I am aware of, no, it has like a white plume to 19 it as I have seen.</p> <p>20 Q. So it impedes visibility in the cabin of the vehicle?</p> <p>21 A. It always will in an enclosed space, sir.</p> <p>22 Q. Which inhibits the ability of firearms officers to see 23 inside?</p> <p>24 A. That's correct, sir.</p> <p>25 Q. They want to be able to see inside to see what the</p> <p style="text-align: center;">Page 150</p>	<p>1 Q. If we look, please, at tab 10 of the bundle, which is 2 your log, at page 622.</p> <p>3 A. 622, sir.</p> <p>4 Q. Thank you. At 622 to 623 you identify five what ifs?</p> <p>5 A. That's correct, sir.</p> <p>6 Q. When you pick this book up at 3.00/3.15, these were 7 again blank pages, Mr Allen had not filled these in?</p> <p>8 A. They were blank pages. That's right, sir.</p> <p>9 Q. A similar question to the one I asked previously, was 10 this an exercise in recording what had previously been 11 discussed and decided between Messrs Granby and Allen or 12 was it fresh decision making by you and Mr Granby?</p> <p>13 A. No, so it was a mixture of the pair, so ...</p> <p>14 Q. Again, can we do the same exercise, if we look at your 15 five, vehicle pursuit, foot pursuit, direct contact, 16 subjects into building, subjects separate and use of 17 specialist resources and compare, keeping a finger in 18 there, with tab 13, page 547.</p> <p>19 A. 547, sir.</p> <p>20 Q. Thank you. We can see that Mr Granby's contingencies, 21 his what ifs, he has four, not five. There are some 22 similarities but I think many differences, aside from 23 the number of them. In particular, the content is 24 different, in particular or more particularly still, you 25 place some limits on the contingencies but I don't think</p> <p style="text-align: center;">Page 152</p>

<p>1 he does, can you see that? For example on foot 2 pursuit -- 3 A. That's right, yes, sir. 4 Q. Whose record of the contingencies represents which 5 contingencies were agreed between the SFC and the TAC 6 commander? 7 A. With regard to the distances involved and such -- 8 Q. No, all of them. 9 A. Sorry. 10 Q. The list of the contingencies, I mean, so for example 11 you have use of specialist resources as your fifth 12 option, the use of India 99, India 66 air support and 13 police dogs. I don't think he has that one at all. 14 A. No, I noticed that. 15 Q. Whose record of which contingencies were agreed between 16 the pair of you carries the day? 17 A. I would suggest it would be mine. 18 Q. Why would you suggest that it was yours? 19 A. Because within that, so I had had a discussion with 20 Mr Granby around what the contingencies were, so, like 21 I say, I had not inspected his book and what he had laid 22 down but I had also noted, so with regards to the use of 23 specialist resources such as air support or dogs. 24 I didn't realise that his log didn't reflect that also. 25 Q. You didn't know that his record was different to yours?</p> <p style="text-align: center;">Page 153</p>	<p>1 room. 2 Q. That was on loudspeaker, was it? 3 A. Yes, that was on loudspeaker, yes, from what I recall. 4 Likewise as well the SIO, Mr Cousen, was in the room and 5 was obviously being given an intelligence feed from 6 somewhere. 7 Q. Were you aware of the tipping points that had been 8 agreed between the SIO, Mr Cousen, and the TFC, 9 Mr Granby? 10 A. I was aware of them, sir. I think they were highlighted 11 on the actual briefing document. 12 Q. On the PowerPoint? 13 A. That's correct, sir. 14 Q. Can we look, please, at tab 3 in the bundle. In the 15 second paragraph, which is your statement of June 2013. 16 You say: 17 "My role in the operation on 3 March 2012 was 18 firearms tactical adviser and my only knowledge of the 19 tipping points was that there was a list of four tipping 20 points on the operational order and in my advisory role 21 it was not necessary for me to know their origins." 22 Yes? 23 A. That's correct, sir. 24 Q. Remembering there that you were saying that you knew 25 that there were four tipping points on the operational</p> <p style="text-align: center;">Page 155</p>
<p>1 A. No, so as I say I never looked at Mr Granby's book 2 during that part. 3 Q. Were you informed at 3.15 or onwards that it had been 4 assessed earlier in the day that the likely targets of 5 any robbery were cash in transit deliveries or banks, 6 building societies or Post Offices in Culcheth, that the 7 last cash in transit delivery was at about lunchtime on 8 3 March and the financial institutions I have just 9 mentioned were all closed by 12.30 on 3 March? 10 A. No, that was something that was not discussed. 11 Q. Were you told that it had been assessed that at 12 lunchtime the subjects were running out of targets to 13 rob? 14 A. Sergeant Allen made some reference to it during our 15 verbal handover, so just prior to me going through to 16 the DSU suite. So that obviously it was going to run 17 for a few more hours, so based on the fact that there 18 were supermarkets, late night convenience stores nearby. 19 We didn't actually discuss the cash in transit times or 20 any of the banks. 21 Q. I think you were co-located with Mr Granby in the 22 command suite; is that right? 23 A. That's correct, sir. 24 Q. Were you kept informed of surveillance updates? 25 A. Yes, sir. There was a radio relaying it within the</p> <p style="text-align: center;">Page 154</p>	<p>1 order. And "the operational order", you are referring 2 to the briefing PowerPoint? 3 A. That's correct, sir. 4 Q. Can we go to that operational order or that PowerPoint, 5 please, tab 14, page 1265. 6 A. 1265, sir. 7 Q. Yes. I think this is what you are talking about, the 8 PowerPoint? 9 A. That's correct, sir. 10 Q. If we go forwards to 1273 -- 11 A. 1273, sir. 12 Q. -- can you see it says: 13 "The current tipping points are 1, 2, 3." 14 A. That's correct, sir. 15 Q. It only lists three tipping points, not four. 16 A. That's correct, sir. 17 Q. Yes? 18 Keeping a finger in there, can you go back a tab to 19 tab 13, and look at page 591. 20 A. 591, sir, yes. 21 Q. Can you see there, there are four tipping points listed? 22 A. There are, sir, yes. 23 Q. Do you think it is this version of the PowerPoint that 24 you looked at? 25 A. That would have been, sir, yes.</p> <p style="text-align: center;">Page 156</p>

