

<p>1 Wednesday, 8 February 2017</p> <p>2 (10.30 am)</p> <p>3 THE CHAIRMAN: Thank you, Mr Beer.</p> <p>4 MR BEER: Thank you, sir.</p> <p>5 MR RUSSELL KELLY (continued)</p> <p>6 Questions from MR BEER (continued)</p> <p>7 MR BEER: Mr Kelly, I asked you to hold a thought. Just in</p> <p>8 case we didn't all manage it, given the subject matter,</p> <p>9 I will repeat the question and answer that we exchanged</p> <p>10 last night. I asked:</p> <p>11 "Was there was any guidance or policy given to</p> <p>12 intelligence officers working in your section as to the</p> <p>13 approach that they should take to the inclusion of</p> <p>14 warning markers in a subject profile?"</p> <p>15 You said:</p> <p>16 "No, there was no written policy, sir, but it was</p> <p>17 ensured that if, as you can see through the latter</p> <p>18 profiles, if they were going to include a warning</p> <p>19 marker, they had to show where that information was</p> <p>20 from."</p> <p>21 A. Yes, sir.</p> <p>22 Q. I wonder whether we could look, please at</p> <p>23 Anthony Grainger's profile, that is in PC Griffiths's</p> <p>24 file, it should still be out there. If you turn up in</p> <p>25 PC Griffiths --</p> <p style="text-align: center;">Page 1</p>	<p>1 give a precis about the offence and a bit more detail,</p> <p>2 but that would be sufficient for someone to look at.</p> <p>3 Q. Yes. Okay.</p> <p>4 Then, if we can look at Mr Totton's profile, please,</p> <p>5 if you go to PC Lapniewski's file at page 11.</p> <p>6 A. Page 11.</p> <p>7 Q. Can you see the equivalent box for warning markers?</p> <p>8 A. Yes, sir.</p> <p>9 Q. You can see there he has shown the system from which</p> <p>10 each was obtained?</p> <p>11 A. Yes, sir.</p> <p>12 Q. Ie OPUS and PNC, yes?</p> <p>13 A. Yes.</p> <p>14 Q. But he has not shown the alleged offence or the date,</p> <p>15 has he?</p> <p>16 A. He hasn't on there, sir, no.</p> <p>17 Q. That would be the wrong way to do it, would it?</p> <p>18 A. Yes, sir, it would. A little bit more information in</p> <p>19 there would be better. I would suspect that the details</p> <p>20 are in the section 2 around the risk assessment. That</p> <p>21 would be referring to where he has got, "Firearms,</p> <p>22 violent weapons". Does that make sense?</p> <p>23 Q. Partially.</p> <p>24 A. It is not clear, I appreciate that it is not as clear as</p> <p>25 having the date and the offence.</p> <p style="text-align: center;">Page 3</p>
<p>1 A. I have not got that, that is DC Lapniewski's.</p> <p>2 Q. Sorry. It is page 6 of that file.</p> <p>3 A. Yes, sir.</p> <p>4 Q. You can see the pen picture relating to</p> <p>5 Anthony Grainger. Do you see the warnings on page 9 in</p> <p>6 the red box?</p> <p>7 A. Yes, sir.</p> <p>8 Q. Do you see it says "Violent-affray 4/12/97" and then,</p> <p>9 "Drugs, conspired to supply amphetamines 8/9/08", and,</p> <p>10 "Possessed cannabis, 1/6/08"?</p> <p>11 A. Yes, sir.</p> <p>12 Q. Is that what you were referring to, ie they had to show</p> <p>13 where it had come from?</p> <p>14 A. Yes, sir.</p> <p>15 Q. Ie the offence and the date of the offence?</p> <p>16 A. That's correct, and --</p> <p>17 Q. Or --</p> <p>18 A. Sorry, and which system, where it says it has been taken</p> <p>19 from the PNC.</p> <p>20 Q. Okay so that is the right-hand column where it says PNC?</p> <p>21 A. Yes.</p> <p>22 Q. That would be the right way to do it, would it?</p> <p>23 A. Yes, one of the ways, yes.</p> <p>24 Q. Sorry?</p> <p>25 A. One of the ways. You could -- others do it in a box and</p> <p style="text-align: center;">Page 2</p>	<p>1 Q. Because the reason that the warning marker was first put</p> <p>2 on the PNC and the reason why it is retained on the PNC</p> <p>3 doesn't necessarily equate to the information that is in</p> <p>4 section 2?</p> <p>5 A. That's correct, sir, that's correct.</p> <p>6 Q. Ditto OPUS, the reason why put on and retained does not</p> <p>7 necessarily relate to the information in section 2, does</p> <p>8 it?</p> <p>9 A. No. No. Not always.</p> <p>10 Q. Okay. The reason for putting the link between the</p> <p>11 warning marker and the -- we both described it as</p> <p>12 "offence" earlier, but it might be "alleged offence" --</p> <p>13 A. Yes.</p> <p>14 Q. -- or even "incident"?</p> <p>15 A. Yes, sir.</p> <p>16 Q. The warning marker, the reason for including such</p> <p>17 information is?</p> <p>18 A. It is just the marker is there just to highlight that</p> <p>19 there is potentially something to consider around their</p> <p>20 behaviour or habits.</p> <p>21 Q. No, no, that would be the reason for including the</p> <p>22 marker, the reason for including the additional</p> <p>23 information about the date of the offence or alleged</p> <p>24 offence or incident, and something about it, you said</p> <p>25 add a little bit of information?</p> <p style="text-align: center;">Page 4</p>

1 **A. Yes, sir.**
 2 Q. What would be the reason for adding that in?
 3 **A. It puts some context around why that marker is there, so**
 4 **it gives the person who is looking at the document,**
 5 **I suppose a brief summary as to why that marker is**
 6 **relevant. So they don't have to always start having to**
 7 **trawl through what can be pages of documents and lists**
 8 **of offences and intelligence to try and link the two**
 9 **together.**
 10 Q. Yes, presumably at one end of the spectrum, when
 11 an officer is perhaps engaged in a foot chase on the
 12 street and does a name check on somebody who he is
 13 chasing?
 14 **A. Yes, sir.**
 15 Q. It would be enough for the operator to say, "Be aware,
 16 he has got a violent marker, a Victor India marker, and
 17 a weapons marker"?
 18 **A. Yes, sir.**
 19 Q. Without saying, "And that went on the PNC because of
 20 an incident back in 1996"?
 21 **A. Yes.**
 22 Q. But when you are providing the warning markers to
 23 an investigation or an operational team in writing, you
 24 have the luxury of more time and --
 25 **A. Yes, sir.**

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1 Q. -- the benefit that they secure of giving them more
 2 information about what the warning marker might mean, is
 3 that right?
 4 **A. Yes, sir.**
 5 Q. We have seen that there are two sources for warning
 6 markers really, the PNC and OPUS?
 7 **A. Yes, sir.**
 8 Q. In the case of Mr Grainger, I wonder whether we could
 9 look -- this is in your bundle, please -- at what each
 10 of them said about him. I think in your bundle it is
 11 page 159, which for those who are not keeping up with
 12 the internal pagination, that is in F/1048 I think is
 13 the first page of the document.
 14 Do you have page 159?
 15 **A. Yes, sir, the police print of the intelligence**
 16 **information.**
 17 Q. Sorry.
 18 **A. The police print of the intelligence information.**
 19 Q. Yes, so it is a police print of the PNC record for
 20 Mr Grainger, can you see under "Warning signals" --
 21 **A. Yes sir.**
 22 Q. -- it has "Violent", then the affray 4/12/97?
 23 **A. Yes, sir.**
 24 Q. Then there is a reference there, do you see the
 25 owner/reference, what does that refer to?

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1 **A. That would refer to the force that has put that**
 2 **information on and the -- I am assuming, because I am**
 3 **not 100 per cent sure, but that -- so 06 is the force.**
 4 Q. Which is GMP?
 5 **A. GMP, the reference number, national reference number, VB**
 6 **will be a department within the department, usually**
 7 **probably responsible for updating PNC.**
 8 Q. Right.
 9 **A. And the series of -- the letter and then the series of**
 10 **numbers that follow on will be a reference number to**
 11 **something, possibly it could be a crime report, it could**
 12 **be a custody office reference number.**
 13 Q. So that if you were researching this warning signal, you
 14 could track back using those owner/reference details to
 15 find or attempt to find the underlying material, yes?
 16 **A. Yes, sir, yes.**
 17 Q. Okay, thank you. Then we can see there is a drugs
 18 warning marker for an occurrence on 8/9/08 and a drugs
 19 warning marker for 1/6/08?
 20 **A. Yes, sir.**
 21 Q. So violence, drugs and drugs but not weapons?
 22 **A. Correct sir.**
 23 Q. Then if we go to the OPUS, if you keep a finger in that
 24 page, please, and go to 104 in the same bundle, so the
 25 OPUS print for Mr Grainger, which is F/995, can you see

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1 this is the OPUS print for Mr Grainger?
 2 **A. Yes, sir.**
 3 Q. Do you see the warning signals under OPUS warnings?
 4 **A. Yes, sir.**
 5 Q. This has violence and weapons, but no drugs?
 6 **A. Correct, sir.**
 7 Q. So there is common ground between them that there was
 8 a violent or violence marker?
 9 **A. Yes, sir.**
 10 Q. One has drugs PNC, the other one doesn't and one has
 11 weapons, OPUS not PNC, yes?
 12 **A. Correct, sir.**
 13 Q. We have seen that PC Griffiths decided only to include
 14 the PNC markers in her subject profile and not the OPUS
 15 markers, and therefore not a weapons warning. Was she
 16 right to do so?
 17 **A. Erm, I don't know why she wouldn't include them, with**
 18 **further research. Unless there is a -- she has done**
 19 **some research and decided that for whatever reason the**
 20 **marker that was shown for weapons in the OPUS profile**
 21 **was not relevant, I honestly don't know.**
 22 Q. If you can just keep your voice up a little bit.
 23 **A. Sorry, sir, sorry.**
 24 Q. Like we have seen a reference back in the PNC section to
 25 the underlying material, is there similarly a facility

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1 to do that on OPUS?
 2 **A. I don't believe there is, sir, no.**
 3 Q. How would she do some research back to work out why
 4 there is a weapons marker on there?
 5 **A. She could look through his intelligence, look through**
 6 **his criminal antecedents and offences, to see if there**
 7 **was anything within there that was relevant. That may**
 8 **assist.**
 9 Q. And what, say, "Although there is a weapons warning on,
 10 there I am not going to include it in the subject
 11 profile because [I don't know] the intelligence doesn't
 12 support it"?
 13 **A. Correct.**
 14 Q. Okay.
 15 Would you expect somebody in your section to do
 16 that, to actively investigate or unearth the material
 17 that sits behind a marker before passing it on in
 18 a profile to operational officers?
 19 **A. I would certainly like them to attempt to, yes.**
 20 Q. Is that because you know that if you pass on a warning
 21 marker, particularly for violence or weapons, to
 22 operational officers, it may affect, to some significant
 23 degree, their thinking in how to approach someone?
 24 **A. Quite possibly, sir, yes.**
 25 Q. So it is, without overstating it, a significant decision

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1 to tell operational officers that somebody has warning
 2 flags for violence and weapons?
 3 **A. Yes, sir.**
 4 Q. What are the criteria for putting warning markers on
 5 an OPUS profile? If you don't know and if I am
 6 overstretching your knowledge, then just say so.
 7 **A. Yes, I don't know, sir.**
 8 Q. You don't know, okay.
 9 A weapon, is this right, could relate to a very
 10 broad spectrum of things.
 11 **A. Yes, sir, yes.**
 12 Q. From an old unproven suggestion that somebody was
 13 carrying an offensive weapon when they were a child --
 14 **A. Yes, sir.**
 15 Q. -- to a recent conviction in a criminal court --
 16 **A. Yes, sir.**
 17 Q. -- for a double murder --
 18 **A. Yes.**
 19 Q. -- using a weapon?
 20 **A. Yes.**
 21 Q. Is that why it is important to explain what the warning
 22 marker means?
 23 **A. Yes, sir.**
 24 Q. So that operational officers can see where in the
 25 spectrum the marker sits?

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1 **A. Yes, sir.**
 2 **I have had an individual have a warning notice for**
 3 **firearms and spent quite some time tracking back where**
 4 **that had come from and it was when he was a young child,**
 5 **an officer had taken an air weapon off him and decided**
 6 **to put a firearms marker against that person because he**
 7 **was known to the police. When I did the research it was**
 8 **some years later it was wasn't relevant. There was no**
 9 **other violence, weapons, anything like that, that would**
 10 **support us putting a firearms marker on that person.**
 11 Q. Okay, and if that --
 12 **A. So that is why it is important to go back and look, to**
 13 **try and attempt to unearth why the marker is there.**
 14 Q. Thank you.
 15 Was there any training or policy that told your
 16 officers in your section that they should do this?
 17 **A. Training was in house, as we said yesterday, sir, so**
 18 **usually, officers that come into the FIB have served in**
 19 **intelligence roles elsewhere within the force, more**
 20 **often than not --**
 21 Q. Yes.
 22 **A. -- so they should have at least a basic understanding of**
 23 **intelligence and the completion of profiles. Part of**
 24 **the in-house training would be to assess that in their**
 25 **role, they would have an experienced officer mentoring**

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1 **them. Either the mentor or the supervisor would keep**
 2 **an eye on the level of their work to make sure that they**
 3 **were happy with it and once they get to a point where**
 4 **they are competent, then they would then be left to do**
 5 **their own work, on the basis that they understand the**
 6 **completion of the profile, what is required, the reasons**
 7 **and the rationales why they do what they have to do, why**
 8 **they have to look --**
 9 Q. Specifically though on this issue, warning markers, was
 10 there in your view a common understanding along the
 11 lines that you have just explained that you don't just
 12 look at the PNC, say, "It has got warning markers for
 13 violence and weapons, warning markers for violence and
 14 weapons, job done", that you looked at the underlying
 15 material --
 16 **A. Yes, sir.**
 17 Q. -- to see the nature of the offence, it's antiquity,
 18 whether it resulted in a conviction or was just
 19 information or intelligence?
 20 **A. Intelligence, yes.**
 21 Q. Was there that common understanding amongst your
 22 officers that that is what they needed to do?
 23 **A. I would say so, yes, sir.**
 24 Q. Because we have seen DC Lapiewski's profiles for
 25 Mr Totton that we have just looked at and they don't

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<p>1 include any information about the underlying offence --</p> <p>2 A. Yes, sir.</p> <p>3 Q. -- or occurrence. Similarly, the profiles that DC James</p> <p>4 produced for Robert Rimmer and DC Lapniewski produced</p> <p>5 for two members of the Corkovic family, and they don't</p> <p>6 include those, any reference to the underlying material</p> <p>7 or underlying occurrence. Is that an error on their</p> <p>8 part?</p> <p>9 A. Possibly, sir, yes.</p> <p>10 Q. Okay, can I turn then to the creation of the subject</p> <p>11 profile for Mr Grainger.</p> <p>12 Did you have any part in the creation of this</p> <p>13 subject profile in September 2011?</p> <p>14 A. No, sir.</p> <p>15 Q. Do you know why it was created?</p> <p>16 A. I do now, sir, yes.</p> <p>17 Q. Okay.</p> <p>18 Did you know at the time it was being created why it</p> <p>19 was being created?</p> <p>20 A. No, sir.</p> <p>21 Q. Is that because PC Griffiths was effectively seconded</p> <p>22 over to Operation Samana and moved out of the office --</p> <p>23 A. Yes, sir.</p> <p>24 Q. -- for a period of time?</p> <p>25 A. Yes, sir.</p> <p style="text-align: center;">Page 13</p>	<p>1 Q. I think you refer to her in your statement as "DS Hunt",</p> <p>2 but we are talking about the same person, DS Hurst?</p> <p>3 A. Yes, I don't know why that says DS Hunt, it should be</p> <p>4 Hurst, sir.</p> <p>5 Q. Was that an oral request made by DS Hurst made to you?</p> <p>6 A. Yes, I believe it was over the telephone.</p> <p>7 Q. Do you know why the request was made to you?</p> <p>8 A. I can only surmise that DC Lapniewski was not available</p> <p>9 or in the office that morning and I have taken the call</p> <p>10 and the request was for a nominal --</p> <p>11 Q. You said there that DC Lapniewski was not available.</p> <p>12 Why would, if he was available, the call have gone to</p> <p>13 him?</p> <p>14 A. Probably, yes, I think DS Hurst had been trying to get</p> <p>15 hold of DC Lapniewski.</p> <p>16 Q. Why would she be trying to get hold of DC Lapniewski?</p> <p>17 A. He had completed two or three nominal profiles</p> <p>18 previously for other individuals as part of Operation</p> <p>19 Shire, and I assume that during the course of that</p> <p>20 investigation Mr Grainger has come into the enquiry,</p> <p>21 hence for DS Hurst requesting a nominal profile on him.</p> <p>22 Q. Was DC Lapniewski the single point of contact for</p> <p>23 Operation Shire?</p> <p>24 A. I suppose by default, yes, sir.</p> <p>25 Q. What does that mean, by default?</p> <p style="text-align: center;">Page 15</p>
<p>1 Q. She created the profile when she was out of the office?</p> <p>2 A. Yes, sir.</p> <p>3 Q. It is not simply the case that you didn't know why it</p> <p>4 was being created, you didn't know it was being created?</p> <p>5 A. No, I didn't, sir.</p> <p>6 Q. When you subsequently passed it on, on 7 February 2012,</p> <p>7 did you know by then the purpose for which it had been</p> <p>8 created?</p> <p>9 A. I was only aware that Mr Grainger had come into the</p> <p>10 enquiry. I knew about the burglary at the address and</p> <p>11 the subsequent loss of the data and that Mr Grainger had</p> <p>12 come into the enquiry --</p> <p>13 THE CHAIRMAN: Do you mean the enquiry into that matter?</p> <p>14 A. Yes, sir, Samana, the Operation Samana, yes.</p> <p>15 THE CHAIRMAN: Yes.</p> <p>16 A. But I didn't know what role -- you know, what reason he</p> <p>17 was into the enquiry and it was then that PC Griffiths</p> <p>18 said that she completed a nominal profile on</p> <p>19 Anthony Grainger as part of Operation Samana.</p> <p>20 MR BEER: Okay. Let's start then with how the issue begins</p> <p>21 of you passing it on.</p> <p>22 The issue begins, is this right, as far as you are</p> <p>23 concerned, with a request made to you on 7 February 2012</p> <p>24 by Detective Sergeant Deborah Hurst.</p> <p>25 A. Yes, sir.</p> <p style="text-align: center;">Page 14</p>	<p>1 A. Well I explained yesterday, we used to have single</p> <p>2 points of contact but with the big restructures that</p> <p>3 were ongoing within the FIB and the staff changes, it</p> <p>4 was not getting feasible to guarantee a single point of</p> <p>5 contact for every investigation or any support to other</p> <p>6 departments in the force, so if we could, we would try</p> <p>7 and get the same officer to complete the work for that</p> <p>8 investigation, as you said yesterday, sir, so it reduces</p> <p>9 the amount of times you have to brief somebody,</p> <p>10 et cetera, and go through the information. Simon had</p> <p>11 already completed I think two or three --</p> <p>12 Q. Three.</p> <p>13 A. Three.</p> <p>14 Q. He had contributed to a fourth.</p> <p>15 A. Right, had he been available that day he would have been</p> <p>16 allocated the profile. He was not available, I don't</p> <p>17 know why, I can't remember why, which was why I was</p> <p>18 given the call and the request was put to me.</p> <p>19 Q. Okay then, just stopping there, there should be on your</p> <p>20 table -- I hope it is still there -- the two loose</p> <p>21 emails.</p> <p>22 Okay, use mine. (Handed)</p> <p>23 I am asking you to look at an email -- I'm doing</p> <p>24 this from memory now because you have my copy -- dated</p> <p>25 13 January 2012 from DI Cousen to Ann Buckley.</p> <p style="text-align: center;">Page 16</p>