<p>1 Q. Okay. 2 If you go back to 583 in that file, same tab, 583. 3 A. I see that, Friday, 2 March. 4 Q. Yes, it looks like you might have been looking at the 5 wrong PowerPoint. 6 A. Okay. 7 Q. Can you see that the page I showed you with the four 8 tipping points is from the Friday, 2 March PowerPoint 9 for the previous operation -- 10 A. That's correct, sir. 11 Q. -- with Mr Lawler and Mr Heywood as the TFC and SFC 12 respectively, which authority had been closed down, 13 a new one had been opened up and a new PowerPoint 14 created with the tipping points having changed, reduced 15 in number and changed in content? 16 A. That's correct, sir. 17 Q. How is it that you were looking at the wrong PowerPoint? 18 A. I am not too sure, sir. I was given a PowerPoint, so -- 19 and I have started looking through the information, 20 I have not looked at that frontispiece. Whether there 21 has been a mix up in the way they have stapled them up, 22 I am not too sure, sir, I certainly didn't print it off 23 myself, so ... 24 Q. Do you remember who gave it to you? 25 A. In fairness, sir, I can -- all I can recall is it being</p> <p style="text-align: center;">Page 157</p>	<p>1 when the subjects first entered the stolen Audi at about 2 6.30, way back when they were in Boothtown. 3 A. I understand, sir. 4 Q. When it came over the radio from surveillance that two 5 of the subjects had been observed entering the Audi in 6 Boothtown, what discussion was there if any about making 7 an arrest then? 8 A. There wasn't, sir. 9 Q. Why was that? 10 A. I am presuming that the TFC and the SIO wanted to see 11 exactly where they were going first, so ... 12 Q. Was there talk about that? 13 A. There could have been, sir. I can't remember the 14 precise details because as I say the SIO was sat in the 15 room, as was the TFC, so there was chatter going on 16 between them because the operation is now live, if you 17 like, it is starting to move. 18 Q. Yes. 19 Can you remember any talk, chatter, along the lines 20 of, "Let's let this run and see where they go"? 21 A. I can't be precise as to the wording used, but yes that 22 would have been the case from either or of them. So -- 23 but I can't be any more specific than that, sir. 24 Q. Were you aware that the plan of the previous day, the 25 previous day's authority, was to try and prevent the</p> <p style="text-align: center;">Page 159</p>
<p>1 on the desk when I got into the actual surveillance 2 suite. 3 Q. Right. 4 A. So I don't know whether Sergeant Allen said, "There is 5 a briefing PowerPoint" or whether it was Mr Granby or it 6 was just there and I familiarised myself with it at that 7 point, so ... 8 Q. Okay, using then the one at 591 as the one you were 9 looking at, because it has four tipping points on it, 10 591. 11 A. 591, sir. 12 Q. Which of these tipping points had been reached when 13 Mr Cousen and Mr Granby agreed at about 7.03 that the 14 tipping points had been met? 15 A. Point 1 was. 16 Q. Yes. 17 A. Point 2 was. 18 Point 3 was. 19 And point 4. 20 Q. That is right when they were in Culcheth, yes -- 21 certainly point 4 was met when they were in Culcheth? 22 A. Yes. 23 Q. I don't know about 2 and 3, it depends on the 24 intelligence to which reference is being made. 25 But point 1, that tipping point had been reached</p> <p style="text-align: center;">Page 158</p>	<p>1 subjects, if they tried to drive from Boothtown to 2 Culcheth, to prevent them from getting there? 3 A. Only from what I have read in the transcripts 4 previously. I was not aware of anything. 5 Q. Was there any equivalent plan on this occasion? 6 A. Not that I am aware of, sir. Certainly nothing agreed 7 by me. 8 Q. Was the plan the converse of that, "Let's let them get 9 into Culcheth and see what they do"? 10 A. Yes. That would be a fair assumption, sir. 11 Q. Did you, from when the time that the subjects were 12 mobile, from about 6.30, give any further advice right 13 up until the point that the fatal shot was fired? 14 A. With regards to obviously where our resources were at 15 Leigh police station, so obviously it was down to the 16 TFC with regards to whether he still wanted to use it as 17 a MASTS deployment, whether he wanted to use the ARV 18 resources that were held over at Risley, but he was 19 willing to continue with it as a MASTS deployment. 20 Q. Tell us about that, then. That sounds like there was 21 a discussion after the subjects became mobile; is that 22 right? 23 A. That's correct, sir. 24 Q. About whether to use the Risley ARVs as a disruption 25 tactic --</p> <p style="text-align: center;">Page 160</p>

<p>1 A. That's correct, sir.</p> <p>2 Q. -- or to make a MASTS strike --</p> <p>3 A. Sir.</p> <p>4 Q. -- is that right?</p> <p>5 A. That's correct.</p> <p>6 Q. Who was that discussion between, you and Mr Granby?</p> <p>7 A. That's correct, sir, yes.</p> <p>8 Q. Who initiated it?</p> <p>9 A. So I am not too sure. I would have thought it would be</p> <p>10 Mr Granby, to be quite honest with you.</p> <p>11 Q. Can you remember in broad terms what he was asking you</p> <p>12 or discussing with you?</p> <p>13 A. Other than what -- the subjects are on the move at that</p> <p>14 point and whether the MASTS tactic was still valid, so</p> <p>15 for what we were trying to achieve.</p> <p>16 Q. Do you know what prompted the discussion of whether the</p> <p>17 MASTS tactic was still valid?</p> <p>18 A. No, I think it was just around the subjects are on the</p> <p>19 move and a general review of the information, so -- and</p> <p>20 the threat assessment, powers, policy, et cetera, sir.</p> <p>21 Q. If you look in your book, please, which is tab 10, at</p> <p>22 page 626.</p> <p>23 A. I have that, sir, 626.</p> <p>24 Q. If you look at the entry, 5.45, second in, "Subject</p> <p>25 vehicle on move", that is not the stolen Audi, yes?</p> <p style="text-align: center;">Page 161</p>	<p>1 Q. I don't think in your eight witness statements there is</p> <p>2 a mention of it, is there?</p> <p>3 A. Not that I am aware of, without going through them in</p> <p>4 fine detail again, sir.</p> <p>5 Q. No. I may have missed it but I don't remember what you</p> <p>6 have just told us now that there was a pause for</p> <p>7 thought, a reconsideration of the continuing validity of</p> <p>8 the MASTS tactic in any of your previous witness</p> <p>9 statements. Why is that? That it is not in your book</p> <p>10 and it is not in your witness statements?</p> <p>11 A. I am not too sure, sir, to be honest with you.</p> <p>12 Q. Do you have a clear memory of talking to him about it?</p> <p>13 A. Yes, there are certainly things within any given</p> <p>14 situation which -- I don't know, so sometimes you</p> <p>15 remember it later on, so and I do remember</p> <p>16 a conversation around that.</p> <p>17 Q. What was the outcome of the discussion?</p> <p>18 A. That we would continue, so with the surveillance</p> <p>19 resources that we had to see where they were going to.</p> <p>20 Q. At this time, you have noted at 6.30:</p> <p>21 "Confirm red Audi has now moved, three occupants on</p> <p>22 board."</p> <p>23 Was it known who the occupants were?</p> <p>24 A. I am absolutely certain it was the three subjects, so --</p> <p>25 that were involved in what we were doing, the operation.</p> <p style="text-align: center;">Page 163</p>
<p>1 A. That's correct, sir.</p> <p>2 Q. Then at 6.00 the four teams are ready to go and on</p> <p>3 standby at Leigh police station.</p> <p>4 A. That's correct, sir.</p> <p>5 Q. I think the next entry is 6.15, which is slightly</p> <p>6 obscured:</p> <p>7 "Subject vehicle making towards Boothtown and second</p> <p>8 subject vehicle, namely red Audi, MASTS team aware of</p> <p>9 vehicle movements."</p> <p>10 Then 6.30:</p> <p>11 "Confirm red Audi has now moved, three occupants on</p> <p>12 board, heading direction of Culcheth."</p> <p>13 Yes?</p> <p>14 A. That's correct, sir.</p> <p>15 Q. The next entry I think is 19.03:</p> <p>16 "Superintendent Granby and Inspector Cousen in</p> <p>17 agreement that tipping points have been met and alpha 1</p> <p>18 informed via mobile that requirement to go to State</p> <p>19 Amber is now met."</p> <p>20 Yes?</p> <p>21 A. That's correct, sir.</p> <p>22 Q. There isn't any record in here of you discussing with</p> <p>23 Superintendent Granby the continuing validity of the</p> <p>24 MASTS tactic, is there?</p> <p>25 A. I have to concede that, sir.</p> <p style="text-align: center;">Page 162</p>	<p>1 Q. By "the three subjects", are you referring to the three</p> <p>2 people whose pictures we see on the PowerPoint?</p> <p>3 A. That's correct, sir.</p> <p>4 Q. David Totton, Anthony Grainger and Robert Rimmer?</p> <p>5 A. That's correct, sir.</p> <p>6 Q. Why are you absolutely certain that it was known that it</p> <p>7 was those three?</p> <p>8 A. I think from the surveillance, so that had been ongoing</p> <p>9 throughout the day, so that there had been some form of</p> <p>10 update with regard to that.</p> <p>11 Q. You may be misremembering this, or it may be that the</p> <p>12 information that you were receiving was wrong. There is</p> <p>13 certainly surveillance records that it was communicated</p> <p>14 that Anthony Grainger and David Totton were seen in the</p> <p>15 vehicle, but the third occupant was unknown.</p> <p>16 A. Okay, sir.</p> <p>17 Q. In fact it turn out not to be Robert Rimmer, it was</p> <p>18 somebody called Joseph Travers who was in the rear seat</p> <p>19 of the vehicle. You remember being told that it was the</p> <p>20 three subjects, ie the three people identified on the</p> <p>21 PowerPoint presentation?</p> <p>22 A. In fairness, when I have been listening to obviously the</p> <p>23 radio traffic et cetera, maybe I have made an assumption</p> <p>24 that it is the three. So certainly I remember the</p> <p>25 subjects being identified as Grainger and Totton,</p> <p style="text-align: center;">Page 164</p>

<p>1 I probably assumed that it was Mr Rimmer.</p> <p>2 In between the vehicle being mobile at 6.30, and in</p> <p>3 fact a bit before then, when the VW containing a subject</p> <p>4 or subjects had started to make towards the red Audi,</p> <p>5 ie a drop off and pick up the stolen car. Was there any</p> <p>6 discussion about where the vehicle would be stopped?</p> <p>7 Where the red Audi would be stopped?</p> <p>8 A. There wasn't at that point, no, sir.</p> <p>9 Q. At any point, was there a discussion about where the</p> <p>10 vehicle would be stopped?</p> <p>11 A. Not while it was mobile down to Culcheth, no, sir.</p> <p>12 Q. Was your common understanding, the three of you, that it</p> <p>13 was going to be allowed to get to Culcheth?</p> <p>14 A. At that point, for myself, yes.</p> <p>15 Q. Do you know why that was, why the intention was to allow</p> <p>16 it to get into Culcheth?</p> <p>17 A. No, in fairness I think that was something that was set</p> <p>18 by Mr Cousen and Mr Granby, so ...</p> <p>19 Q. When it arrived in Culcheth it went, after a little</p> <p>20 fashion, to a car park and parked up?</p> <p>21 A. That's correct, sir.</p> <p>22 Q. Can you remember whether you received any updates as to</p> <p>23 the identity of those that were in the vehicle?</p> <p>24 A. From any transmissions around there, no, I can't clearly</p> <p>25 remember, sir.</p> <p style="text-align: center;">Page 165</p>	<p>1 officers were laid up at Leigh police station?</p> <p>2 A. Not that I was aware of, sir, but I would have</p> <p>3 thought -- and again it is an assumption by myself which</p> <p>4 I have to concede -- that they would have done that</p> <p>5 while they were at the unit, just before they deployed</p> <p>6 out to Leigh.