4 (Pages 13 to 16)

1 **A. Yes, sir.**
 2 Q. Who was Ann Buckley?
 3 **A. She was the detective inspector in charge of the**
 4 **intelligence development unit at that time.**
 5 Q. Okay, so your supervisor?
 6 **A. Yes, sir.**
 7 Q. Okay. You will see from the contents of it, the last
 8 lines in particular, that DI Cousen is saying that --
 9 forgive me if I mis-summarise -- "Simon Lapniewski was
 10 previously the SPOC"?
 11 **A. Yes, sir.**
 12 Q. That makes it sound as if he was once the SPOC but had
 13 ceased to be the SPOC?
 14 **A. Quite possibly, sir, yes.**
 15 Q. Did you know about that, that there came a time that the
 16 operational officers knew within Shire that he was no
 17 longer the single point of contact?
 18 **A. I can't honestly recall, sir.**
 19 Q. Okay.
 20 You have told us that this was due to effectively
 21 the reorganisation due to the impact of the austerity
 22 measures.
 23 **A. Yes, sir.**
 24 Q. Thank you.
 25 The call came through to you because for one reason

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1 or another DC Lapniewski was not there?
 2 **A. Yes, sir.**
 3 Q. Did you enquire as to the purpose of the request?
 4 **A. I must have done, sir, I wouldn't have just taken the**
 5 **request without asking relevant questions. I was aware**
 6 **of Operation Shire but I didn't know the full details of**
 7 **it. There will be -- there is always potential for**
 8 **sensitive information, sensitive intelligence, during**
 9 **an operation that I cannot be made aware of. So**
 10 **sometimes in the role I was doing at that time, certain**
 11 **requests for things, I would not be able to get perhaps**
 12 **as much information as I would prefer.**
 13 Q. Did she explain what the profile was required for?
 14 **A. It would have been in relation to him coming into the**
 15 **enquiry for Operation Shire, which was looking at**
 16 **a number of individuals, potentially going to be**
 17 **involved in some form of robbery.**
 18 Q. Okay.
 19 Did she say whether the investigation had reached
 20 a stage where arrests were being contemplated?
 21 **A. I don't recall that, sir.**
 22 Q. Would that be a relevant issue? One type of profile, it
 23 seems to me, at least -- correct me if I am wrong --
 24 could be, "We have got somebody called Anthony Grainger
 25 who has come into this enquiry, we don't know who he is,

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1 tell us what you know about him".
 2 **A. Yes, sir that is one.**
 3 Q. Another is, "We have got somebody come into the enquiry,
 4 we know through surveillance or other intelligence that
 5 he is closely connected to our existing subjects ..."
 6 **A. Yes, sir.**
 7 Q. "... David Totton and Robert Rimmer. He is part of or
 8 suspected to be part of their team, we are going to be
 9 contemplating conducting, going into an arrest phase,
 10 perhaps using firearms officers. We want you to
 11 research Anthony Grainger to tell us as much about him
 12 as possible so that we can assess risk".
 13 **A. Yes, sir.**
 14 Q. Can you see the two different --
 15 **A. Absolutely, yes, sir.**
 16 Q. Was that situation undertaken?
 17 **A. I don't think it was, sir, no.**
 18 Q. In any event, did DS Hurst mention that the profile may
 19 be provided to firearms commanders or information within
 20 the profile provided to firearms commanders for the
 21 purposes of briefing firearms officers who were to seek
 22 to arrest Mr Grainger and others?
 23 **A. I don't think so, sir.**
 24 Q. In your witness statement, I think page 1 of your
 25 bundle, if we just look at it, please, the witness

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1 statement of 18 July 2014.
 2 **A. Sorry, sir, which?**
 3 Q. Page 1.
 4 **A. Page 1, sorry, yes.**
 5 Q. Two paragraphs from the bottom you say:
 6 "I took this [you are referring to the request] to
 7 the morning meeting in the FIB and during the course of
 8 that meeting it was decided that we did not have the
 9 resources, due to current workloads, to assist on this
 10 occasion."
 11 Would that be the normal course of events, that you
 12 would take a request such as this to a meeting to decide
 13 whether it could be serviced or not?
 14 **A. Yes, sir, it was very new, it had been brought in by --**
 15 Q. The "it" being the meeting?
 16 **A. Sorry, yes, sir, yes, apologies.**
 17 Q. That is all right.
 18 **A. The senior leaders, as a result of the restructure of**
 19 **the FIB and the lack of resources, they had to start to**
 20 **prioritise the requests, because all the requests were**
 21 **still coming in for, you know, a variety of work, so**
 22 **they arranged for the supervisors to sit down,**
 23 **roundabout 8.30, on a daily basis in the morning, and go**
 24 **through the requests that had come in and also to go**
 25 **through work that was already ongoing and sort of try**

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1 and schedule a, like, you know, time schedule it, so we
 2 knew where they were with the workloads, so it was
 3 relatively new.
 4 So on that morning that the request came in, that is
 5 when I went to our morning meeting with the SL team and
 6 the supervisors and went through the request from
 7 DS Hurst.
 8 Q. You say in your witness statement, "It was decided that
 9 we didn't have the resources to service it". Who
 10 decided, was it you?
 11 A. Well, my -- it would have been -- it would have either
 12 been DCI Alsop or possibly Superintendent Evans who
 13 would have chaired the meeting, they were the two senior
 14 leaders of the department. They would have asked what
 15 resources I had available at that time, what other
 16 commitments we had and then from my answers, a decision
 17 by them would have been made that we can't support it.
 18 Q. Right.
 19 That was down to workload and resourcing issues?
 20 A. Yes, sir.
 21 Q. Is it right that it was not part of your thinking, or
 22 the meeting's thinking, at that stage that we already
 23 have a profile for Mr Grainger that is about five months
 24 old --
 25 A. No, sir.

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1 Q. -- we can just give that?
 2 A. No, sir, we didn't -- that was never discussed.
 3 I didn't know about that profile until after the
 4 meeting.
 5 Otherwise, if I had have been aware of it, I would
 6 have raised that at the meeting and said, "We are short
 7 staffed, we have got this work on, however we do have
 8 a profile in existence that is five/six months old which
 9 could be updated by another member of staff within the
 10 robbery unit".
 11 Q. Yes. You say in your statement, continuing on page 1:
 12 "After the meeting, DC Griffiths made me aware that
 13 in September 2011 she had prepared a profile for
 14 Anthony Grainger for another unconnected operation."
 15 You didn't know it when you went into the meeting,
 16 it was not part of the thinking of the meeting?
 17 A. No, sir. No, sir.
 18 Q. If we can just look at page 10 of this bundle, please,
 19 which is the email that you were subsequently to send
 20 Deborah Hurst on 7 February, you say:
 21 "Further to your request, please find attached the
 22 intelligence profile for Anthony Grainger. This is
 23 current up to September 2011, it includes a risk
 24 assessment and Experian checks. It was decided at this
 25 morning's ISD pace setter meeting that any further work

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1 required to bring the profile up to date would need to
 2 be provided by yourself. This decision was made based
 3 on staffing levels and current workloads within the
 4 department and that CSDC staff have full access to COPU.
 5 Any problems, please get back to me."
 6 That might suggest, that sentence at the beginning
 7 of the third paragraph, "It was decided at this
 8 morning's meeting that any further work required to
 9 bring the profile up to date would need to be completed
 10 by yourself", that the meeting knew about the profile?
 11 A. No, they didn't, sir, they didn't know about the
 12 profile. That was -- the decision had been made that we
 13 couldn't support it, I went back to the desk and was
 14 made aware by Rachel Griffiths, PC Griffiths, that she
 15 had done a profile for Operation Samana. I made the
 16 decision that for them to start with a basic profile and
 17 update it themselves and my terminology or phrasing
 18 there around, "It was decided at the meeting that they
 19 would do it", was not correct.
 20 Q. Okay, so that is just compressing two events? What
 21 happened in the meeting, we are not doing a profile, you
 22 seeing PC Griffiths, her telling you about the September
 23 profile, you saying right they can update it, into one
 24 sentence?
 25 A. Yes, sir.

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1 Q. Got it.
 2 Going back to your statement then, at page 2 you
 3 say:
 4 "I viewed this profile and saw what I felt was
 5 a profile which was a good starting point for Detective
 6 Sergeant Hurst.
 7 Why was it a starting point?
 8 A. (1) it was several months old. However, Rachel had
 9 already done the research, so the profile should contain
 10 the relevant information that they would be able to use
 11 as a nominal profile for their investigation and then
 12 they wouldn't have to start at the beginning, they would
 13 only have to go back several months and update from
 14 there.
 15 Q. Was this a usual or unusual occurrence, where a profile
 16 for one operation was recycled and used for another?
 17 A. It has been done before.
 18 Q. Unusual or usual, or pick any other word to describe it?
 19 A. It is possibly not the norm for it to be done but it
 20 has, we have done it previously when a profile has been
 21 within a certain date range and we have -- if we have
 22 had the staff we will have refreshed it ourselves within
 23 the department and updated it and saved it as a second
 24 version.
 25 So some nominals, some more prolific offenders,

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1 **could have four or five versions of a nominal profile**
 2 **that keeps getting updated but it is to save the time.**
 3 Q. Can you help us, the investigation that DI Cousen and
 4 DS Hurst were conducting --
 5 **A. Yes, sir.**
 6 Q. -- was into suspected offences of robbery --
 7 **A. Yes, sir.**
 8 Q. -- with some suggestion that it might be, or they might
 9 be, armed robberies, which in the calendar of criminal
 10 offending is relatively high?
 11 **A. Yes, sir.**
 12 Q. What more important work was there for your section to
 13 do than service a request to provide a profile about
 14 a suspected armed robber?
 15 **A. I honestly cannot remember now, sir.**
 16 **I am not -- if we could have accommodated that work**
 17 **at the time of the request, we would have done it --**
 18 Q. Yes.
 19 **A. -- without a doubt. But I can't recall now what other**
 20 **work was ongoing at that time.**
 21 Q. Okay, so you have told us that it has been the case that
 22 profiles have been recycled?
 23 **A. Yes, sir.**
 24 Q. It was not usual, but it had been done?
 25 **A. Yes, sir.**

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1 Q. Okay. When you sent it, as we have seen from the email
 2 to DS Hurst, you said:
 3 "It is current up to September 2011, it includes
 4 a risk assessment and Experian checks."
 5 Was it usual for subject profiles to include a risk
 6 assessment?
 7 **A. More often than not, yes, sir. As I said yesterday,**
 8 **there is -- you give the profile at the start of**
 9 **an investigation to a senior investigating officer and**
 10 **that profile is used throughout that investigation, the**
 11 **risk -- not the risk, the reason for the profile being**
 12 **requested at the start can be different to, say, one**
 13 **that would be requested several weeks down the line of**
 14 **the investigation.**
 15 Q. Yes.
 16 **A. So to include -- if you are researching an individual**
 17 **and you know that they are known to law enforcement and**
 18 **there are potentially risks around that individual, in**
 19 **my view, and what I would say to my staff, is it is**
 20 **prudent to include at the start a risk assessment so**
 21 **that the SIO is aware right from the start that person**
 22 **potentially could be violent, et cetera. It may change**
 23 **their investigative strategy.**
 24 **So for example, if someone has violence markers that**
 25 **is provenanced and they have firearms markers that is**

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1 **provenanced and the rationale is there, that could**
 2 **change their investigative strategy in how they deal**
 3 **with that individual during the course of the**
 4 **investigation. Does that make sense?**
 5 Q. I understand.
 6 **A. So yes, it should be included.**
 7 Q. Even though when the operative is preparing the risk
 8 assessment, they don't know which risk they are
 9 assessing?
 10 **A. The idea is you assess the risk of the person. So if**
 11 **that individual has warning markers, then you work back,**
 12 **find out what that relates to and then include that**
 13 **within your assessment of that person. And you would --**
 14 **likewise, if you didn't know about the risk, obviously**
 15 **you can't include it.**
 16 Q. In any case, you communicated to DS Hurst that the
 17 responsibility for developing Mr Grainger's subject
 18 profile rested with the force robbery unit?
 19 **A. Yes, sir.**
 20 Q. We see that from your email on page 10, the line:
 21 "Any further work required to bring the profile up
 22 to date will need to be completed by yourselves."
 23 That was made in part on the basis that the people
 24 to whom it was being distributed had full access to
 25 COPU, OPUS and FIS?

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1 **A. Yes, sir.**
 2 Q. They would not be inhibited in any way because of a lack
 3 of access to any relevant intelligence systems?
 4 **A. No, sir.**
 5 Q. It is not as if you were sending this out to traffic,
 6 was that the point?
 7 **A. Yes, they had more than enough access.**
 8 THE CHAIRMAN: Sorry?
 9 **A. They had more than enough access to the system, sir.**
 10 THE CHAIRMAN: Yes.
 11 MR BEER: Did the robbery unit ever get back to you and ask
 12 for further assistance in updating or developing this
 13 profile?
 14 **A. No, sir.**
 15 Q. Did they ever get back to you and ask for advice about
 16 the profile?
 17 **A. No, sir.**
 18 Q. Are you aware in relation to either of those things
 19 whether they got back to anyone, to your knowledge, in
 20 your department?
 21 **A. No, sir, I don't think they did. Not to my knowledge.**
 22 Q. There has been some suggestion by Detective Inspector
 23 Cousen and Detective Sergeant Hurst that they were not
 24 aware of the requirement that the robbery unit was
 25 responsible for updating this profile?

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<p>1 A. Right, sir. 2 Q. You have seen your email? 3 A. Yes, sir. 4 Q. Can we look, please, at the second loose email. If 5 I can hand that up to you, please. It is dated 6 7 February 2012. (Handed) 7 We will see at the foot of the page, I think, your 8 email which we have already looked at. 9 A. Yes, sir. 10 Q. Just for completeness I think we can see at the top of 11 the page an email forwarding it from Detective Sergeant 12 Hurst to Detective Inspector Cousen? 13 A. Yes, sir. 14 Q. We can see that at least it has been received? 15 A. Yes, sir. 16 Q. What has been written by DS Hurst is: 17 "Boss, FYI [for your information] I will add profile 18 to the S: drive." 19 A. Yes, sir. 20 Q. That tends to suggest, doesn't it, that both DI Cousen 21 and DS Hurst were aware of your email, putting it at its 22 lowest? 23 A. Yes, sir. 24 Q. Thank you. 25 THE CHAIRMAN: It looks to me as though the profile itself</p> <p style="text-align: center;">Page 29</p>	<p>1 firearms officers, you are going to have to have a full 2 up-to-date profile on that person to be able to present 3 your information. 4 Q. It is right, isn't it, that intelligence goes stale 5 quite quickly? 6 A. Well, yes it can, it can change, yes, sir. 7 Q. I think in the interview, as well, you say that in the 8 FIB in your section you do weekly reviews, or you did 9 weekly reviews of profiles, is that right? 10 A. Not sure on that, sorry. Sorry. 11 Q. Let's have a look at the interviews, it is your bundle, 12 page 67. 13 This is "The interview of Mr Kelly". 14 A. Okay, sir. 15 Q. It is L/101, for people that are following. 16 This is a transcript of your interview with the 17 defence team. 18 A. Okay. 19 Q. About five boxes down you say, on page 67: 20 "Likewise the third et cetera. But what we would do 21 is when an operation is running, if I was running the 22 operation, the subject profile is a bit of a living 23 document, it is not something that you just do at the 24 start and then put to one side and forget about ..." 25 Which is where I got that line a moment ago.</p> <p style="text-align: center;">Page 31</p>
<p>1 wasn't attached to the forwarding message. There is 2 a reference a few lines up to it being deleted by 3 Deborah, am I correctly interpreting that or not? 4 A. It is possible, when she has saved the profile on the 5 drive and then she has forwarded the email to DI Cousen, 6 the profile has not been attached in the actual body of 7 the email to DI Cousen. 8 THE CHAIRMAN: Okay. 9 MR BEER: Thank you. 10 When you were interviewed by the team representing 11 Sir Peter Fahy, defending him from a criminal charge -- 12 A. Yes, sir. 13 Q. -- you said, and I can turn it up if necessary but tell 14 me if you disagree with it, that a subject profile is 15 "a living document, it is not something that you just do 16 at the start and then put to one side and forget about". 17 A. Yes, sir, it can be. 18 Q. It can be or it should not be? 19 A. I am not saying -- you would not do it necessarily for 20 every individual on every investigation, because the 21 workload would be too much but if you have got several 22 individuals who you are investigating into say the 23 robberies, you at some point, with the intelligence, you 24 are thinking you are going to have to go to a tactical 25 firearms commander and present the case for the use of</p> <p style="text-align: center;">Page 30</p>	<p>1 A. That's right, sir, yes. 2 Q. "... the idea is that that is updated and refreshed on 3 a regular basis while the job is live if that makes 4 sense ..." 5 A. Yes, sir. 6 Q. Then five boxes on you say: 7 "And as the investigation moves along we may then, 8 when we do the weekly reviews, look at it and say, 9 right, I now want you to go away to the officer, I now 10 want you to go away and do some checks on the level 2 if 11 you like or even level 3." 12 A. Yes sir, so the weekly review, if we were in our office 13 when we were developing intelligence, we would have 14 a weekly meeting to look at how each of the operations 15 was developing, so part of that would be to review and 16 update, if required, the nominal profile or to then, as 17 a result of further information or intelligence coming 18 in, that might then generate additional checks that 19 might need to be done elsewhere, so that it was in that 20 context of nominal profile within our field of 21 intelligence, we would -- they would on a live operation 22 be reviewed as part of the weekly meeting. 23 THE CHAIRMAN: I am not quite following this, I am sorry. 24 MR BEER: No. 25 THE CHAIRMAN: As to who is involved in this weekly meeting.</p> <p style="text-align: center;">Page 32</p>

1 Are you talking about operational officers having
2 a weekly meeting or your section?
3 **A. Our section, sir.**
4 THE CHAIRMAN: Yes, that is what I thought. Right, okay.
5 I now know what we are talking about.
6 MR BEER: If you forgive me a moment, sir.
7 You had a meeting with operational officers; is that
8 right?
9 **A. Not with regards to --**
10 Q. No, no, I am not talking about Shire.
11 **A. Yes. Pretty much once a week -- maybe sometimes every**
12 **couple of weeks, dependent on the work -- we would have**
13 **a team meeting where I would sit down with my staff, the**
14 **detectives, and look at what work they had on at that**
15 **time and how it was progressing with the development of**
16 **intelligence and it was -- that was from -- it would be**
17 **across the force, so there was a lot of information they**
18 **would be looking at on a daily basis.**
19 Q. I see, so you could identify if a profile needed
20 updating at that meeting?
21 **A. If it was one of our own, yes, sir.**
22 Q. Yes. You could identify intelligence gaps and seek to
23 plug them?
24 **A. Yes, sir.**
25 Q. Okay.

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1 You said "if it was one of our own"?
2 **A. Yes, sir.**
3 Q. One of our own what?
4 **A. Development operations. So we would get intelligence**
5 **that would come in and it could start off as a single**
6 **piece of information or two or three pieces of**
7 **information around some individuals planning to commit**
8 **a crime or a serious crime, so we would look to develop**
9 **that intelligence, corroborate it, build on it, so that**
10 **we had an intelligence package that potentially, if it**
11 **was deemed necessary, we could hand that -- so say, for**
12 **example, hand that to the robbery unit, so if we had**
13 **information about some individuals planning to commit**
14 **a robbery, there wasn't enough for a full-blown**
15 **investigation, our team would look to develop that**
16 **information, that intelligence, produce a package and**
17 **hand that over to, not necessarily the robbery unit but**
18 **a divisional department or another force unit for them**
19 **to then start an investigation.**
20 Q. You are saying that you retained some ownership for
21 development and updating of intelligence in such cases?
22 **A. Yes, sir.**
23 Q. This Operation Shire was not one such case?
24 **A. No, sir.**
25 Q. Why was that?

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1 **A. I honestly don't know how that came into Greater**
2 **Manchester Police, sir.**
3 Q. Right.
4 You have said that part of the function of the
5 weekly or fortnightly meetings was to check to see
6 whether information in a subject profile might need
7 updating.
8 **A. Yes, sir.**
9 Q. If the operation was not owned by FIB in the way that
10 you have described, would you expect the operational
11 team that were in possession of the subject profile to
12 do the same, maybe not on a weekly or fortnightly basis
13 but regularly enough --
14 **A. Yes, sir.**
15 Q. -- to update the intelligence?
16 **A. Yes, sir.**
17 Q. Lastly from me then, please, did the Force Intelligence
18 Branch's resources remain available to the robbery unit
19 after the passing over of Mr Grainger's subject profile
20 on 7 February?
21 **A. Yes, we would have still supported them during that**
22 **time, if the request came in.**
23 Q. You say, "We would have still supported them" the email
24 of 7 February might be read, "You can have this profile,
25 this old profile, it is over to you now, don't come back

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1 and ask us again".
2 **A. Ah, right, no, that -- that wasn't the intention. It**
3 **would be, "On this occasion we cannot support your**
4 **request, but should subsequent requests come in, we may**
5 **then have the staff and the resources to support that".**
6 **So it wasn't a carte blanche, "We are not doing**
7 **anything else for you again", sir, no.**
8 Q. Because in the future it would depend on the then
9 workload of your section?
10 **A. Yes, sir.**
11 MR BEER: Thank you very much.
12 Sir, they are the only questions I ask.
13 THE CHAIRMAN: Thank you.
14 Mr Thomas.
15 Questions from MR THOMAS
16 MR THOMAS: Just a couple, sir.
17 Mr Kelly, can I just take you back to some evidence
18 that we heard yesterday from yourself and a couple of
19 your colleagues who were working in the FIB. It relates
20 to the subject profiles.
21 **A. Yes.**
22 Q. One thing I am unclear of, I wonder if you could clarify
23 for me, please, is this. You and the two previous
24 witnesses that we have heard from, your colleagues who
25 previously worked in FIB, have described the subject

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1 profiles/pen profiles, however you want to call them, as
 2 documents like templates that need to be populated, yes?
 3 **A. Yes, sir.**
 4 Q. Right. In your answers to questions asked by Mr Beer,
 5 you and your colleagues have said the following.
 6 Firstly, that there was no policy document governing
 7 this, correct?
 8 **A. Correct.**
 9 Q. Secondly, there was no formal training as such, people
 10 learnt it on the job?
 11 **A. Yes, sir.**
 12 Q. Yes?
 13 The one thing you have not been asked and I am just
 14 a little bit confused about is this. In relation to
 15 these subject profiles, who created the templates?
 16 Where did they come from?
 17 **A. Different departments, different sections within the FIB**
 18 **all had line managers --**
 19 Q. Right.
 20 **A. -- and we would get --**
 21 Q. Sorry, your voice is dropping.
 22 **A. Sorry, sir.**
 23 **We would get requests from other forces for**
 24 **information that we held on individuals known to Greater**
 25 **Manchester.**

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1 Q. Right.
 2 **A. When we had staff meetings with the SLT, sometimes some**
 3 **of the other supervisors would want to create standard**
 4 **templates across -- across the whole of the FIB for**
 5 **different requests, so that we got consistency through**
 6 **when we presented the information. I don't know who**
 7 **created that particular profile, sir.**
 8 Q. Sorry, can I just pause there and jump in.
 9 Line managers then would create different profiles
 10 for different reasons, correct? Have I understood
 11 that --
 12 **A. Or would arrange for their staff to create -- but that**
 13 **would be signed off by inspectors or a chief inspector.**
 14 Q. All right. So there was then some discussion about the
 15 content of these templates, correct?
 16 **A. Yes, sir.**
 17 Q. And these different templates for different purposes,
 18 yes?
 19 **A. Yes, sir.**
 20 Q. Depending on which force was making a request, was that
 21 made clear then that these templates were for different
 22 purposes?
 23 **A. Well each department would know which template to use,**
 24 **so for example my staff would know to use a nominal**
 25 **profile template when completing research on**

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1 **an individual.**
 2 Q. But a nominal profile template, you could have different
 3 nominal profile templates depending on different
 4 investigations. Have I understood that correctly?
 5 **A. You could, sir, but you would still use the same**
 6 **template, you would just not complete the various**
 7 **sections, and put either "not applicable" or "no**
 8 **information known", so you would rationalise --**
 9 Q. If there was no training, how would you know that?
 10 **A. That would be in-house, when you --**
 11 Q. Sorry, I am not following.
 12 **A. When a new member of staff starts and you are showing**
 13 **them how to do a nominal profile, you would go through**
 14 **the various sections with them and you would say that if**
 15 **the information is not available, because we don't know,**
 16 **then just put a line in that section to say that there**
 17 **is no information available so they would know that you**
 18 **have looked.**
 19 Q. Forgive me, Mr Kelly, let's just take a step back.
 20 I understood that there was no formal training as
 21 such in relation to the filling in of these templates.
 22 Have I misunderstood that?
 23 **A. What we would class as formal, sir, there is no training**
 24 **course, you don't -- we cannot go to training school, it**
 25 **is done in the FIB, as I explained before to Mr Beer,**

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1 **with a mentor, an experienced officer who would mentor**
 2 **the new member of staff. And part of their role,**
 3 **amongst all the other tasks that they had to do, would**
 4 **be the completion of a profile.**
 5 Q. All right.
 6 **A. So they would mentor them through it and explain what to**
 7 **do, you know, what to complete, where to get the**
 8 **information from, et cetera. Does that make sense, sir?**
 9 Q. Well I understand the words you are saying, but let me
 10 take a step back and ask you this, the mentor where
 11 would they get their training from?
 12 **A. From the previous staff who mentored them.**
 13 Q. What was the system in place to ensure that different
 14 mentors -- your word not mine -- wasn't training people
 15 in different ways so that there was some consistency?
 16 **A. There probably wasn't, sir.**
 17 Q. You say that -- sorry, let me ask you this. This
 18 system, would it be fair if I described it as some kind
 19 of informal mentoring, would that be fair?
 20 **A. Yes, sir.**
 21 Q. This system of informal mentoring, how long had that
 22 been going on for, roughly? Years?
 23 **A. Yes, sir.**
 24 Q. In the years that you had this system of informal
 25 mentoring, nobody had thought, "You know what? It might

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1 be sensible to have some sort of policy document in
 2 relation to, you know ..."

3 THE CHAIRMAN: Yes, he has already said that.

4 MR THOMAS: Let me move on, my final question.

5 The purpose of the nominal profiles could be for
 6 different purposes, yes? I think you have covered that
 7 already.

8 **A. Yes.**

9 Q. Somebody in the robbery team would have no basis for
 10 assuming it was made for one particular purpose, would
 11 they?

12 **A. Probably not sir, no.**

13 Q. They would need to ask, wouldn't they?

14 **A. I suppose so, yes.**

15 Q. If you don't ask, you don't discover, fair?

16 **A. Yes.**

17 Q. Turning to the specifics, Mr Hurst had no basis for
 18 assuming this was for the purposes of firearms, this
 19 particular profile?

20 MR BEER: Mr Hurst?

21 THE CHAIRMAN: You mean Ms Hurst.

22 MR THOMAS: Ms Hurst, sorry.

23 **A. I couldn't answer that, sir, I don't know. She -- the**
 24 **robbery unit would get the profiles sent to them with**
 25 **all the information on. I wouldn't know necessarily**

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1 **what they were using that profile for, which is why**
 2 **I said to Mr Beer. You had to include all the**
 3 **information, so if the information was there it had to**
 4 **be included with the provenance, where that information**
 5 **had come from and supporting of the risk assessments.**

6 Q. But all I am putting to you, there would be no basis for
 7 making an assumption unless you enquired?

8 **A. I suppose so, yes, sir.**

9 MR THOMAS: Thank you, sir, that is all I ask.

10 MR BEER: Sir, before Mr Weatherby asks his questions I know
 11 there are questions that he wishes to put and I think
 12 Mrs Whyte wishes to put on the basis of emails that were
 13 relatively recently distributed, a bit like I did with
 14 those two loose copies.

15 I wonder whether we could take the morning break
 16 early so paper copies can be provided for the witness
 17 box and for you.

18 THE CHAIRMAN: Certainly and while we are on that subject,
 19 I am sure this has been considered but would it be
 20 possible with any loose documents at a reasonably early
 21 stage to devise some system for inserting them in
 22 bundles? I know it may be difficult with witness
 23 bundles because the same document may be repeated
 24 a number of times with various witnesses, but so we
 25 don't find them going astray.

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1 MR BEER: Sir, that will certainly be the case. We don't
 2 think it is going to arise but it is because there
 3 a slight time lag in looking at the email bundle, which
 4 is going to be formally issued as a bundle very shortly.

5 THE CHAIRMAN: I entirely understand.

6 MR BEER: We will do that, sir.

7 THE CHAIRMAN: Would you like a slightly longer break if you
 8 are going to have to consider matters? I am not
 9 thinking about a very lengthy one.

10 MR BEER: 11.45 will be fine.

11 THE CHAIRMAN: 11.45, thank you very much.
 12 (11.32 am)

(A short adjournment)

13 (11.48 am)

14 MR THOMAS: Sir, just before Mr Weatherby asks his
 15 questions, just one matter, can I put?

16 THE CHAIRMAN: Yes.

17 MR THOMAS: Mr Kelly, can I ask you just to look at two
 18 bundles, the bundles are Mr Lapniewski's bundle. Do you
 19 have that there?

20 **A. I do, sir, yes.**

21 Q. It is page 9, it is F/33, this is a document that you
 22 were taken to yesterday by Mr Beer. Are you there?
 23 Do you remember yesterday Mr Beer highlighted the
 24 potential conflict in this document between the two
 25

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1 parts in the box, can you see immediately in the first
 2 box on that page, where in the first box it says:
 3 "Any further dissemination of this profile is not
 4 permitted without the permission from the DIs in
 5 possession."

6 **A. Yes, sir.**

7 Q. Then you were taken to the second box, immediately
 8 underneath it, which says:
 9 "Under no account should this document be
 10 disseminated without prior authorisation from the Force
 11 Intelligence Bureau."
 12 Do you see that in the second box?

13 **A. Yes, sir.**

14 Q. This relates to Mr Totton's nominal or subject profile,
 15 yes?

16 **A. Yes.**

17 Q. You can see the conflict there, and you were asked
 18 questions about that.

19 **A. Yes.**

20 Q. However, can I ask you to turn to the Griffiths bundle,
 21 page 6, F/11. This is Mr Grainger's profile.

22 THE CHAIRMAN: Sorry, which bundle are we talking about?

23 MR THOMAS: It is the Griffiths bundle, page 6.

24 THE CHAIRMAN: Page 6, yes.

25 MR THOMAS: F/11 for others who want to follow, yes.

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1 THE CHAIRMAN: Thank you.
 2 MR THOMAS: Are you there?
 3 **A. Yes, sir.**
 4 Q. Okay, now there is a big difference, may I suggest,
 5 between Mr Grainger's profile and Mr Totton's?
 6 **A. Yes, sir.**
 7 Q. If you look at Mr Grainger's profile, you will see that
 8 there is no conflict. There is no second box referring
 9 to the detectives in question. Do you see? The only
 10 thing it says on this, immediately under the first box:
 11 "This intelligence document has been compiled for
 12 the purposes of dissemination to the [blank] and under
 13 no account should this document be disseminated without
 14 prior authorisation of the management at the GMP Force
 15 Intelligence Bureau."
 16 **A. Yes, sir.**
 17 Q. It could not be clearer, before this document was to be
 18 disseminated it had to be referred back to your team?
 19 **A. Well to the bureau, sir, yes.**
 20 Q. To the bureau. There is no doubt about that from
 21 looking at this document, is there?
 22 **A. That's correct, sir.**
 23 Q. To be clear, before this document was disseminated,
 24 there was no referral back, was there? As far as you
 25 are aware?