</p> <p>7 Q. You would have thought they would have done it at</p> <p>8 Openshaw?</p> <p>9 A. That is because that is what I have observed before, so</p> <p>10 when I have been coming on to shift they have sometimes</p> <p>11 been practising and rehearsing a strike, so pattern.</p> <p>12 Q. Was it usual for officers in a pre-planned operation</p> <p>13 like this, if time allowed for it, to rehearse the</p> <p>14 tactic that they were proposing to use?</p> <p>15 A. Yes, from my recollection as well, during training, it</p> <p>16 was always considered good practice to do that kind of</p> <p>17 thing. So if the opportunity was afforded and I saw</p> <p>18 them on a number of occasions, so as I say when I was</p> <p>19 coming in and going out from work, when they might be on</p> <p>20 MASTS, and they were doing those kind of rehearsals.</p> <p>21 Q. In relation to a static vehicle, what might that consist</p> <p>22 of?</p> <p>23 A. They may park it up in different positions --</p> <p>24 Q. Yes.</p> <p>25 A. -- so you might be going head on to it, you might be</p> <p style="text-align: center;">Page 167</p>
<p>1 Q. Can you remember there came a time when surveillance</p> <p>2 lost, for a significant period of time, 15 minutes or</p> <p>3 so, I think, eyes on on the vehicle?</p> <p>4 A. I remember something along them lines, sir, but</p> <p>5 I certainly can't remember it with any clarity.</p> <p>6 Q. Can you remember a surveillance officer being called</p> <p>7 into the car park to try and identify -- ie told to go</p> <p>8 on to the car park to identify whether the subjects were</p> <p>9 still in the vehicle and, if so, who they were?</p> <p>10 A. I remember there being some chatter around that so --</p> <p>11 but at the same time I can't remember it with any kind</p> <p>12 of clarity.</p> <p>13 Q. When State Red was called -- which on your record is at</p> <p>14 7.12, yes?</p> <p>15 A. Yes, sir.</p> <p>16 Q. Was it known, to the best of your knowledge, who was in</p> <p>17 the vehicle?</p> <p>18 A. Based on the information that had been received earlier</p> <p>19 from the surveillance operatives, then yes.</p> <p>20 Q. Who was it you thought was in the vehicle?</p> <p>21 A. Certainly Mr Grainger, Mr Totton. I had made the</p> <p>22 assumption, rightly or wrongly, that Mr Rimmer was also</p> <p>23 in that vehicle.</p> <p>24 Q. Had there been any rehearsal of the proposed tactics to</p> <p>25 be used, to take decisive action, whilst the TFU</p> <p style="text-align: center;">Page 166</p>	<p>1 going side on to it and they will run through two, three</p> <p>2 scenarios regarding that dependent on the time that is</p> <p>3 available to them, sir.</p> <p>4 Q. If they were doing sort of a head on to it, by that do</p> <p>5 you mean coming in front so that the driver's side of</p> <p>6 alpha vehicle abuts on to the nose of the subject</p> <p>7 vehicle?</p> <p>8 A. That is it, sir.</p> <p>9 Q. Would they then walk through or run through who goes</p> <p>10 where, who gets out of which door, who stays in the</p> <p>11 vehicle, who covers whom?</p> <p>12 A. The rehearsals that I have seen, sir, certainly they are</p> <p>13 always done slow time and very methodically and they</p> <p>14 would debrief it afterwards, so -- which was always good</p> <p>15 from an observer's point of view, because you got</p> <p>16 an idea of what they were thinking.</p> <p>17 As I say, I was not operationally trained in MASTS</p> <p>18 that way.</p> <p>19 Q. No. They would walk it through, so do it slow time</p> <p>20 rather than running everywhere?</p> <p>21 A. That's it, yes.</p> <p>22 Q. And they would talk about what went right and what went</p> <p>23 wrong in the debriefing afterwards?</p> <p>24 A. That's correct, sir.</p> <p>25 Q. What kind of things, if you can give us an example,</p> <p style="text-align: center;">Page 168</p>

<p>1 would it be, "You are going to be the front seat 2 passenger, you have to get out of the vehicle, walk 3 round the front or run round the front of our vehicle 4 and try and get the driver out", yes? 5 A. That kind of thing, sir, yes. 6 Q. "You are in the rear seat, you are going to have to come 7 round the back of the vehicle, be aware there might be 8 a tree there, you are going to have to negotiate the 9 tree or the bush, and go to the rear seat." 10 A. That is it, yes. There are many parameters that can be 11 changed because of street furniture, things like that 12 that might get in the way or other obstacles. But 13 I think that the way that they walk through it slow time 14 was obviously that if they do encounter that, then there 15 is a way of working their way round it and making sure 16 everybody knows what they have got to do if your 17 objective has suddenly been taken up by somebody else 18 and look for work elsewhere to support your colleagues. 19 Q. Is it part of the TAC adviser's role to assist in the 20 development of those kind of tactics that we are talking 21 about? 22 A. I think it would be good practice to. 23 Q. To pick an example, I am going to use this one, we know 24 that in this case the subject vehicle was parked up for 25 a reasonable period of time in the same position and</p> <p style="text-align: center;">Page 169</p>	<p>1 get into the detail of which operational tactic to use? 2 A. No. 3 Q. Who is in charge of deciding that, is that the 4 operational firearms commander? 5 A. That's correct. 6 Q. In operations you have been involved in in the past, as 7 well as a rehearsal, has there been a briefing by the 8 OFC about who is going to do what? 9 A. I mean the briefing side element and who is doing what 10 will normally occur in the briefing itself, so they go 11 through the list as it is presented and everybody knows 12 what their role is. Whether the OFC does a side 13 briefing, so when they have done a rehearsal or not, 14 I have not personally observed one. But at the same 15 time it is pretty much a group discussion after they 16 have done a rehearsal, in terms of what they thought 17 went well and what they didn't because somebody else may 18 have spotted something the OFC hasn't. 19 Q. In the course of the day from 3.00 until 7.12, were you 20 provided by the SIO, DI Cousen, any sensitive 21 intelligence? 22 A. Not that I recall, sir. 23 Q. What was the reaction in the command suite when it was 24 broadcast that shots had been fired? 25 A. I can only speak for myself, it is your worst scenario.</p> <p style="text-align: center;">Page 171</p>