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1 **A. Not that I am aware of, no.**
 2 MR THOMAS: Sir, that was it.
 3 THE CHAIRMAN: Thank you, Mr Thomas.
 4 Mr Weatherby, any questions?
 5 MR WEATHERBY: Thank you, yes.
 6 Questions from MR WEATHERBY
 7 MR WEATHERBY: Mr Kelly, I have two points of clarification
 8 from the questions Mr Beer asked you this morning and
 9 one new area which will only take a few moments I hope.
 10 I ask questions on behalf of Gail Hadfield-Grainger,
 11 Anthony's partner.
 12 You were asked about the request for a profile from
 13 Detective Sergeant Hurst --
 14 **A. Yes, sir.**
 15 Q. -- and you told us that she made the request orally over
 16 the telephone; is that right?
 17 **A. Yes, as I recall it, sir, yes.**
 18 Q. Can you help us with this. Would it be right that that
 19 would not be the normal way that search requests would
 20 come to you?
 21 **A. We did get quite a lot of --**
 22 Q. Telephone enquiries?
 23 **A. Yes.**
 24 Q. Right, one of the consequences of that, of course, is
 25 there is no audit trail.

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1 **A. Yes, sir.**
 2 Q. There is nothing that we can now look back on to see
 3 what was said, would you agree with that?
 4 **A. I appreciate that, sir, yes.**
 5 Q. On this occasion, it is a long time ago, you cannot
 6 remember the contents of that conversation, is that
 7 right?
 8 **A. I honestly can't remember, sir, no.**
 9 Q. Would it be fair to say that you would have known of
 10 Operation Shire though --
 11 **A. Yes, sir.**
 12 Q. -- and that it related to robberies and of course this
 13 was an officer from the force robbery unit?
 14 **A. Yes, sir.**
 15 Q. From that request, am I right that that was then taken
 16 to the morning meeting to consider priorities?
 17 **A. Yes, sir.**
 18 Q. Of course you have told us already that it wasn't as
 19 a result prioritised?
 20 **A. Correct.**
 21 Q. Can you recall anything from the conversation with
 22 Sergeant Hurst?
 23 **A. It is general, they required the profile, I was aware it**
 24 **was for Operation Shire and vaguely what Operation Shire**
 25 **was about. I can't honestly say anything more than that**

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1 **I am afraid. I apologise.**
 2 Q. No, no, need to apologise, it is a long time ago.
 3 Mr Beer was asking you about the prioritisation.
 4 Can I just press you a little bit on that.
 5 The fact is that we now know that in the two weeks
 6 before this request, there had been seven actual
 7 deployments of the tactical firearms unit in Operation
 8 Shire.
 9 **A. Right. Okay.**
 10 Q. Would it be fair to say that, had you been told that
 11 during the conversation with Sergeant Hurst, that it
 12 would have gone over the line of being a priority?
 13 **A. Yes, sir.**
 14 Q. Pretty obvious, isn't it?
 15 **A. Yes, sir.**
 16 Q. I think we can take it from that that that was not said
 17 to you by Sergeant Hurst?
 18 **A. That definitely was not said to me, sir, no.**
 19 Q. Moving on, you referred to reviews of profiles that were
 20 provided in general -- moving away from Operation Shire
 21 just for a moment. So if you had prioritised a profile
 22 in another case --
 23 **A. Yes, sir.**
 24 Q. -- another operation --
 25 **A. Yes, sir.**

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1 Q. -- then you would have then done regular reviews on that
 2 profile, is that right?
 3 **A. Yes.**
 4 Q. Or you may have done?
 5 **A. May have done.**
 6 Q. Yes. Would it be right that those reviews would have
 7 included new intelligence, new information coming in?
 8 **A. Yes, sir.**
 9 Q. And, generally, that would come into you via the 5x5x5
 10 process?
 11 **A. Yes, sir.**
 12 Q. Then that would be fed into the profiles for whatever
 13 operation it was?
 14 **A. If the handling code allowed that to happen, yes, any**
 15 **sensitive intelligence wouldn't be.**
 16 Q. Indeed. So it would be through an organised evaluation
 17 process of information?
 18 **A. Yes, sir.**
 19 Q. Through your bureau, fed into operations in an organised
 20 evaluated assessed way?
 21 **A. Yes, sir.**
 22 Q. To optimise the usefulness of the intelligence updating
 23 the officers involved in the operations?
 24 **A. Yes, sir.**
 25 Q. That would help the operations in terms of what they

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1 were setting out to do, the aims of the operation?
 2 **A. Hopefully, yes.**
 3 Q. Indeed, it would also help in any risk assessment, for
 4 example where firearms officers were deployed?
 5 **A. Yes, sir.**
 6 Q. Finally, can I ask you a new area, and I hope you have
 7 been provided with, for my purposes, two pages which
 8 should have 248 and 249 at the top.
 9 **A. Yes, sir.**
 10 **MR WEATHERBY: Sir, these are the new bundle W, the reason**
 11 **we are not very organised with this is that they were**
 12 **only disclosed yesterday.**
 13 THE CHAIRMAN: I understand.
 14 MR WEATHERBY: Can I ask you about 248, please.
 15 **A. Yes.**
 16 Q. It is headed "Operation Shire", so the subject, it is
 17 an email, it is dated 15 February, so it is about a week
 18 after the Operation Samana profile is provided to Shire.
 19 I don't think it matters, but it is 2.10 in the
 20 afternoon.
 21 Headed "Operation Shire" and it is an email from
 22 Gillian Lee to Kevin Hallinan and it is copied to
 23 Robert Cousen and Angela Bailey. Just going through
 24 those, we know that Mr Hallinan is one of the officers
 25 on Shire.

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1 **A. Yes, sir.**
 2 Q. And we know that Mr Cousen is the SIO?
 3 **A. Yes, sir.**
 4 Q. Can you help us with Gillian Lee?
 5 **A. Gillian Lee is an officer within the Force Intelligence**
 6 **Bureau. She at that time was working in the**
 7 **intelligence coordination unit, which is a separate**
 8 **section to the intelligence development unit, two**
 9 **separate sections.**
 10 Q. Right, so within FIB but in a different section to you,
 11 so not under your line management?
 12 **A. No, sir.**
 13 Q. Right. Would it be fair to say you had no knowledge of
 14 this?
 15 **A. That's the first time I have seen it, sir.**
 16 Q. The first time you have seen it, that is very helpful.
 17 Let's see whether you can help or not, if you cannot
 18 that is fine.
 19 **A. I will try.**
 20 Q. "Hi Kevin ..."
 21 So it is an email from somebody within the FIB to
 22 an officer in Shire:
 23 "... just to let you know, I am your SPOC for
 24 Operation Shire."
 25 So can you help us how that would come about?

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1 **A. It would be guesswork, sir. I didn't know that DC Lee**
 2 **was put in as the SPOC for Shire.**
 3 Q. Right.
 4 **A. Whether conversations had been had by officers more**
 5 **senior than myself around perhaps they are seeing lack**
 6 **of support provided by the FIB, I don't know, sir.**
 7 Q. Right. As far as you are concerned, an oral request
 8 comes to you?
 9 **A. Yes, sir.**
 10 Q. It is not prioritised because of the information that
 11 you did or did not receive from Shire?
 12 **A. Yes, sir.**
 13 Q. A somewhat out-of-date profile was provided?
 14 **A. Yes, sir.**
 15 Q. And, as we have seen with the earlier email that Mr Beer
 16 showed you, a very clear assertion to the robbery unit
 17 that we don't have the resources, this is all we have --
 18 **A. Yes, sir.**
 19 Q. -- it is for you to develop, so cards on the table, is
 20 that a fair way of putting it?
 21 **A. Yes, sir.**
 22 Q. Then you have no knowledge of what happens elsewhere in
 23 the FIB in terms of --
 24 **A. No, sir.**
 25 Q. "My role is to ensure that I am briefed on your

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1 intelligence requirement, which will enable me to make
 2 sure you receive your intelligence in a timely manner
 3 and it is disseminated to the right people. Please
 4 don't hesitate to give me a bell or call down. Regards,
 5 Gill."
 6 That is the whole of the email.
 7 Are you aware of any contact between Shire and
 8 anyone in the FIB consequent to, in relation to this?
 9 **A. Not in relation to this, no, sir. The intelligence**
 10 **coordination unit are responsible for the checking of**
 11 **intelligence, making sure it is rated correctly and then**
 12 **disseminating that intelligence out to where it needs to**
 13 **go.**
 14 Q. Yes.
 15 **A. So whether, where she says -- sorry, I will just put my**
 16 **glasses back on:**
 17 **"Which will enable me to make sure you receive your**
 18 **intelligence in a timely manner and disseminated to the**
 19 **right people."**
 20 **Maybe -- perhaps her choice of using the word "SPOC"**
 21 **in the wrong context. She was making sure, as -- and**
 22 **this is just me surmising, sir, by understanding what**
 23 **that unit does, that when the intelligence come in, she**
 24 **will ensure that she will sanitise it correctly, rate it**
 25 **appropriately, make sure it is correct and get it to the**

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1 **right people promptly in relation to their**
 2 **investigation.**
 3 Q. Okay, I may be asking the wrong witness this and
 4 therefore if you cannot help, you are trying to help,
 5 I am aware of that, but if I am asking you the question,
 6 please tell me I am asking the wrong person.
 7 Following this through, the request comes to you, on
 8 what you know it is not then prioritised but what you
 9 have from a previous operation is provided?
 10 **A. Yes.**
 11 Q. As far as you are concerned, that is that?
 12 **A. Yes.**
 13 Q. You are not then aware of any other process whereby
 14 information is being sent on to Shire --
 15 **A. No, sir.**
 16 Q. -- from anywhere in the FIB?
 17 **A. No, sir.**
 18 Q. You are certainly not aware of any intelligence updates
 19 that are provided to Shire?
 20 **A. No, sir.**
 21 THE CHAIRMAN: Do you mind if I -- I want to make sure
 22 I understand your point about this. The coordination
 23 unit, is this in reference to intelligence going to the
 24 operational team or intelligence being provided by the
 25 operational team?

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1 **A. To the operational team.**
 2 THE CHAIRMAN: It is to the operational team?
 3 **A. Yes, sir.**
 4 THE CHAIRMAN: Thank you, I just wanted to make sure
 5 I understood the question.
 6 MR WEATHERBY: Yes, indeed, I fully appreciate that.
 7 This would appear to be a reference to intelligence
 8 coming into the FIB to be passed on to Shire?
 9 **A. That would be my understanding of it, sir, yes.**
 10 Q. Yes.
 11 Then, just over the page on 249, again with the
 12 heavy caveat that you are not involved in this process
 13 and what you have said, but taking the thread as far as
 14 we can, on W/249, halfway down, we then have the reply
 15 apparently from Mr Cousen to Ms Hurst, which is just
 16 a string of five question marks.
 17 **A. Yes, sir.**
 18 Q. Obviously I am not going to ask you what that means,
 19 I will ask Mr Cousen, but then the last of this thread
 20 that we are aware of is then later the same day, 4.00,
 21 4.01, where Ms Hurst replies to the question marks:
 22 "Spoke to Gill Lee who explained she is now our
 23 Shire FIB SPOC for intel. She says she spoke to you
 24 last week and will be coming up for intel updates every
 25 week."

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1 You are not aware of anything that happened --
 2 **A. No, sir.**
 3 Q. -- as a result of that?
 4 **A. No, sir.**
 5 Q. Just give me a moment.
 6 Can I just ask you one further question.
 7 **A. Of course, sir.**
 8 Q. This appears to be a method of dealing with intelligence
 9 going into the FIB for onwards transmission to Shire.
 10 Would you expect there to be any of the material going
 11 into Shire being fed back into the FIB?
 12 **A. Not normally.**
 13 **MR WEATHERBY: Right.**
 14 **Thank you very much.**
 15 THE CHAIRMAN: Mr Davies, do you have any questions?
 16 MR DAVIES: No, thank you, sir.
 17 THE CHAIRMAN: Ms Barton?
 18 MS BARTON: No thank you, sir.
 19 THE CHAIRMAN: Ms Whyte?
 20 MS WHYTE: Just two.
 21 Questions from MR WHYTE
 22 MS WHYTE: I ask questions of behalf of the Greater
 23 Manchester Police, Mr Kelly. Just dealing with the role
 24 of Gillian Lee she is in effect the conduit, isn't she,
 25 she has no role in building the profiles or analysing

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1 the intelligence?
 2 **A. That's correct, ma'am.**
 3 Q. In answer to some questions yesterday and partly today
 4 from Mr Beer, you dealt with the question of access to
 5 intelligence systems. Do you recall that?
 6 **A. Yes, ma'am.**
 7 Q. Are there any intelligence bases operated by GMP that
 8 FIB had access to that the operational teams would not
 9 have access to?
 10 **A. Possibly Experian, which is the financial --**
 11 Q. But of a more sensitive nature?
 12 **A. No.**
 13 MS WHYTE: Thank you very much.
 14 Thank you, sir.
 15 Questions from THE CHAIRMAN
 16 THE CHAIRMAN: Can I just clear up one point for my own
 17 understanding. You indicated earlier this morning that
 18 you told Detective Sergeant Hurst that responsibility
 19 for developing the profile originally prepared for
 20 Operation Samana rested with her unit, and it was then
 21 that you made the point that they had, as you put it,
 22 more than enough access to the system.
 23 I just want to ask you what you meant by the word
 24 "developing", in this particular context, in the context
 25 in which you were telling Detective Sergeant Hurst that

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1 it was her responsibility to develop it.
 2 **A. To update it, sir.**
 3 THE CHAIRMAN: That is what I mean, do you simply mean to
 4 update it, in other words to add anything that comes in
 5 after the date when it was prepared?
 6 **A. Yes.**
 7 THE CHAIRMAN: Nothing more than that?
 8 **A. No, sir.**
 9 THE CHAIRMAN: Thank you.
 10 Yes, thank you.
 11 Anything else arising out of that from anybody?
 12 MR BEER: Just one question arising from the question that
 13 you just asked, sir.
 14 Further questions from MR BEER
 15 MR BEER: Why do you mean "updating", ie researching whether
 16 there is any intelligence that has come to light after
 17 the date of the profile, 20 September 2011, and not
 18 developing it?
 19 **A. Because my -- it was a live operation, so they will have**
 20 **had more information intelligence than I would be**
 21 **sighted on, for one, from the date of when the profile**
 22 **was originally done and my expectation, rightly or**
 23 **wrongly, was that the information contained within that**
 24 **profile was accurate, correct and up to date, so they**
 25 **shouldn't really have needed to have gone back over it.**

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1 Q. They should not really have needed to go behind it; is
 2 that right?
 3 **A. That's right.**
 4 MR BEER: Thank you.
 5 THE CHAIRMAN: Thank you very much, Mr Kelly. That is the
 6 conclusion of your evidence and you are now free to go.
 7 Thank you for helping the Inquiry.
 8 **A. Thank you.**
 9 MR BEER: Sharon Ross, please.
 10 MS SHARON ROSS (affirmed)
 11 THE CHAIRMAN: Although the affirmation you have just made
 12 has exactly the same force as it would have in a court
 13 of law. You are not in a court of law, this is
 14 an Inquiry, so you are perfectly free to sit down if you
 15 would like to do so.
 16 **A. I will stand, thank you.**
 17 **Questions from MR BEER**
 18 MR BEER: Ms Ross, my name is Jason Beer and together with
 19 Ms Cartwright I ask questions on behalf of the Inquiry.
 20 In front of you there should be a bundle with your name
 21 on it, Sharon Ross.
 22 Thank you, if you open it, you should see between
 23 pages 1 and 5 a witness statement dated 6 October 2014
 24 in your name.
 25 **A. Yes.**

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1 Q. Is that right?
 2 **A. Yes.**
 3 Q. Are the contents of that witness statement true to the
 4 best of your knowledge and belief?
 5 **A. Yes, to the best of my knowledge, yes.**
 6 Q. You are tending to drop your voice a bit. I know it is
 7 probably nerve wracking coming into a place like this,
 8 if you just keep your voice up and make sure that
 9 everyone in the room can hear you.
 10 **A. Okay, yes.**
 11 Q. Thank you.
 12 I don't know what your present position is, are you
 13 still a supervisor in the GMP criminal record unit?
 14 **A. I am, yes.**
 15 Q. That means I think by my calculations that you have
 16 worked there for 22 years?
 17 **A. Yes, yes, that's right.**
 18 Q. Updating from your statement, nine of them as
 19 a supervisor?
 20 **A. Yes, that's correct.**
 21 Q. You know a lot about the police national computer --
 22 **A. Yes.**
 23 Q. -- the PNC?
 24 **A. Yes.**
 25 Q. Can you please describe to the chairman what the PNC is

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<p>1 then.</p> <p>2 A. It is a tool for recording convictions, nominal data.</p> <p>3 Q. Nominal data, what is a "nominal"? A person?</p> <p>4 A. It is a person, yes.</p> <p>5 Q. Okay.</p> <p>6 A. Data, conviction history, warning signals, driver</p> <p>7 disqualification markers, sex offenders status markers</p> <p>8 and that kind of thing, addresses, known associates,</p> <p>9 that kind of thing.</p> <p>10 Q. In broad terms, does it relate to people, vehicles and</p> <p>11 properties?</p> <p>12 A. Yes it does, but in the criminal record unit we deal</p> <p>13 mainly with nominal people.</p> <p>14 Q. With people? Okay.</p> <p>15 One of the functions of the PNC is I think to allow</p> <p>16 officers to conduct what is called a nominal check; is</p> <p>17 that right.</p> <p>18 A. Yes, that's correct.</p> <p>19 Q. Which means a check on a person?</p> <p>20 A. Yes.</p> <p>21 Q. Is one of the results that is obtained when a nominal</p> <p>22 check is undertaken to see whether there are warning</p> <p>23 signals on the PNC in respect of that person?</p> <p>24 A. Yes.</p> <p>25 Q. I think the issue of the placement and retention of</p> <p style="text-align: center;">Page 61</p>	<p>1 Can you see at page 6 there is an exhibit sheet,</p> <p>2 SLR1, which is you?</p> <p>3 A. Yes.</p> <p>4 Q. It is your first exhibit, and over to page 7 there is</p> <p>5 an extract from version 11.01 of the August 2011 version</p> <p>6 of the user manual, yes.</p> <p>7 A. Yes.</p> <p>8 Q. If we see under section 9 "Warning signals", throughout</p> <p>9 section 9.1 right up to 9.4 on page 10, we can see the</p> <p>10 approach that should be taken to warning signals?</p> <p>11 A. Yes.</p> <p>12 Q. Looking at the first paragraph, does the user manual</p> <p>13 provide that:</p> <p>14 "Warning signals comprise a list of characteristics</p> <p>15 designed to assist the police or any other agency</p> <p>16 dealing with a reported person.</p> <p>17 "These signals can be used to protect front-line</p> <p>18 staff who may come into contact with the individual or</p> <p>19 to protect the individual themselves."</p> <p>20 Just looking at that sentence there, "Signals can be</p> <p>21 used to protect front-line staff who may come into</p> <p>22 contact with the individual", what was your</p> <p>23 understanding of what "front-line staff" meant?</p> <p>24 A. Police officers, custody officers, public Inquiry</p> <p>25 officers, anybody that has any dealings with members of</p> <p style="text-align: center;">Page 63</p>
<p>1 warning signals on the PNC in relation to people is</p> <p>2 a subject that is addressed in the PNC user manual?</p> <p>3 A. Yes.</p> <p>4 Q. Is the user manual a document that sets out the</p> <p>5 functionality of the PNC?</p> <p>6 A. Yes.</p> <p>7 Q. Does it also set out the national standards by which it</p> <p>8 should be operated?</p> <p>9 A. Yes, it does.</p> <p>10 Q. And so the user manual sets out the functions and</p> <p>11 systems of the PNC as operated not just by GMP or a part</p> <p>12 of GMP, it is a national policy?</p> <p>13 A. It is, yes.</p> <p>14 Q. I think the version of the PNC user manual with which we</p> <p>15 are principally concerned is version 11.01, ie that</p> <p>16 which was updated in August 2011. Is that right?</p> <p>17 A. Yes, yes, that's correct.</p> <p>18 Q. You hesitated there. Just explain the hesitation?</p> <p>19 A. I thought there was an update in 2012 but I think the</p> <p>20 2011 one is correct, like you say.</p> <p>21 Q. All right, okay.</p> <p>22 Can we go then to page 9 in the bundle. In fact, if</p> <p>23 we start at page 6, so we can see, this is an exhibit to</p> <p>24 your witness statement, Ms Ross. It is I/243 for those</p> <p>25 that are following.</p> <p style="text-align: center;">Page 62</p>	<p>1 the public.</p> <p>2 Q. Is it the opposite to back office?</p> <p>3 A. Yes. Yes.</p> <p>4 Q. Okay.</p> <p>5 Continuing:</p> <p>6 "Whether or not a warning signal is warranted is</p> <p>7 subjective, based on either factual information such as</p> <p>8 a conviction or intelligence."</p> <p>9 That makes it clear, doesn't it, that I think</p> <p>10 a warning signal can go on the PNC and be retained on</p> <p>11 the PNC, even in the absence of a conviction?</p> <p>12 A. Yes.</p> <p>13 Q. "The information must be reviewed on a regular basis and</p> <p>14 if information no longer exists to support the signal,</p> <p>15 then it should be removed. The requirements of the Data</p> <p>16 Protection Act must be carefully considered."</p> <p>17 Then, continuing:</p> <p>18 "Care should be taken to ensure that information of</p> <p>19 a trivial nature is not used to justify a warning</p> <p>20 signal. If a warning signal exists on a record, it will</p> <p>21 mean that the individual may be dealt differently if he</p> <p>22 or she comes into custody or is located in</p> <p>23 an operational situation and blanket use of the facility</p> <p>24 may undermine its effectiveness. As an example, minor</p> <p>25 assaults would not normally justify a violent signal,</p> <p style="text-align: center;">Page 64</p>

<p>1 they may however in a domestic violence scenario." 2 I am going to stop reading there because we then go 3 on to retention. 4 That is the guidance that is given in relation to 5 entering in the first place a warning signal on the PNC? 6 A. Yes. 7 Q. Then looking at the types of warning signal, if we go 8 over to page 8, paragraph 9.2: 9 "The types of warning signals on the PNC are as 10 follows ..." 11 Then they are set out with a two letter code for 12 each one. 13 A. Yes. 14 Q. Looking at the ones with which we are principally 15 concerned, DR, drugs, it says: 16 "May be in unlawful possession of a controlled drug. 17 The purpose of this signal is to alert anyone dealing 18 with this person that they may have drugs with them. 19 The type of drug or the reason for the possession should 20 be recorded. The signal is not restricted to supply or 21 production, it may for example be used to bring 22 attention to the fact that they may have needles in 23 their pockets." 24 Then there are some other paragraphs that I am not 25 going to read concerning drugs.</p> <p style="text-align: center;">Page 65</p>	<p>1 "The individual has used a weapon to commit 2 an offence or intelligence suggests they may carry 3 a weapon unlawfully. May also be used to indicate if 4 blades et cetera are deliberately secreted about their 5 person when in custody. The type of weapon and 6 information as to where it might be concealed should be 7 recorded." 8 That tells us about four of the types of warning 9 marker. 10 Then, if we go to page 10, please, at paragraph 9.3, 11 under the heading "Information contained on warning 12 signals": 13 "The following information will be seen, 14 a force/station reference, which leads to documentation 15 supporting the authenticity of the warning." 16 Secondly: 17 "A date when the warning was applicable to the 18 subject." 19 Thirdly: 20 "The date the warning was last updated." 21 Then, lastly: 22 "A mandatory text field of up to 60 characters which 23 is used to clarify the type of warning, as much 24 information as possible should be contained in this 25 field to enable suitable action to be taken in the event</p> <p style="text-align: center;">Page 67</p>
<p>1 I think that makes it clear that a case of simple 2 possession might be enough to merit a warning signal -- 3 A. Yes, it could. 4 Q. -- for drugs? 5 Then over the page, please, at page 9, to firearms, 6 FI, firearms: 7 "Intelligence or conviction information exists to 8 suggest that the individual has used or may possess 9 firearms or imitation firearms for the purpose of 10 committing crime." 11 Again, that makes it clear doesn't it that it can be 12 based, the signal, on intelligence or conviction 13 information? 14 A. That's correct, yes. 15 Q. Towards the bottom of the page, VI, violent: 16 "This signal can be used to indicate that 17 an individual may be violent, it is not restricted to 18 violent behaviour towards the police alone. It may for 19 example be used to indicate previous domestic violence 20 or violence to particular groups of people. 21 A conviction for a common assault alone would not 22 normally warrant a violent warning signal. It should be 23 remembered that to record a signal for any minor violent 24 act could undermine the effectiveness of this marker." 25 Then lastly WE, weapons:</p> <p style="text-align: center;">Page 66</p>	<p>1 that the subject is dealt with by the police or another 2 agency. Further more detailed information may be 3 recorded on the OD page or within the force responsible 4 for the signal. This information should be readily 5 available if required." 6 What is the "OD page"? 7 A. Other details. 8 Q. Just explain what those last two sentences mean. It 9 says to start with that there is a mandatory text field 10 of up to 60 characters. Then, "Further more detailed 11 information can appear in the other details page". 12 Tell us about that. 13 A. The mandatory text field, basically is to further 14 describe the details of the warning signal, if 15 applicable. We only get a certain number of text 16 characters so the OD page can be used to further 17 elaborate anything to support the warning signal that is 18 in place. 19 Q. What do you understand the purpose of either the 20 mandatory text field of up to 60 characters and the OD 21 page to be? 22 A. Can you repeat that, please? 23 Q. Yes. What is the purpose of not just having the fact of 24 the warning signal but some text about it? Why is that 25 there?</p> <p style="text-align: center;">Page 68</p>

1 **A. It is basically to support and give anybody looking at**
 2 **the PNC a full picture of what the warning signal is**
 3 **about and what it is there for.**
 4 Q. Okay.
 5 Because the word "VI" -- well, it is not a word, but
 6 the letters "VI" don't tell you much, do they?
 7 **A. Unfortunately not. The VI we use to record the**
 8 **different types of the levels of violence, such as**
 9 **a section 18 assault and a section 20 assault can be**
 10 **slightly different in the variation of the level of the**
 11 **violence.**
 12 Q. They can be very different actually, can't they?
 13 **A. Yes, yes.**
 14 Q. VI could range from something just above a common
 15 assault --
 16 **A. Yes.**
 17 Q. -- to murder?
 18 **A. Yes.**
 19 Q. The text field of 60 characters plus the additional
 20 facility in the OD page, which presumably is unlimited,
 21 is to include that additional material to give a reader
 22 a full taste of the flavour of the violence?
 23 **A. Yes.**
 24 Q. Yes?
 25 **A. Yes.**

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1 Q. Thank you.
 2 What we have read so far, I think, makes it clear
 3 that PNC warning markers can be entered onto and
 4 retained on the system without the subject being
 5 convicted of the relevant offence.
 6 **A. That's correct, yes.**
 7 Q. They can be entered and retained based on arrest only?
 8 **A. Yes.**
 9 Q. Indeed I think they were at this time, and maybe even
 10 now, entered on to the PNC on arrest?
 11 **A. Yes.**
 12 Q. So it necessarily follows that whether or not the
 13 individual went on to be charged, and if charged
 14 convicted, wasn't known at the time that they made it on
 15 to the PNC?
 16 **A. The offender, you mean?**
 17 Q. Yes.
 18 **A. Yes.**
 19 Q. Was that in your experience, you are a subject matter
 20 expert, you are a specialist, was that policy well known
 21 to police officers?
 22 **A. I am not sure that it was well known. It should have**
 23 **been known but I am not sure how well known.**
 24 Q. What leads you to think that police officers may not
 25 have known it as well as they might have done?

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1 **A. I am not sure what their understanding of sometimes PNC**
 2 **is, I don't know what parts they know and what they**
 3 **don't know and what it means. Sometimes we do need to**
 4 **explain different things to them.**
 5 Q. Never mind about the PNC, because it is a gargantuan
 6 system with Byzantine backwaters to it and I would not
 7 expect every officer to understand all of its minute
 8 workings, I am just focusing on warning markers at the
 9 moment.
 10 We have heard from a couple of intelligence officers
 11 already that when they first gave answers to the
 12 chairman, they said "PNC warning marker, that is based
 13 on conviction information". It is fair to say in
 14 subsequent answers they said, "Well, no, in fact I did
 15 know that it might be okay to put a warning marker on
 16 because of non-conviction data".
 17 Do you think officers or some officers may have
 18 assumed that a warning marker was there because of
 19 a conviction?
 20 **A. Possibly.**
 21 Q. Okay, and why do you think that?
 22 **A. Like I say, I am not entirely sure their interpretation**
 23 **of why the warning signal is on for arrest rather than**
 24 **conviction.**
 25 Q. Is that because you have had dealings with operational

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1 officers where this misunderstanding of what the warning
 2 marker's factual foundation is has become apparent?
 3 **A. No.**
 4 Q. Why do you think they don't properly understand it, or
 5 may not properly understand it?
 6 **A. To be honest, I am not sure.**
 7 Q. In order to say that you don't think somebody doesn't
 8 understand something, you must have had some experience
 9 in life to be able to say that. What leads you to think
 10 that operational police officers may not understand this
 11 bit of the PNC?
 12 **A. Sorry?**
 13 Q. Let me give you examples, it could be:
 14 "I have done training courses for officers and
 15 I have asked them to put up their hands if they know
 16 whether a warning marker on a PNC must be based on
 17 conviction or it could be intelligence only, and out of
 18 the 100 people in the classroom only one got it right."
 19 Or it could be:
 20 "In casual chit-chat over my 22 years' experience,
 21 I have spoken to lots of operational officers and
 22 a general theme has emerged, they don't really know what
 23 warning markers foundations are."
 24 Or it could be:
 25 "I am wildly speculating, I just think that police

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1 officers don't know much about the PNC and I am wrapping
 2 this up in that conclusion."
 3 **A. I would like to believe that the police officers would**
 4 **understand what the warning signal is there for.**
 5 **Whether they understand that it is there purely because**
 6 **somebody has been arrested or whether it is on**
 7 **conviction I don't know, but I would like to think that**
 8 **if they didn't know, they would come to us and ask.**
 9 Q. Have you had people coming to you and asking?
 10 **A. Sometimes about warning signals, sometimes about other**
 11 **parts of PNC.**
 12 Q. What are the queries about warning signals?
 13 **A. Sometimes what it is in relation to, previous**
 14 **convictions, that kind of thing.**
 15 Q. From your perspective -- moving away from your
 16 understanding of other people's understanding -- it
 17 would be wrong to assume from the mere presence of
 18 a warning marker taken alone that the warning referred
 19 to a conviction rather than an unproven suspicion?
 20 **A. The warning marker is there not just for convictions.**
 21 Q. Yes.
 22 It is wrong to assume from a warning marker that it
 23 referred to a recent incident, it can be historic?
 24 **A. It can be historic if nothing else has come to notice**
 25 **since then.**

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1 Q. Yes. It is right, as I think we have discussed, that
 2 markers can refer to a broad range of allegations in the
 3 violent warning marker sphere, unsubstantiated
 4 allegations of comparatively minor assaults at one
 5 end --
 6 **A. Yes.**
 7 Q. -- up to a conviction for a double murder at the other?
 8 **A. Yes.**
 9 Q. Is that why there needs to be a description of the
 10 facts, so that an officer reading the marker can see
 11 where on the spectrum this marker lays?
 12 **A. Yes.**
 13 Q. Thank you.
 14 Can we then go back to the policy to look at
 15 retention periods, please.
 16 Page 7.
 17 THE CHAIRMAN: Do you mean 7?
 18 MR BEER: Yes, please, sir.
 19 THE CHAIRMAN: All right.
 20 MR BEER: I stopped reading on the second paragraph of 9.1,
 21 "If we can continue" and the third paragraph, the one
 22 beginning, "The PNC ...":
 23 "The PNC produces a batch print five years after the
 24 date of the input of the signal to enable forces to
 25 manage the review of these signals. This should not be

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1 taken to mean that warning signals should be reviewed
 2 every five years as it would not be appropriate to
 3 retain some for that long, conversely it may be
 4 appropriate for some signals to be retained for the life
 5 of the individual. That judgment is for the owning
 6 force to make based on the information available at the
 7 time on a case-by-case basis."
 8 Yes? Then on further in the policy at 9.4 on
 9 page 10:
 10 "The retention of a warning signal should be
 11 considered in the same way as when it is first input."
 12 I think that means when it was first input:
 13 "Reference must be made to the information available
 14 which supports the signal, a conviction is good evidence
 15 to support the retention of a marker if it is still
 16 relevant. The severity of the incident or conditions
 17 should be considered in the decision-making process in
 18 order to justify deletion or retention of the markers.
 19 For example, use of a firearm in crime supported by
 20 a conviction may justify retaining the marker for life.
 21 If the warning signal is supported by intelligence alone
 22 then consideration must be given to the accuracy and
 23 relevant of that information."
 24 There it is drawing a distinction between conviction
 25 and intelligence information, as to decision making

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1 about retention, yes?
 2 **A. Yes.**
 3 Q. Can I turn then to the practice that was operated within
 4 GMP, before and after 2010 in relation to entering
 5 information concerning warning markers?
 6 Is it right that before 2010 an arresting officer
 7 would be responsible for sending what was called
 8 a nominal descriptive form to the criminal records unit?
 9 **A. Yes.**
 10 Q. That was called a form 208; is that right?
 11 **A. Yes, correct.**
 12 Q. When the arresting officer arrested a person, if they
 13 wished to generate a warning marker, they would fill out
 14 form 208, the nominal descriptive form, and suggest
 15 a warning marker?
 16 **A. Yes.**
 17 Q. That would include the details of the offence for which
 18 the person had been arrested and a justification for the
 19 warning marker or markers?
 20 **A. Yes.**
 21 Q. I think since 2010 the process of adding a warning
 22 signal has been undertaken by custody staff directly; is
 23 that right?
 24 **A. Yes.**
 25 Q. They don't send a document off to the criminal records