<p>1 backed into the end parking space in a car park. On one 2 side there was a hedge, another side there was a fence 3 and another side there was a car, so it was surrounded 4 on three sides. 5 A. Yes, sir. 6 Q. The alpha vehicle drove in and went broadside to it, so 7 it was broadside to the nose of the Audi. One point 8 that might occur is, that puts the driver of the alpha 9 vehicle at risk -- 10 A. Certainly, sir. 11 Q. -- because he is, if the subjects have guns and wish to 12 discharge them, he is almost a sitting duck? 13 A. It is a clear sight, yes. 14 Q. Their windscreen is looking directly at him, he is 15 sitting in front of them? 16 A. That's correct. 17 Q. Is that kind of thing the subject matter of discussion 18 with the TAC adviser? 19 A. In fairness, sir, no. So not -- 20 Q. Is that more their -- 21 A. It is more theirs, yes. The team on the ground, so 22 going through it in slow time, so to make sure or try 23 and minimise the amount of mistakes or if you like areas 24 of error that could occur. 25 Q. That is not really the function of the TAC adviser to</p> <p style="text-align: center;">Page 170</p>	<p>1 So (1), you are unsure of whether it is one of the 2 subjects that has been hurt, a member of the public or 3 indeed one of the officers deployed and you are waiting 4 for that update, which seems to take an age to come 5 through. So although I am positive it came through 6 very, very quickly -- 7 Q. We know on your log -- I'm sorry, I spoke over you. 8 A. Sorry, sir. It just seems to hang in mid air, it is 9 rather a surreal moment when it hits. 10 Q. In your log you have recorded Red being called at 7.12 11 and shots fired at 7.12, and alpha 1 informed you that 12 shots had been fired and there is a casualty in the 13 subject vehicle. I think three minutes later you knew 14 that the casualty was in the subject vehicle, not 15 a police officer. 16 Again, what was the reaction amongst the others in 17 the room, including Mr Cousen and Mr Granby? 18 A. In fairness, I mean I can only describe it as I saw it, 19 so it was just everybody seemed totally deflated, you 20 don't go into these things hoping anybody is going to 21 get injured, so subjects or police officers alike, or 22 the general public. 23 There is an air of, "Right, this is happening, we 24 have got to deal with it and likewise what do the team 25 on the ground need from us?"</p> <p style="text-align: center;">Page 172</p>

<p>1 And that is when we start saying I think it was X7 2 stated that he needed an ambulance as soon as possible. 3 Q. I am not going to take you through the events of the 4 emergency response. Did you take part in the PIM or PIP 5 process later that day? 6 A. I was part of it, yes, so ... 7 Q. Where did you go and when? 8 A. For a short while, in the immediate -- after the 9 incident, so I remained actually at the Firearms Unit 10 having come out of the command suite. 11 Q. Yes. 12 A. I was held in a separate room, the sergeants' office, 13 and then we were conveyed over to Claytonbrook. 14 Q. Who were you held in the separate room with? 15 A. At one point Mr Granby was in there, but then he went 16 out to another room. I think other senior officers had 17 arrived and obviously were concerned that he needed to 18 be separate from myself as well. 19 Q. You went to Claytonbrook, before going to Claytonbrook 20 were you given what is known in the trade I think as 21 a no conferring warning or not? 22 A. No, nothing was said, so ... 23 Q. When you reached Claytonbrook, what happened there? 24 A. Again, we were taken up to the firearms training unit, 25 into the office in there, from what I recall. And</p> <p style="text-align: center;">Page 173</p>	<p>1 certain aspects of it at that early stage. That was my 2 own personal opinion. 3 Q. I think subsequently your authority to advise as a TAC 4 adviser was effectively suspended? 5 A. And rightly so, while an inquiry was conducted. 6 Q. Your log, your joint log with Mr Allen, was reviewed by 7 Inspector Marcus Williams? 8 A. That's correct, sir. 9 Q. He provided you with some feedback on it; is that right? 10 A. That's right, sir. 11 Q. Taking it shortly, we have his report, did you accept 12 the feedback that he gave? 13 A. Certainly, I respect Inspector Williams's decisions and 14 his views on things and I think in fairness the points 15 he raised were valid. 16 Q. In an email that he sent to Chief Inspector Lawler, I am 17 not going to turn it up now, he said they, that is you 18 and Mr Allen, told him that you had never been shown how 19 to complete a log or had the required level of detail 20 explained to you. Is that correct? 21 A. In terms of never been shown a log, there are various 22 examples depending on who you are mentored by and who 23 you shadow on certain jobs, everybody has their own 24 style of completing logs. I don't recall from the TAC 25 adviser's course that I attended being shown any</p> <p style="text-align: center;">Page 175</p>
<p>1 again, there was just a lot of waiting around, 2 federation officials were arriving, as were welfare 3 people. A number of things that were ongoing from other 4 inspectors who had arrived as well and were managing 5 that PIP process. 6 Q. Were the AFOs brought there too? 7 A. I believe they were brought back to the unit, that's 8 right. So I don't know whether they actually came over 9 to the firearms training unit, I wasn't too sure where 10 they were at, other than that they had come back in. 11 Q. Did they ever come into contact with you? 12 A. No, certainly not. 13 Q. When you reached Claytonbrook was a no conferring 14 warning given? 15 A. Not that I recall, sir. 16 Q. Can you remember discussing what had happened with 17 Mr Granby? 18 A. No, in fairness, like I say, I mean there was -- it was 19 a very surreal moment immediately afterwards and, 20 likewise, I was deep within my own thoughts to be quite 21 honest with you. I didn't really want to discuss it 22 with Mr Granby or anybody else at that stage. 23 I realised the importance of obviously the no 24 conferring rule, although nobody had mentioned it then 25 I thought it wouldn't be right to start chatting about</p> <p style="text-align: center;">Page 174</p>	<p>1 specific way that a log should be completed. 2 I mean in fairness, looking back, when you look 3 through the green book, then there is quite a lot of 4 aide-memoires about what should be done where and all 5 that kind of thing. 6 Q. Are you saying then that you think you might not need be 7 told how to fill in the log, because the log itself 8 tells you how to fill it in? 9 A. I wouldn't say itself tells you, so you have to have 10 some knowledge behind it but I think there is not enough 11 emphasis made on the detail required, particularly when 12 we get the unfortunate circumstances that we have got 13 now. 14 Q. Just one last question then, please. 15 A. Certainly, sir. 16 Q. If you take out bundle X, please and look at page 42, 17 please. 18 A. Page 42, sir. 19 Q. At the top there, this is an email from Marcus Williams 20 to Chief Inspector Lawler, we can see that from the 21 bottom of page 41. Marcus Williams is saying: 22 "Sir, their [that is yours and Mr Allen's] TAC 23 diaries have been reviewed by [blank] and [blank] and 24 myself as part of the annual review, and on this basis 25 I will be signing them up as planned ARV advisers, they</p> <p style="text-align: center;">Page 176</p>

<p>1 will not be authorised to deliver advice on the advanced 2 tactics in the light of the recent events in this area." 3 Did that represent in fact what happened? 4 A. That's correct, sir. 5 Q. "I would have liked to have individually given them 6 an input on completing policy logs, but there hasn't 7 been the time and this is going to be covered in the 8 next round of command training in line with the most 9 recent updates Mr Lawler has from the NPIA." 10 Then Mr Williams says this: 11 "I am satisfied that a number of the flaws in their 12 logs were due to a lack of knowledge in the MASTS in 13 tactic, and hence they were unable to formulate 14 rationales for decisions as they didn't know what 15 alternatives there were." 16 Do you agree with that criticism? 17 A. I have to, sir, yes, that's correct. 18 MR BEER: Thank you very much. 19 Sir, those are the questions I ask. 20 MR THOMAS: Sir, I have between five and ten minutes. 21 Questions from MR THOMAS 22 MR THOMAS: Y19, I represent Mr Grainger's family. 23 A. I understand, sir. 24 Q. I do not have many questions for you, because Mr Beer 25 has dealt with a lot of the questions I want to ask you</p> <p style="text-align: center;">Page 177</p>	<p>1 vehicle. Correct? 2 A. Correct, sir. 3 Q. I appreciate that you say, well, this was a tactic that 4 had been in place before you came on the job. You were 5 effectively reviewing it? 6 A. That's correct, sir. 7 Q. Wouldn't you agree with this. It was your duty as a TAC 8 adviser to advise on the appropriateness or otherwise of 9 that option, bearing in mind the fundamental duty that 10 all the tactical advice you give needs to minimise the 11 risk of life to the greatest possible extent. Is that 12 an unfair comment or a fair comment. 13 A. I don't think it is an unfair comment, sir, no. 14 Q. No, it is not an unfair comment, is it? 15 A. No, certainly not. 16 Q. Can you just help the chairman then, bearing in mind 17 that you told us about, well, if you think about, if you 18 just stop and think, if a CS gas canister is lobbed into 19 an enclosed space, you are going to have -- and these 20 are your words, your words, "People are going to want to 21 self preservation, they are going to be -- they are 22 going to make involuntary movements". That is all 23 obvious, isn't it? 24 A. Yes, sir. 25 Q. Yes.</p> <p style="text-align: center;">Page 179</p>
<p>1 but just one or two things I want some clarity on if 2 I may. 3 A. Certainly, sir. 4 Q. You would agree with this, would you not, that you were 5 performing the role as a TAC adviser, yes? 6 A. Sir. 7 Q. As a TAC adviser, one of the things that you have to 8 have in mind is the tactical advice that you give should 9 minimise the risk to life to the greatest possible 10 extent. Would you agree? 11 A. I would agree, sir. 12 Q. Whenever you give your tactical advice, you would bear 13 that fundamental principle in mind? 14 A. That would be a fair assumption, sir. 15 Q. Can I come on then to -- I am not going to turn the 16 documents up, because Mr Beer has taken you to them -- 17 some of the decisions and documents that were made when 18 you were performing this role on the 3rd? 19 A. Yes, sir. 20 Q. Firstly, in relation to the use of the special 21 munitions, and particularly the CS gas canister that 22 went into the vehicle. You said quite candidly to the 23 chairman, when you were asked by Mr Beer, that you 24 didn't know what the purpose was, whether it was to make 25 the subjects remain in the vehicle or get out of the</p> <p style="text-align: center;">Page 178</p>	<p>1 If you have firearms officers pointing, wishing to 2 gain control and have compliant subjects, saying, "Don't 3 move", and you know as a TAC adviser that sudden 4 movements, some unexpected movements means that the 5 individual, the subject, runs the risk of being shot, 6 help us, why didn't you point out, with your duty in 7 mind, that this is an unacceptable risk? Help us. 8 A. I mean, certainly, it is a point you are right to make, 9 sir. But at the same time, so the officers on the 10 ground carrying out the operation have to make that 11 assessment. 12 Q. I appreciate that, but I am not talking about -- I will 13 come to them. But I am talking about your duty, because 14 you cannot delegate your duty, can you? Your duty is as 15 TAC adviser. I am limiting this purely to tactical 16 advice. Whether your advice is accepted or not is 17 another issue, I get that -- 18 A. I understand, sir. 19 Q. -- but the point is you didn't give the advice, having 20 recognised the risks. Why? 21 A. Because, as I say, sir, as far as I am concerned, at 22 that point, so the operations team are making those 23 assessments on the ground. 24 THE CHAIRMAN: Mr Thomas, just so I understand the point you 25 are making. It rather sounds though what you are</p> <p style="text-align: center;">Page 180</p>