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1 unit, they do it themselves?
 2 **A. Yes, it is done by an automated process.**
 3 Q. Sorry, say again?
 4 **A. It is done by an automated process.**
 5 Q. Thank you.
 6 Does that mean that they are effectively the
 7 custodians now, since 2010, of decisions as to whether
 8 to enter warning signals or not?
 9 **A. Primarily, yes, from the arrest details it would**
 10 **populate that information to PNC.**
 11 Q. Can I turn then, with that background in mind, to the
 12 position of Mr Grainger. Can I start, please, with his
 13 police national computer record, which I think is in
 14 your bundle at page 82, numbered in the top right, which
 15 is F/1048, for those following.
 16 Is this a police print starting at page 82 of
 17 Mr Grainger's PNC record?
 18 **A. Yes, it is.**
 19 Q. We can see that it was printed out on 4 March 2012, so
 20 the day after that he passed away?
 21 **A. Yes.**
 22 Q. We see it is a police print, just explain, we have heard
 23 it once already, but just to refresh my memory, what is
 24 the difference between a police print and a court print?
 25 **A. A police print will also print out full details of MO,**

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1 **offence locations and other information that may not be**
 2 **relevant to a court print.**
 3 Q. Which is why this one is 60 pages long, whereas a court
 4 print in this case might be about 12 or 13 pages long?
 5 **A. Yes.**
 6 Q. Can we look then at Mr Grainger's warning signals, are
 7 they on page 84?
 8 **A. Yes.**
 9 Q. We can see there are three warning signals, violence or
 10 violent for an affray on 4 December 1997. The owner
 11 reference is given -- can you help us with what the
 12 owner reference refers to?
 13 **A. Yes, the O6VB is the force for Greater Manchester.**
 14 Q. O6VB is GMP?
 15 **A. Yes, F1 is the division where the custody record relates**
 16 **to.**
 17 Q. Where the?
 18 **A. The custody record relates to, where the person was**
 19 **brought into custody.**
 20 Q. So F1 division, yes?
 21 **A. Yes, 136 is the custody record number, 12 is the month**
 22 **and 97 is the year.**
 23 Q. Thank you. Then there is column which says when it was
 24 last updated, yes?
 25 **A. Yes.**

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1 Q. There are two warning signals for drugs and we can see
 2 the information set out there for conspiring to supply
 3 heroin and amphetamines in September 2008 and for
 4 possession of cannabis in June 2008?
 5 **A. Yes.**
 6 Q. We can see then that certainly the violent warning
 7 marker was entered, certainly by March 2012, many years
 8 previously?
 9 **A. Yes.**
 10 Q. It was quite old, quite historic?
 11 **A. Yes.**
 12 Q. You explain in your witness statement how it is that it
 13 remained there?
 14 **A. Yes.**
 15 Q. I think you came to this exercise in 2014; is that
 16 right?
 17 **A. Yes, that's correct.**
 18 Q. By reason of a request made to you by the team that was
 19 defending Sir Peter Fahy in a criminal prosecution?
 20 **A. Yes.**
 21 Q. Can we just turn back to your witness statement, please,
 22 at page 2.
 23 Just to clear something out of the way first, in the
 24 middle of the witness statement on page 2, you say:
 25 "As per the guidance for review of the warning

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1 signals, the PNC data on Anthony Grainger's record was
 2 reviewed in February 2014 and as a consequence the
 3 warning signals were removed. This was because
 4 Anthony Grainger had not come to the notice of the
 5 police or law enforcement agencies within that five-year
 6 period."
 7 Yes?
 8 **A. Yes.**
 9 Q. Did you know in fact that he had passed away two years
 10 before then?
 11 **A. Yes.**
 12 Q. That might be a reason not to retain the warning markers
 13 as well, presumably?
 14 **A. Yes.**
 15 Q. But putting that to one side, can we look at pages 25
 16 and 26 of the bundle, which is a court print or part of
 17 a court print of Mr Grainger's PNC record. I am just
 18 using this because it is one that the chairman and the
 19 lawyers might be more familiar with.
 20 You said that he hadn't come to the attention of the
 21 authorities for five years before February 2014, and
 22 that is why the warning signals were removed.
 23 If we look at page 25, conviction 14 for driving
 24 whilst disqualified, that was five years before 2014,
 25 wasn't it?

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1 **A. Yes.**
 2 Q. Then over the page, conviction 15 for handling stolen
 3 goods, that was five years before 2014 and conviction
 4 16, 8 May 2000, driving whilst disqualified, conviction;
 5 17, 5 November 2011 handling stolen goods, and then
 6 conviction 18, 10 January 2011, conspiring to handle
 7 stolen goods for which Mr Grainger was imprisoned for
 8 20 months.
 9 Those five convictions for about 10 offences, they
 10 were all in the five years before 2014, weren't they?
 11 **A. Yes.**
 12 Q. How was it you said that Mr Grainger's warning signals
 13 were removed in February 2014 because he hadn't come to
 14 the notice of the police within the five-year period
 15 beforehand?
 16 **A. It means that he hadn't come to -- hadn't been arrested**
 17 **in that five-year period.**
 18 Q. He hadn't been arrested in the five years before
 19 February 2014?
 20 **A. Sorry, can you say the question again?**
 21 Q. Yes, you were saying he hadn't been arrested in the five
 22 years before 2014?
 23 **A. Sorry, what was the question?**
 24 Q. Are you saying that he had not been arrested in the five
 25 years before February 2014?

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1 **A. His last arrest was from, or conviction, was from 2011.**
 2 Q. Yes. Which is within five years of 2014, isn't it?
 3 **A. Sorry, yes.**
 4 Q. And all of the ones I think going back to conviction 14
 5 were within five years of 2014.
 6 THE CHAIRMAN: They were not actually. Three others were
 7 but --
 8 MR BEER: Sorry, the last one I am so sorry.
 9 THE CHAIRMAN: The last two.
 10 MR BEER: Sorry, the last one, 18.
 11 That one was within five years of February 2014,
 12 wasn't it?
 13 THE CHAIRMAN: 17.
 14 MR BEER: No, 17 not -- because that is 01, which is the
 15 mistake I was making.
 16 THE CHAIRMAN: I am sorry, you are quite right, I misread
 17 it.
 18 MR BEER: Do you see conviction 18, 10 January 2011, can you
 19 tell from this that --
 20 **A. That was his conviction date in 2011 --**
 21 Q. Yes.
 22 **A. -- I am not entirely sure without reading through this**
 23 **properly, going through it again, when his actual arrest**
 24 **date was in relation to that conviction.**
 25 Q. I see. You will not be able to tell from the court

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1 print, I don't think.
 2 **A. No, not from the court print.**
 3 Q. Can you tell from the PNC print? Sorry, the police
 4 print -- page 82 that starts. (Pause)
 5 **A. Sir, the conviction in 2011 at Minshull Street Crown**
 6 **Court would have been from the arrest on page 91 for the**
 7 **offence of conspiring to handle stolen goods.**
 8 Q. Hmm. And the date of that arrest?
 9 **A. The arrest date for that was 8 September 2008.**
 10 Q. Just show us on page 91, is that right in the middle of
 11 the page as between the hole-punches?
 12 **A. Yes.**
 13 Q. Arrested at 8.40 in the evening, 20.40?
 14 **A. Yes.**
 15 Q. You are saying that because even though he was convicted
 16 within five years before February 2014, because he was
 17 arrested outside five years, that is why it was weeded
 18 from the system?
 19 **A. Yes.**
 20 Q. Right, moving on then, the initial violent warning
 21 marker's entry on to the system, was the violent warning
 22 marker entered on to the PNC for a driving offence or
 23 an offence committed on 4 December 1997?
 24 **A. That's correct.**
 25 Q. Was this the incident in which Mr Grainger is said to

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1 have rammed police cars with his car or a car that he
 2 was driving?
 3 **A. Yes.**
 4 Q. The circumstances, as you understand them to be, if you
 5 look at page 2 of your bundle, please, which is page 2
 6 of your witness statement. Do you have the penultimate
 7 paragraph at the foot of the page?
 8 You say in the second line:
 9 "PNC and GMP intelligence systems show that
 10 Anthony Grainger was the driver of a stolen vehicle
 11 being pursued by the police. Anthony Grainger stopped
 12 the stolen vehicle and reversed it into the police
 13 vehicle, causing damage to it. Two passengers from the
 14 stolen vehicle then got out armed with weapons and
 15 caused further damage to the police vehicle in an effort
 16 to prevent the police from following before they got
 17 back into the stolen vehicle. Anthony Grainger then
 18 drove off but stopped a second time and again
 19 Anthony Grainger reversed the stolen vehicle into the
 20 police vehicle causing further damage. The two
 21 passengers got out again and smashed the windscreen of
 22 the police vehicle causing glass fragments to enter both
 23 officers' eyes. The two passengers got back into the
 24 stolen vehicle and Anthony Grainger drove off.
 25 Anthony Grainger was initially charged with two

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1 section 20 assaults in relation to the two officers'
 2 injuries, violent disorder and aggravated vehicle
 3 taking."
 4 He was initially charged with two section 20
 5 assaults, violent disorder and an aggravated vehicle
 6 taking, yes?
 7 **A. Yes.**
 8 Q. It seems from what you then say that the violent
 9 disorder allegation was dropped at the Magistrates'
 10 Court and a count of affray was added instead; is that
 11 right?
 12 **A. Yes.**
 13 Q. What about the two section 20 allegations? What
 14 happened to those?
 15 **A. I don't think the CPS proceeded with those.**
 16 Q. Right, thank you. The result of the criminal
 17 proceedings was that Mr Grainger pleaded guilty to two
 18 offences, simple taking of vehicle without consent,
 19 TWOC, not the aggravated version of it?
 20 **A. Yes.**
 21 Q. And a dangerous driving offence?
 22 **A. Yes.**
 23 Q. And the affray offence was ordered to lie on the file?
 24 **A. Yes.**
 25 Q. Does it follow that he was not convicted of an offence

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1 involving violence in respect of this incident?
 2 **A. No, he wasn't convicted.**
 3 Q. Can a violent warning marker be imposed even when, as
 4 happened in these circumstances, the end result was that
 5 the subject was not convicted for violence?
 6 **A. The violent warning marker is in relation to the affray**
 7 **which was ordered to remain on file and he was not**
 8 **actually convicted for that. The warning signal**
 9 **remained.**
 10 Q. What does "laying on the file" mean?
 11 **A. It can be brought back to be -- brought back to the**
 12 **court to be dealt with at any other time.**
 13 Q. Is that a recognised category of disposal which results
 14 in a marker remaining on the PNC?
 15 **A. Yes, it can do.**
 16 Q. What happens if the subject is acquitted of that
 17 offence?
 18 **A. At the time of this particular incident, under the**
 19 **weeding rules in place at that time, if the offender was**
 20 **acquitted of that offence then the warning marker would**
 21 **possibly be removed.**
 22 THE CHAIRMAN: Sorry, the warning marker would? I didn't
 23 hear you.
 24 **A. Be removed.**
 25 MR BEER: I think "possibly be removed" you said.

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1 **A. Yes.**
 2 Q. You qualified that answer with the inclusion of the word
 3 "possibly", what determined whether it was or was not?
 4 **A. We would take into account any intelligence as well to**
 5 **coincide with that warning marker.**
 6 Q. Can you keep your voice up a bit, please.
 7 **A. Sorry. We would take into account any intelligence as**
 8 **well that would coincide with that warning marker.**
 9 Q. What do you mean "intelligence that would coincide with
 10 it", you mean current intelligence?
 11 **A. Any -- well, yes.**
 12 Q. Not intelligence about the index incident, other
 13 intelligence?
 14 **A. About that incident.**
 15 Q. So an allegation is made against the person, he goes to
 16 trial and he is acquitted. You said that in some
 17 circumstances it might be taken off the system, weeded
 18 off, but in other circumstances, it might remain because
 19 of other intelligence about it. What might that other
 20 intelligence be that allows it to be retained?
 21 **A. If there was a history of a particular violent nature.**
 22 Q. What do you mean by that, "a history of a particularly
 23 violent nature"?
 24 **A. Well, anybody that potentially would have history of**
 25 **violence.**

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1 Q. What does a history of violence mean?
 2 **A. If they were previously -- either previously convicted**
 3 **of a violent offence or if they were known to be of**
 4 **a violent character.**
 5 Q. What does known to be of a violent character mean?
 6 **A. If they -- if there was intelligence to suggest that**
 7 **they would be violent.**
 8 Q. Okay.
 9 The driving offence I think was 14 or so years old
 10 when Mr Grainger passed away, and I think was entered on
 11 the system at a time when he was 21 years old -- my
 12 calculations.
 13 When reviewing warning markers, is any consideration
 14 taken as to the antiquity of the incident or the age of
 15 the offender at the date of alleged commission?
 16 **A. Not the age of the offender.**
 17 Q. The fact they might be a juvenile does not matter --
 18 they were not a juvenile in this case, but that wouldn't
 19 matter?
 20 **A. No.**
 21 Q. What about the antiquity of the incident?
 22 **A. The warning marker would remain on PNC until the first**
 23 **five-year review.**
 24 Q. Yes, I know that but when you get to the 15th five-year
 25 review, after 75 years, does the antiquity of the

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1 alleged incident bear any relationship to its retention
 2 then? Do you see what I mean? The more five-year
 3 periods that elapse after the incident, as I am calling
 4 it, because we know it might not be an offence at all
 5 that has been committed, the more five-year periods that
 6 elapse, does that have an impact?
 7 **A. I am sorry, can you --**
 8 Q. Yes. Presumably the idea of reviews, as I think we have
 9 seen in the policy, is to see that if a person who has
 10 a warning marker on their record has remained clear of
 11 the attention of the police service or other law
 12 enforcement agencies for that five-year period, then
 13 consideration is given to lifting it?
 14 **A. Yes.**
 15 Q. If, after a second five-year period has elapsed, they
 16 have kept their nose clean, at least as far as the
 17 police are concerned, for ten years and then after the
 18 third one it is 15 years, which was sort of close to
 19 this case, I know that there were other incidents in
 20 between, does the age of the incident affect the review
 21 that is undertaken?
 22 **A. The age of the incident is subject to that -- to the**
 23 **five-year review period. If the person doesn't come to**
 24 **notice again, then we review the warning signal to**
 25 **remove the details from PNC. If that person is**

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1 **subsequently arrested for a similar type of offence,**
 2 **then a new warning signal would be put on PNC and then**
 3 **that would be subject to the five-year -- to another**
 4 **five-year review.**
 5 Q. Okay, so if I have this right -- I might have to think
 6 about this with a towel round my head over lunch -- if
 7 when you are reviewing a PNC marker, all you do is say,
 8 "I take as a given that this is rightly on the PNC, I am
 9 only looking five years back", if nothing has happened
 10 in that five years, the warning marker goes?
 11 **A. Yes. Providing -- yes.**
 12 Q. If something has happened in that five years of
 13 a similar nature, is it the case that then the warning
 14 marker is retained?
 15 **A. When you say something, anything or of a similar type?**
 16 Q. Of a similar type.
 17 **A. If a similar type has happened again, then a warning**
 18 **marker would be entered.**
 19 THE CHAIRMAN: A new warning marker?
 20 **A. A new warning marker.**
 21 MR BEER: For the new thing?
 22 **A. For the new thing. Then that would be subject to**
 23 **a five-year review.**
 24 Q. What about the old one?
 25 **A. The old one would be superseded by the new one.**

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1 Q. Would it disappear then?
 2 **A. Yes.**
 3 Q. I think in this case the warning marker was added in
 4 1997 and therefore fell to be reviewed in 2002 and 2007,
 5 but because of pressure of work, the latter review took
 6 place in 2008 not 2007?
 7 **A. That's correct, yes.**
 8 Q. You say in your witness statement that there are, there
 9 were two incidents which justified the retention of the
 10 marker. If we can look at each of those, please, it is
 11 page 3 of your witness statement.
 12 In the second line you say:
 13 "In Anthony Grainger's case, there are two further
 14 crimes involving violence on his record. A section 47
 15 assault which relates to an incident on 30 October 2009
 16 on Saint Mary's Gate, city centre, Manchester."
 17 Then if you just look two paragraphs on, you say,
 18 the paragraph that begins, "Given the violent
 19 nature ..." in the last two lines you say:
 20 "The allegation of the offence in 2009 ..."
 21 Of course, if that is right, that there was
 22 a further alleged offence in 2009, it couldn't have been
 23 taken into account in 2002 as part of a review, could
 24 it?
 25 **A. No.**

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1 Q. As far as I can see from the records, there is no
 2 suspicion of an assault alleged against Mr Grainger in
 3 2009. Was this a mistake. Did you mean 1999?
 4 **A. In -- no, there was an allegation of an assault in 2009**
 5 **but he wasn't arrested for it, apparently.**
 6 Q. How could that be taken account of in 2002? It had not
 7 happened for seven years, or it was yet to happen for
 8 seven years.
 9 **A. The review in 2002 was related to the 1997 incident.**
 10 Q. Yes, and what you are saying is that the -- if you look
 11 at the top of the page, "The initial review in 2002
 12 would have been conducted in line with the review policy
 13 and taken into account the details of the original
 14 offence in 1997 and any intelligence held on the GMP
 15 intelligence system. In Anthony Grainger's case there
 16 are two further crimes involving violence on his record:
 17 a section 47 assault, which relates to an incident in
 18 2009 on Saint Mary's Gate ..."
 19 That cannot be taken account of in 2002, can it?
 20 **A. No.**
 21 Q. Right.
 22 Can we put that to one side for the 2002 review
 23 then?
 24 **A. Yes.**
 25 Q. Okay.

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1 On that note, might that be a convenient moment?
 2 THE CHAIRMAN: That is a sensible point to break, obviously.
 3 Right. 2.05, please. Thank you.
 4 (1.00 pm)
 5 (The Luncheon Adjournment)
 6 (2.05 pm)
 7 MR BEER: Thank you, sir.
 8 Can we pick up where we left off, please, Ms Ross.
 9 We were dealing with an allegation of assault
 10 against Mr Grainger relating to an incident on
 11 30 October 2009 --
 12 **A. Yes.**
 13 Q. -- and you said that that was rightly
 14 dated October 2009, yes?
 15 **A. Yes.**
 16 Q. Does it follow from that that it cannot have been
 17 considered in the reviews that were conducted in 2002
 18 and 2008?
 19 **A. No.**
 20 Q. So we can ignore that completely?
 21 **A. Yes.**
 22 Q. If we look at your witness statement at page 3, that is
 23 page 3 of the bundle and page 3 of the witness
 24 statement, where it says in the third paragraph:
 25 "Given the violent nature of these crimes there is

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1 justification for the original violent warning signal to
 2 remain on the record."
 3 Yes?
 4 **A. Yes.**
 5 Q. That should read "crime" not "crimes"?
 6 **A. Yes.**
 7 Q. In the last sentence of that paragraph where it reads:
 8 "The allegation of the offence in 2009 would not
 9 have been considered for another violent warning signal
 10 to be added to his PNC record as he was never arrested
 11 for the offence."
 12 We can end that sentence with:
 13 "... would not have been considered as part of the
 14 review conducted in 2002 and 2008."
 15 Yes?
 16 **A. Yes.**
 17 Q. Thank you.
 18 It is only really the alleged incident on
 19 19 May 2001 that could have been the justification for
 20 the retention of the warning signal?
 21 **A. Yes.**
 22 Q. You say, in the second paragraph:
 23 "There is also a section 18 assault which occurred
 24 on 19 May 2001 at Bar Med, Deansgate where again
 25 Anthony Grainger is alleged to have punched the victim

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1 once causing him to fall and bang his head on the
 2 pavement, which in turn caused a fractured skull and
 3 severe bleed on the brain. Extensive enquiries using
 4 CCTV and facial mapping led to Anthony Grainger's
 5 arrest, however the CPS reviewed the file of evidence
 6 and concluded there was insufficient evidence to proceed
 7 with a prosecution."
 8 Then a little further on in the next paragraph you
 9 say:
 10 "The offence in 2001 would not have been considered
 11 for another violent warning signal to be added to his
 12 PNC record as no further action was taken against him
 13 for that matter."
 14 What you seem to be saying is that because no
 15 further action was taken against Mr Grainger, a new
 16 warning signal could not be added. Is that right?
 17 **A. That's correct.**
 18 Q. But it amounted to justification for the retention of
 19 the existing warning signal?
 20 **A. Yes.**
 21 Q. Why is that, if the outcome of the investigation, ie no
 22 further action, meant that it wasn't sufficient to
 23 justify a new warning signal, why is that simultaneously
 24 sufficient grounds to justify the retention of an older
 25 warning signal?

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1 **A. The no further action offence, at the time the weeding**
 2 **rules meant that that particular 2001 incident, the**
 3 **warning signal would have come off for the no further**
 4 **action disposal.**
 5 Q. That is half an answer. That answers the question: why
 6 couldn't this justify a new warning signal?
 7 **A. Yes.**
 8 Q. What about the other half of the question: but why did
 9 it justify the retention of an old one?
 10 **A. The previous warning signal to do with the affray was**
 11 **ordered to lie on file, so that was retained.**
 12 Q. I know that, but why does something which is not
 13 justification for a warning signal in itself
 14 simultaneously be sufficient grounds to retain an old
 15 warning signal?
 16 **A. Sorry, you have confused me.**
 17 Q. Yes, the fact that no further action was taken against
 18 Mr Grainger for the Deansgate incident in 2001, yes?
 19 **A. Yes.**
 20 Q. Meant that a warning signal could not be entered?
 21 **A. Yes.**
 22 Q. But you seem to be saying in this part of your statement
 23 that it was a justification to retain the old one.
 24 **A. The justification to retain the old one pertained to the**
 25 **1997 matter of affray.**

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1 MR THOMAS: Sir, I can't hear.
 2 **A. Sorry.**
 3 MR BEER: If you could just keep your voice up.
 4 THE CHAIRMAN: The justification pertained to the 1997
 5 matter, the affray.
 6 MR BEER: That is what I am asking about. Why did it amount
 7 to justification?
 8 **A. Because the affray matter was ordered to lie on file.**
 9 Q. Yes, but why did the no further action taken against
 10 Mr Grainger in 2001 mean that the no further action, the
 11 lie on the file allegation, could thereafter remain on
 12 the system as a warning signal?
 13 **A. The violent warning marker that was on PNC at the time**
 14 **for affray, the 2001 -- sorry, the 2001 pertained to**
 15 **a different type of offence, being assault rather than**
 16 **affray, so that is why no warning signal was entered for**
 17 **the no further action, but the affray was justified for**
 18 **a previous incident for a different offence type.**
 19 Q. I will try and approach it from another angle. If it
 20 had got to 2002 and the 2001 incident had not happened,
 21 would the affray, if nothing else had have happened,
 22 have been removed?
 23 **A. Yes.**
 24 Q. Therefore it is this incident in 2001 that caused it to
 25 remain?

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1 **A. Yes, I believe so.**
 2 Q. Why did it cause it to remain? (Pause)
 3 **A. I am sorry.**
 4 Q. It is okay. Don't worry, just take your time.
 5 THE CHAIRMAN: If at any time you feel like sitting down by
 6 the way, do feel free, you don't have to stand.
 7 **A. Thank you.**
 8 MR BEER: Do you understand, we have established that if
 9 nothing had happened, if Mr Grainger had, colloquially,
 10 kept his nose clean for five years, yes, in 2002 the
 11 affray marker would have gone, yes?
 12 **A. Yes.**
 13 Q. You seem to be saying in this statement that because of
 14 the fact that no further action was taken against him in
 15 2001 in relation to the Deansgate incident, that was the
 16 reason that the warning marker remained. I am asking:
 17 why did it remain?
 18 **A. It remained -- the warning marker remained on PNC**
 19 **because of the lie on file for the affray. That is the**
 20 **only reason I can give at this time.**
 21 Q. Okay. I will move on.
 22 You only here point to two reasons for the warning
 23 marker for affray remaining on the system. One because
 24 of the incident in 2001, which we have just discussed,
 25 and one for the incident in 2009, yes?

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1 **A. Yes.**
 2 Q. The review that took place in 2008, nothing had happened
 3 between 2002 and 2008, had it?
 4 **A. No.**
 5 Q. Why wasn't the affray warning marker lifted in 2008?
 6 **A. I am not sure.**
 7 Q. On the face of the documents that you looked at, and the
 8 documents that I think we have been provided with by
 9 GMP, there were not any allegations of a like kind that
 10 could have justified the retention of the warning marker
 11 between 2002 and 2008?
 12 **A. No.**
 13 Q. To use my colloquial expression, for these purposes,
 14 Mr Grainger had kept his nose clean?
 15 **A. Yes, it would be to be.**
 16 Q. The 2009 incident had not happened yet. So in 2008 the
 17 review ought to have resulted in the removal of the
 18 affray warning marker, shouldn't it?
 19 **A. Yes.**
 20 Q. Can you help us with the criteria for warning signals
 21 being entered on to OPUS, please. Are they the same or
 22 different than those for entering warning signals on to
 23 the PNC?
 24 **A. The criminal record unit are not responsible for**
 25 **entering warning signals on to OPUS. Therefore, I would**

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1 **think that the warning signals are based on intelligence**
 2 **from -- that are input from police officers on the front**
 3 **line.**
 4 Q. Okay, so this is not really within your area of
 5 expertise, is that right, OPUS?
 6 **A. Not on the OPUS system.**
 7 Q. Right, okay, so we are better off looking elsewhere for
 8 answers to that, yes?
 9 **A. Yes.**
 10 Q. Okay.
 11 I think it is right that there was no warning marker
 12 for weapons on the PNC for Mr Grainger?
 13 **A. That's correct.**
 14 Q. Does it follow from that that there was, by 2012, no
 15 convictions or other intelligence that justified for PNC
 16 purposes that Mr Grainger may carry or use a weapon?
 17 **A. That's correct.**
 18 MR BEER: Yes, thank you very much indeed.
 19 **A. Thank you.**
 20 THE CHAIRMAN: Any questions, Mr Thomas?
 21 MR STRAW: Sir, if I may, just one or two.
 22 THE CHAIRMAN: Certainly, Mr Straw.
 23 Questions from MR STRAW
 24 MR STRAW: Ms Ross, I represent the family of
 25 Anthony Grainger, particularly his mother, his

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1 stepfather and his brother.
 2 Could you have a look, please, at the court printout
 3 which you have been to already of the PNC for
 4 Anthony Grainger, which I think is at pages 16 to 27 of
 5 your bundle. For others is at I/255. Do you have that?
 6 **A. Yes.**
 7 Q. Yes. At the bottom of page 16 there is a summary of the
 8 convictions, reprimands, warnings and cautions that he
 9 has received, that Anthony Grainger has received.
 10 Can you confirm, please, that Mr Grainger had
 11 received no convictions for offences involving violence?
 12 **A. Yes.**
 13 Q. Also Mr Grainger had received no convictions for
 14 offences involving weapons?
 15 **A. Yes.**
 16 Q. Thank you.
 17 The next issue is the section 47 assault, which you
 18 have mentioned already and which you note in your
 19 witness statement to be 30 October 2009. It was
 20 suggested that you might be mistaken as to that date
 21 because in your statement you have noted that that was
 22 taken into account in the review in 2002. Do you
 23 remember that?
 24 **A. Yes.**
 25 Q. I would like to suggest another reason why you might be

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1 mistaken, which is, could you have a look, please,
 2 I hope this is in your bundle, at page 164 of your
 3 bundle -- for others that is F/1018 -- this is
 4 a document we have seen before, part of
 5 Anthony Grainger's OPUS profile.
 6 Can you see halfway down that list of what are
 7 called crimes there, there is "Assault, section 47".
 8 **A. Yes.**
 9 Q. Reading across there, it has 30 October but instead of
 10 2009 it has 1999 there.
 11 **A. Yes.**
 12 Q. Do you see that?
 13 Can you confirm that is the only section 47 assault
 14 that we can see on that page?
 15 **A. Yes.**
 16 Q. Might that suggest that the 2009 date you gave might be
 17 mistaken, it might be 1999 instead?
 18 **A. Yes, it could be.**
 19 Q. I am sorry, can I remind you again to keep your voice
 20 up, if you try and speak to the person at the back of
 21 the court that sometimes helps.
 22 **A. Sorry.**
 23 Q. Thank you.
 24 You have noted already that Mr Grainger was not even
 25 arrested for that offence.

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1 It is right, isn't it, that even if a victim decides
 2 not to be involved in an offence, that the police can
 3 nevertheless proceed with the offence in the victim's
 4 absence?
 5 THE CHAIRMAN: Do you mean the case -- can proceed with the
 6 case?
 7 MR STRAW: Yes. Thank you.
 8 **A. Yes.**
 9 Q. In your statement, can you have a look, please, at
 10 page 3 of your bundle, H/160.
 11 THE CHAIRMAN: Sorry, page 3 of the witness bundle?
 12 MR STRAW: That's right, yes.
 13 Do you see towards the top there, you note that the
 14 victim took the decision not to press charges.
 15 **A. Yes.**
 16 Q. You don't mean to suggest there do you that the victim
 17 makes the decision whether the case proceeds? It's the
 18 police who make that decision?
 19 **A. The decision whether the case proceeds is made by the**
 20 **CPS.**
 21 Q. At that stage. And whether to investigate it, that is
 22 a decision for the police?
 23 **A. The police would investigate, yes.**
 24 Q. The police can decide not to investigate can't they if
 25 either there is just not sufficient evidence or if they

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1 consider the matter is simply too minor?
 2 **A. The police would always investigate, regardless of how**
 3 **major or minor the offence would be.**
 4 Q. Okay. If that is right, can we assume that because
 5 Mr Grainger was not even arrested for this offence, the
 6 police must have concluded that there wasn't sufficient
 7 evidence to arrest him?
 8 **A. Yes.**
 9 THE CHAIRMAN: Is that a question she can really answer?
 10 That is one of a number of possible inferences,
 11 isn't it?
 12 MR STRAW: It was really to challenge the suggestion in her
 13 witness statement that there was sufficient evidence to
 14 charge, sir.
 15 I think given her answer then, it is apparent that
 16 she could not say that.
 17 THE CHAIRMAN: All right.
 18 MR STRAW: Thank you.
 19 The last point is just about the allegation of the
 20 assault on 19 May 2001, so this is the punch, the
 21 19 May 2001 allegation. Can you just confirm please
 22 that the CPS decided there was insufficient evidence to
 23 charge Mr Grainger with that offence?
 24 **A. Yes.**
 25 THE CHAIRMAN: She has said that.

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1 MR STRAW: Okay, thank you very much.
 2 THE CHAIRMAN: Thank you.
 3 Mr Davies is not here.
 4 Any questions for Q9?
 5 MS HOLLOS: No, thank you.
 6 THE CHAIRMAN: Mrs Barton?
 7 Ms Whyte?
 8 Questions from MR WHYTE
 9 MS WHYTE: Ms Ross, I ask you questions on behalf of Greater
 10 Manchester Police. You were asked about the effect of
 11 an acquittal on whether or not a warning to be obtained,
 12 do you remember it was a little earlier before lunch
 13 today. You answered with reference to the system at the
 14 time that we are looking at, but that has changed,
 15 hasn't it, post-Bichard.
 16 **A. Yes, it has.**
 17 Q. Can you tell us what would happen now if somebody had
 18 had a warning put on their PNC record because of
 19 an arrest but had actually been acquitted of that with
 20 which they had been arrested, what would happen now to
 21 that warning signal?
 22 **A. That warning signal would remain on PNC until the first**
 23 **five-year review.**
 24 Q. You were also asked some questions about whether the
 25 date of the original alleged offence or arrest made any

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1 difference to whether or not it was retained as
 2 a warning signal, before lunch. Can I ask you to look
 3 at page 10 of the bundle in front of you and at
 4 paragraph 9.4 of the manual to see what the guidance is,
 5 whether or not it is followed is obviously another
 6 matter but it says that:
 7 "The retention of a warning signal should be
 8 considered in the same way as when it is first input."
 9 What do you understand by that? Can you help us
 10 with it?
 11 **A. Yes. All matters should be taken into account as to the**
 12 **validity of the warning signal, any intelligence behind**
 13 **it, and it should be reviewed as in the same way as when**
 14 **we first input that warning signal onto PNC.**
 15 Q. That might include considering the severity of the
 16 incident which apparently led to the suspect's contact
 17 with the police?
 18 **A. Yes.**
 19 Q. That is a subjective process for the person tasked with
 20 reviewing the signal, the warning marker --
 21 **A. Yes.**
 22 Q. -- is that right?
 23 **A. Yes.**
 24 Q. The fact that someone has kept their nose clean,
 25 whatever that means, for five years does not necessarily

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1 mean that any signal or warning marker on their PNC will
 2 be removed, it is not automatic, that because they have
 3 not come into contact with the police, the signal will
 4 be removed but it would presumably be a factor to be
 5 considered in the round with everything else?
 6 **A. Yes.**
 7 THE CHAIRMAN: That is right? You are agreeing with that,
 8 are you?
 9 MS WHYTE: I think the witness said yes but I don't want to
 10 put words in your mouth.
 11 THE CHAIRMAN: I didn't hear anything.
 12 **A. Sorry, could you say that again?**
 13 MS WHYTE: Yes, of course. Let's use this example, the fact
 14 that someone has not come into contact with the police
 15 for five years, who has a warning marker which is up for
 16 review, does the fact that they have not been in contact
 17 with the police for five years, does that amount to
 18 something that the person reviewing the signal will take
 19 into consideration along with other matters?
 20 **A. Yes.**
 21 Q. But it does not of itself necessitate removal of the
 22 marker, it depends on all the circumstances?
 23 **A. Yes.**
 24 Q. Here in fact, I don't think we know who decided to
 25 retain the warning marker in respect of Mr Grainger on

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1 the PNC in respect of violence or the affray, is that
 2 right?
 3 **A. Yes.**
 4 Q. We don't know whether rightly or wrongly that person
 5 considered the two issues that you have raised, one that
 6 seemed to result in an arrest but no charge or trial
 7 ultimately and one which did not result in an arrest.
 8 Is that right?
 9 **A. Yes.**
 10 Q. The two issues of potential violence that you have drawn
 11 our attention to?
 12 **A. Yes.**
 13 Q. Okay.
 14 I take it that you are not able to say, rightly or
 15 wrongly, whether or not either of those matters was in
 16 the mind of the person who was tasked with reviewing in
 17 2008?
 18 **A. No.**
 19 MS WHYTE: Thank you very much.
 20 Thank you, sir.
 21 THE CHAIRMAN: Thank you, Ms Whyte.
 22 Further questions from MR BEER
 23 MR BEER: Just three things arising from those questions
 24 then.
 25 The first is, Ms Ross, you accepted in answer to