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<p>1 suggesting is that the advice should always be given not 2 to use CS -- 3 MR THOMAS: No, sorry, sir. The -- 4 THE CHAIRMAN: -- in a vehicle. 5 MR THOMAS: The advice is, firstly it is the risk, there is 6 this risk and this officer -- 7 THE CHAIRMAN: You put it to him that the risk was 8 unacceptable I think, that would apply in all 9 circumstances, wouldn't it, where subjects were in 10 a vehicle? From what you are saying and what you are 11 putting. 12 MR THOMAS: Well, it may well be. But let me see if I can 13 separate them out, because one is a comment on the 14 tactic and one is the advice. 15 THE CHAIRMAN: Yes. 16 MR THOMAS: Let me separate it out in this way. 17 Today, you have clearly identified the potential 18 risk, involuntary movement, self preservation, people 19 want to move and they have firearms pointed at them. 20 A. Sir. 21 Q. You can see the risk, that there is a potential that, 22 because of the tactic that is being deployed and the 23 contradiction, you want them to be compliant but 24 involuntary, they may not be able to comply because of 25 the tactic adopted. There is a risk there, you can see</p> <p style="text-align: center;">Page 181</p>	<p>1 A. No, not at all. But the thing is, there is 2 an assumption that they are also aware of those risks, 3 if you like, so -- because they have been involved in 4 MASTS operations before. 5 Q. Final question. 6 A. I understand, sir. 7 Q. Final question. 8 Bearing in mind your duties, you accept you didn't 9 give this advice. You accept you didn't give this 10 advice, correct? 11 A. Accepted, sir. 12 Q. You failed in your duty then, didn't you? 13 A. In your eyes I may have done. Personally I don't think 14 I did. 15 MR THOMAS: Sir, that is all I ask. 16 MR WEATHERBY: I will be quick. 17 THE CHAIRMAN: Thank you, Mr Weatherby. 18 Questions from MR WEATHERBY 19 MR WEATHERBY: Mr Beer asked you a series of questions about 20 tipping points -- 21 A. That's right, sir. 22 Q. -- and then moved on to -- sorry, I represent 23 Gail Hadfield-Grainger, Mr Grainger's partner. 24 A. I understand, sir. 25 Q. Mr Beer asked you questions about tipping points and</p> <p style="text-align: center;">Page 183</p>
<p>1 the contribution in the tactic? 2 My question is, so I am just taking a step back. 3 I am not going to pass judgment, I will leave others to 4 pass judgment on it. My question is, having identified 5 that risk, why did you not advise: 6 "It is a matter for you [the commander], it is going 7 to be a matter for the lads on the ground, but there is 8 this risk and I am discharging my duty for identifying 9 that if you use this tactic, this is the risk and I've 10 got to do it because I am advising you bearing in mind 11 my duty is to minimise the risk of life to the greatest 12 possible extent." 13 Can you help us why having identified this risk, you 14 didn't give advice on it? 15 A. My own thoughts around that, so, are that, likewise the 16 TFC is an experienced TFC and will also recognise the 17 fact that a CS canister used in that way could have that 18 possible effect. So you are quite right that I haven't 19 actually pointed that out to him, at that stage, but at 20 the same time, so, as I say, I am dealing with people 21 who are experienced in the actual canisters and the use 22 and what those benefits it brings and also some of the 23 cons to it all. 24 Q. Mr 19, are you saying then, "That because these are 25 experienced people, I didn't need to give this advice"?</p> <p style="text-align: center;">Page 182</p>	<p>1 then you related a discussion which you had with 2 Mr Granby about whether MASTS was still an appropriate 3 tactic. Mr Beer put to you that this is not something 4 you had recorded first of all in the log, yes? 5 A. That's right, sir. 6 Q. And, secondly, in any of your other statements? 7 A. I concede that, yes, sir. 8 Q. I think you couldn't account for why you hadn't done 9 that? 10 A. That's correct, sir. 11 Q. Can I just ask you to look at tab 3, please. 12 A. Sorry, from my bundle, yes? 13 Q. From your bundle, yes. Which is your statement from 14 June 2013. 15 A. Sorry, that is tab 3, sir, yes? 16 Q. Yes. 17 A. Tab 3, sir. 18 Q. Yes, tab 3. 19 A. Which part? 20 Q. It is a short statement, yes? 21 A. That's correct. 22 Q. It is quite difficult to read. Mr Beer took you to the 23 first part of it regarding the four tipping points. 24 Yes? 25 A. That's correct, sir.</p> <p style="text-align: center;">Page 184</p>

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<p>1 Q. It is difficult to read, but if you read on from there, 2 it talks about: 3 "The discussion around the tipping points being 4 reached is recorded in my log. I cannot recall the flow 5 of the conversation, but it is correct to say that 6 DI Cousen, J18 and myself agreed that the tipping points 7 had been reached. J18 moved to Amber." 8 Then: 9 "With regard to any plan B for the operation, this 10 would have had to have been a dynamic assessment, as the 11 tipping points for the operational plan had been reached 12 there was no need at that time for consideration of 13 other options, as the tactic to effect arrests once the 14 tipping points were reached had already been agreed." 15 Yes? 16 A. That's correct, sir. 17 Q. That is the extent of that statement. 18 If there had been any discussion with Mr Granby 19 about MASTS being appropriate, you would have included 20 it in 2013 in that statement, wouldn't you? 21 A. I don't -- I don't get what you are going at there, sir. 22 Q. This is where you are addressing that point of the train 23 of events, where you have told us today that you 24 discussed whether MASTS remained appropriate with 25 Mr Granby. There is no mention of it at all here, where</p> <p style="text-align: center;">Page 185</p>	<p>1 set in motion to ensure that no material that might 2 assist the Inquiry is left undisclosed, and indeed to 3 ensure its production as quickly as possible. 4 That process I understand is continuing to result in 5 the disclosure of documentary material, and is clearly 6 therefore not complete. 7 I assume that those letters came in response to my 8 request for an explanation, which I gave in open 9 session, I think either last week or the week before. 10 My provisional view, subject to any views that GMP 11 may have, is that in those circumstances it would be 12 appropriate for the letters to be uploaded to the 13 website. I don't direct that, I think that is something 14 you may want to discuss with counsel to the Inquiry and 15 perhaps your other colleagues at the Bar before any 16 decision has to be taken. That is my provisional view 17 at this stage. 18 Thank you very much. 19 Mr Weatherby, I have also received a letter dated 20 20 March from those who instruct you. 21 MR WEATHERBY: Yes. 22 THE CHAIRMAN: As I have already I think made clear, on at 23 least one previous occasion, it is highly likely that 24 I will in due course require those responsible for 25 disclosing relevant material to confirm formally that</p> <p style="text-align: center;">Page 187</p>
<p>1 you are specifically addressing that part of the day, 2 the discussions with Mr Granby, yes? 3 If that had happened, you would have remembered that 4 in 2013, wouldn't you? You remember it today, you would 5 have remembered it in -- 6 A. I take it this is the statement that was done by the 7 IPCC? 8 Q. Yes. 9 A. Well they never asked me about any of that bit, so ... 10 MR WEATHERBY: I am not going to pursue it any further. 11 THE CHAIRMAN: Ms Barton? 12 MS BARTON: No, thank you, sir. 13 THE CHAIRMAN: Mr Davies. 14 MR DAVIES: Nor me, sir, thank you. 15 THE CHAIRMAN: That is the end of your evidence, Y19, you 16 are now free to go. 17 A. Thank you, sir. 18 Housekeeping 19 THE CHAIRMAN: We will rise but before doing so, Ms Whyte, 20 may I briefly address you. Just really to record the 21 fact that I have received the two letters from your 22 client dated 15 March. I note the explanation that 23 those letters have provided for the late disclosure of 24 certain materials that has unfortunately taken place. 25 I further note the process that your clients have</p> <p style="text-align: center;">Page 186</p>	<p>1 they have fully complied with those obligations. In 2 view of the fact that material is continuing to come to 3 light at this stage, and the process I have just 4 referred to is plainly incomplete, I take the view that 5 to take such a step at this stage would be premature. 6 MR WEATHERBY: Yes. 7 THE CHAIRMAN: I should add that I have been informed that, 8 in any event, you are likely to receive further material 9 after the conclusion of today's proceedings. 10 That is all I wanted to say at this stage. My 11 purpose really in raising it is simply to say this, that 12 unless either of you require me to do so, I do not 13 propose to provide any formal written response to any of 14 the letters to which I have referred, trusting that the 15 reference I have made now in open session will be 16 sufficient for the purpose of acknowledging those 17 letters. 18 I make it clear I intend no discourtesy to either of 19 you in adopting that approach and I hope that meets with 20 your approval. 21 MR WEATHERBY: Can I thank you for doing so. That is 22 extremely helpful. 23 The concern that we have is that this is an ongoing 24 problem, obviously what is most important is that that 25 is solved.</p> <p style="text-align: center;">Page 188</p>

1 THE CHAIRMAN: I understand that, yes.
 2 MR WEATHERBY: We are just keen that the process that is
 3 being put in place is subject to some supervision and --
 4 THE CHAIRMAN: Yes, well -- sorry I didn't mean to
 5 interrupt.
 6 MR WEATHERBY: We note, if I may, the sterling efforts being
 7 made by your team in this regard.
 8 THE CHAIRMAN: Exactly.
 9 MR WEATHERBY: That is really where we are going with that,
 10 but we would also invite you to consider inviting the
 11 IPCC to have an engagement with this, because of their
 12 role earlier in terms of the investigation and their
 13 particular expertise in this arena.
 14 THE CHAIRMAN: At this stage I am unconvinced as to the
 15 utility of that step, however I am certainly not going
 16 to take a decision about it at this stage. For one
 17 thing, as you may appreciate, I have been away for the
 18 last week and therefore I have not had a proper
 19 opportunity to consider detailed aspects of that sort of
 20 proposal, and I am sure it is something that would
 21 require discussion with your colleagues in any event.
 22 I have another engagement later this evening which
 23 means that I can't unfortunately deal with that point
 24 now in any event, but I note that you have raised it.
 25 If it does require a decision on my part I am perfectly

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1 happy to give that at any stage when you all agree it is
 2 appropriate that I should hear any argument and do so.
 3 MR WEATHERBY: Thank you very much.
 4 THE CHAIRMAN: Thank you.
 5 (4.37 pm)
 6 (The hearing adjourned until 10.30 am the following day)
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