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<p>1 questions from Mr Straw, who sits at the end of the row 2 here, that your reference to 30 October 2009 may be 3 a mistake and in fact it was meant to refer to the crime 4 we have seen on OPUS of 30 October 1999, yes? 5 A. Yes. 6 Q. That would mean that it did fall to be taken into 7 account in the 2002 review? 8 A. Yes. 9 Q. Yes? 10 Would that have affected the period between 2002 and 11 2008, that review? 12 A. Yes. 13 Q. Why? 14 A. Consideration would have been given in line with the 15 retention period. 16 Q. Keep your voice up, please. 17 A. Sorry. 18 Consideration should have been given in line with 19 the retention periods. 20 Q. Right. 21 THE CHAIRMAN: In 2008 you mean? That is what you are being 22 asked about I think. 23 A. No, you said 2000 -- 199 -- 24 MR BEER: No, I said 2008. 25 A. Sorry.</p> <p style="text-align: center;">Page 109</p>	<p>1 A. No. 2 Q. Does that mean that in 2008 the violent warning marker 3 should have been lifted? 4 A. I believe so. 5 Q. That is notwithstanding that we have two incidents of 6 alleged violence, one in 1999 and one in 2001, that 7 occurred in the preceding five-year review period. Do 8 you understand? 9 A. Yes. 10 Q. Even though he had clocked up two allegations in that 11 preceding five-year period, because there was a clear 12 six-year period, the warning marker should have been 13 lifted? 14 A. Yes. 15 Q. Thank you. 16 The last question then, Ms Whyte asked you that we 17 are considering the system that was in operation at the 18 time but that it has subsequently changed because of the 19 Bichard recommendations, as she called them? 20 A. Yes. 21 Q. When she asked you the question that we are considering 22 the system that was in place at the time, what time did 23 you understand her to refer to? 24 A. Before the weeding rules changed. 25 Q. When did the weeding rules change?</p> <p style="text-align: center;">Page 111</p>
<p>1 Q. Let me try it at another completely different angle 2 arising from questions that Ms Whyte asked. 3 When I asked you earlier that if Mr Grainger had 4 used, to use my expression, kept his nose clean, to use 5 her expression, had not come into contact with the 6 police, between 1997 and 2002, the warning marker would 7 have been lifted, you said yes. 8 A. Yes. 9 Q. When you answered her questions, you said it would be 10 but one factor that the reviewer would take into account 11 and the fact that he had been free from contact with the 12 police in that five-year period wouldn't necessarily 13 have meant that the warning marker would have been 14 lifted. Which of the two answers should the chairman 15 rely on? 16 A. If he hadn't have come to notice in that five-year 17 period, then it should have been reviewed in line with 18 the guidance and appropriate action taken accordingly. 19 Q. What does that mean? That it would have been lifted? 20 A. Yes, it should have been. 21 Q. Okay. 22 Let's look at the period between 2002 and 2008, 23 which was a six year period, not a five-year period. 24 Nothing that we have seen in terms of alleged violent 25 offending occurred within that period.</p> <p style="text-align: center;">Page 110</p>	<p>1 A. In 2005. 2 Q. In 2005? 3 A. Yes. 4 Q. Because Sir Michael Bichard reported in mid 2004? 5 A. I believe so, yes. 6 Q. And the Bichard recommendations, as they were known, 7 I think were promulgated around 9 or 12 months later? 8 A. Yes. 9 Q. So the system had changed by the time of the second 10 review in 2008? 11 A. Yes. 12 MR BEER: Yes, thank you very much indeed. 13 THE CHAIRMAN: Thank you, Ms Ross, that is the end of your 14 evidence, you are free to go now. 15 MR BEER: We move to a screened witness now and I would ask 16 you to rise so we can reconfigure the court. 17 THE CHAIRMAN: I will rise for the necessary steps to be 18 taken. 19 MR BEER: Thank you. 20 (2.37 pm) 21 (A short adjournment) 22 (2.40 pm) 23 MR BEER: Sir, can we now call Ray Evans, whilst he is being 24 brought to the Inquiry room, you can see we have 25 reconfigured ourselves. There are in fact, I think, no</p> <p style="text-align: center;">Page 112</p>

1 members of the public or indeed press present. But the
 2 screens have been arranged that they would screen the
 3 witness from the press and the public --
 4 THE CHAIRMAN: Yes.
 5 MR BEER: -- but not core participants, or their legal
 6 representatives. The GMP team have elected to sit in
 7 a position which means they cannot see the witness, but
 8 that is their choice.
 9 THE CHAIRMAN: Yes, all right.
 10 Thank you.
 11 Presumably there is somebody stationed outside the
 12 door with the arch, if a member of the public -- as they
 13 are perfectly entitled to -- wants to come in, but if
 14 that happens there need to be arrangements that they can
 15 be escorted to a suitable seat, we don't want them just
 16 barging in and sitting somewhere.
 17 Thank you very much.
 18 MR RAY EVANS (sworn)
 19 THE CHAIRMAN: You can sit down if you would like to, if you
 20 would be more comfortable.
 21 **A. Thank you.**
 22 **Questions from MR BEER**
 23 MR BEER: If you just bring your chair forwards a little bit
 24 so it picks up the microphones, Mr Evans. Thank you.
 25 There should be in front of you a bundle with your

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1 name on it.
 2 If you turn up, please, between pages 1 and 7, if we
 3 can go through them together, there should be a witness
 4 statement on page 1, dated 8 March 2012.
 5 **A. Yes, that's right.**
 6 Q. On page 3 a witness statement dated 1 May 2012, on
 7 page 4 and on to 5 a witness statement dated
 8 29 May 2012. On page 6 a witness statement dated
 9 5 March 2014 and on page 7, in fact it is largely
 10 irrelevant but it has been included for completeness
 11 sake, a witness statement dated 24 June 2014?
 12 **A. Yes, sir.**
 13 Q. Five witness statements, are those witness statements
 14 true to the best of your knowledge and belief?
 15 **A. Yes, sir.**
 16 Q. If you can keep your voice up because the act of the
 17 screen may muffle the sound a little bit.
 18 **A. Apologies.**
 19 THE CHAIRMAN: As I said, you are very welcome to sit down
 20 but the microphone, would you like to pull it towards
 21 you.
 22 **A. I will stand, that is fine.**
 23 THE CHAIRMAN: All right, thank you.
 24 MR BEER: You were I think deployed as a surveillance
 25 officer in Operation Shire; is that right?

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1 **A. Yes, sir.**
 2 Q. Were you part of the DSU?
 3 **A. Yes, sir.**
 4 Q. What is the DSU or what was the DSU in 2011/2012?
 5 **A. A full time surveillance unit.**
 6 Q. How long roughly had you been in the DSU for?
 7 **A. Approximately six months at that stage.**
 8 Q. Six months at that stage?
 9 **A. Yes, sir.**
 10 Q. Did you, when you became concerned in Operation Shire,
 11 receive any briefings as to what Operation Shire was
 12 about?
 13 **A. Yes, sir.**
 14 Q. What was the nature of any briefing that you received
 15 when you first became involved in Operation Shire?
 16 **A. It was centred around criminals who were the subject of**
 17 **the operation.**
 18 Q. Can you again just keep your voice up a little bit,
 19 please.
 20 THE CHAIRMAN: Centred around criminals who were the subject
 21 of the operation?
 22 **A. Yes, sir.**
 23 MR BEER: Was it somebody within the DSU that gave you the
 24 briefing or was it somebody from the investigation team?
 25 **A. We were briefed by a member of the research team, who**

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1 **are within the dedicated surveillance unit.**
 2 Q. Right, so it was somebody within the DSU who gave you
 3 the briefing?
 4 **A. Yes.**
 5 Q. Can you remember when that was?
 6 **A. You would get a briefing prior to every day's**
 7 **deployment.**
 8 Q. There was not a specific global briefing before you
 9 joined the surveillance teams on Operation Shire for the
 10 whole of the period that we are looking at?
 11 **A. No, every time you deploy you would get a briefing that**
 12 **day.**
 13 Q. Is that because one day you might be surveying on one
 14 operation and the next day another and sometimes two in
 15 one day?
 16 **A. That's correct, sir.**
 17 Q. You had a briefing that was up to date and bespoke to
 18 that operation for each surveillance deployment?
 19 **A. Yes, sir.**
 20 Q. Thank you.
 21 Can you explain in general terms, please, to the
 22 chairman, the process by which the DSU conducted its
 23 surveillance, in particular how surveillance
 24 observations were recorded?
 25 **A. Well, surveillance is conducted as to watch or monitor**

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1 **a person and to report what you see or what you hear**
 2 **without their knowledge.**
 3 THE CHAIRMAN: Yes.
 4 MR BEER: How were those observations that you saw or heard
 5 generally recorded?
 6 **A. They were recorded in a logbook.**
 7 Q. Okay.
 8 Do you retain that logbook personally and complete
 9 it or does somebody else?
 10 **A. There would be one nominated person for that day who**
 11 **will record the team's observations; each log is kept**
 12 **within the DSU.**
 13 Q. Okay. What is that person called, the loggist or --
 14 **A. The loggist or the log keeper.**
 15 Q. The loggist or the log keeper, okay.
 16 How do you communicate what you see or hear back to
 17 the loggist or log keeper?
 18 **A. Via radio transmissions.**
 19 Q. Okay, and they will receive therefore a number of
 20 transmissions from a number of people on the team that
 21 are deployed that day?
 22 **A. Yes, sir.**
 23 Q. They write them down in the log; is that right?
 24 **A. Yes, sir.**
 25 Q. Do you then do anything in relation to the log?

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1 **A. Yes, following the end of that day's deployment, the**
 2 **team will regroup together and we will, as a team, go**
 3 **through that day's log and observations.**
 4 Q. What do you do when you go through it?
 5 **A. It is read out, each team member's observations are read**
 6 **out and if they are true and accurate then they will**
 7 **sign next to their name.**
 8 Q. If they are not true and accurate?
 9 **A. They will make amendments.**
 10 Q. Can we see an example of this, please, if you take out
 11 the bundle that is in front of you there. I am going to
 12 pick 3 March because you appear on it. Page 90. Do you
 13 have page 90, this is a surveillance log for Saturday,
 14 3 March 2012. For those that are following, I think it
 15 is C/827.
 16 Can you see a surveillance log there, date stamped
 17 3 March 2012?
 18 **A. Yes, sir.**
 19 Q. There is an officer issuing, an incident issue number,
 20 a date of issue and the day and date the log was
 21 commenced?
 22 **A. Yes, sir.**
 23 Q. Then over the page to the substance of the log,
 24 Saturday, 3 March, for Operation Shire, and then do you
 25 see:

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1 "I [then a name appears] am the loggist for
 2 Operation Shire."
 3 They have signed it and put their name against it in
 4 the right-hand column?
 5 **A. Yes, sir.**
 6 Q. Then a series of entries appear, the first at 0540,
 7 which is in fact you I think, isn't it?
 8 **A. Yes, sir.**
 9 Q. "A red Audi A6 estate [then with a registration number]
 10 is parked on Sandringham Road, Boothtown."
 11 The loggist for this day was supposed to write it
 12 when you called that in on the radio?
 13 **A. Yes, sir.**
 14 Q. When the day's operation was over you went back and it
 15 was read out and you have written your name and you have
 16 signed it as true and accurate?
 17 **A. Yes, sir.**
 18 Q. Then so it proceeds, I think the next entry in the log
 19 is you, then one from another officer and then we are
 20 back to you again, yes?
 21 Is that the way that the log works? We can see
 22 I think an amendment at the bottom of page 91 where it
 23 says, "Subject vehicle at 1840 travelled ..."
 24 Originally it was written as Common Lane and that
 25 has been changed to Warrington Road and has been

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1 initialled by the loggist, I think --
 2 **A. Yes, sir.**
 3 Q. -- is that right?
 4 That is the system as it works. Do you commonly
 5 carry any equipment in order to be able to improve your
 6 ability to see subjects?
 7 **A. Within your vehicle or on your person?**
 8 Q. On your person?
 9 **A. Yes.**
 10 Q. Okay. What is the nature of that?
 11 **A. It can be recording equipment.**
 12 Q. Okay, so like a camera or a still camera?
 13 **A. Yes, sir.**
 14 Q. So a video recorder or a still camera?
 15 **A. Yes, sir.**
 16 Q. In the vehicle?
 17 **A. There is no specific recording equipment in my vehicle.**
 18 Q. Yes.
 19 **A. Other than my handheld video camera that I will have as**
 20 **part of my equipment.**
 21 Q. Okay.
 22 What would dictate when you use the still or video
 23 camera?
 24 **A. If I felt something needed to be evidenced that, if**
 25 **I was in a suitable position to do so then that is when**

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1 **I would use it.**
 2 Q. Okay. You said "needed to be evidenced", are there
 3 different types of surveillance in terms of their
 4 purpose?
 5 **A. Yes.**
 6 Q. Just walk me through in broad terms the types of
 7 surveillance in terms of their purpose?
 8 **A. Directed surveillance and intrusive surveillance.**
 9 Q. Yes. It was a bad question from me.
 10 Are there types of surveillance whose purpose is to
 11 record evidence for use in an investigation or
 12 a prosecution, as opposed to observations that are for
 13 intelligence purposes only?
 14 **A. It is down to the individual though, because sometimes**
 15 **you may take a recording of a person who may not be**
 16 **actively committing crime. However, it could be useful**
 17 **because it is newly obtained footage of that person, so**
 18 **it is more up to date than what we may have had**
 19 **previously.**
 20 Q. I see. On the 3rd, were you carrying any recording
 21 equipment?
 22 **A. Within my vehicle?**
 23 Q. On your person to start with?
 24 **A. No.**
 25 Q. In your vehicle?

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1 **A. Yes, sir.**
 2 Q. Was that a still and a video camera?
 3 **A. It was just a video camera.**
 4 Q. Just a video camera, did you take any video footage?
 5 **A. No, sir.**
 6 Q. Why was that?
 7 **A. I didn't have the time to do so.**
 8 Q. Okay. We will come back in detail to these events when
 9 we turn to 3 March.
 10 **A. Yes, sir.**
 11 Q. In general terms you had a video camera with you but you
 12 didn't have the time to do so?
 13 **A. Yes, sir.**
 14 Q. That had nothing to do with the purpose for which you
 15 were surveying, do you understand what I mean? It was
 16 not that you were there just to help the firearms team
 17 know when people who were the targets of the operation
 18 were in position, it was you didn't have the time to get
 19 the video camera out?
 20 **A. Yes, sir.**
 21 Q. Okay.
 22 You presumably went on training to be a surveillance
 23 officer?
 24 **A. Yes, sir.**
 25 Q. In broad terms, the length of that training and where it

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1 was conducted?
 2 **A. It is conducted at the College of Policing and it was**
 3 **five weeks long.**
 4 Q. Had you done before the six months before you started on
 5 Operation Shire?
 6 **A. Yes, sir.**
 7 Q. Thank you.
 8 When you are deployed, who is in direction and
 9 control of you as a surveillance officer?
 10 **A. The team leader on the ground who is normally the rank**
 11 **of a sergeant.**
 12 Q. Typically how many are in a team or sub team?
 13 **A. Am I permitted to answer that question, sir?**
 14 THE CHAIRMAN: Yes.
 15 **A. It can vary to each team, from 8 maybe to 14.**
 16 MR BEER: Okay.
 17 The sergeant remains in radio contact with you, does
 18 he or she?
 19 **A. Yes, sir.**
 20 Q. Thank you.
 21 Can you turn up in the bundle, please, page 10. Can
 22 you see between pages 10 and 27 a document called
 23 "Amalgamated surveillance evidence"?
 24 **A. Yes, sir.**
 25 Q. Are you familiar with this type of document? Just take

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1 a moment, if you haven't seen it before, you will see it
 2 is prepared on the front by Detective Constable
 3 Richard Castley.
 4 **A. I have never seen it normally laid out in this sequence**
 5 **before.**
 6 Q. You have not seen this document before and you have not
 7 seen this type of document before?
 8 **A. I have not seen this type of document before.**
 9 Q. Just take a little while to familiarise yourself with
 10 it.
 11 (Pause)
 12 Thank you. What you can see is it is done by date
 13 order, which correspond to the deployments or most of
 14 the deployments in Operation Shire, which resulted in
 15 some evidence against the three defendants between
 16 25 January 2012 and 3 March 2012.
 17 I think we can see roughly what it is, but if we
 18 look at page 23 by way of example, which is for
 19 Thursday, 1 March, keep a finger in there, please and
 20 then look at page 81 of the bundle. I will give you the
 21 reference, that is 02/860.
 22 A surveillance log for Thursday, 1 March.
 23 **A. Yes, sir.**
 24 Q. We can see an entry by a surveillance officer at 15.30:
 25 "[Something] parked and unattended on

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1 Sandringham Road near to the junction with Leech Road
 2 ..."
 3 THE CHAIRMAN: Leigh Road.
 4 MR BEER: Leigh Road, thank you:
 5 "Which will be referred to as subject vehicle 1,
 6 travels A52 Leigh Road and on to Worsley Brow at
 7 Worsley."
 8 Can you see that.
 9 **A. Yes, sir.**
 10 Q. Then we can see some of that represented on page 23 of
 11 the bundle at 15.30:
 12 "DC Bradbury saw a red Audi estate parked and
 13 unattended on Sandringham Road, Boothtown ..."
 14 In fact I will pick a better example.
 15 Pick the 6.07, 6.07 on page 23:
 16 "DC Dann saw a red Audi travel along Leigh Road A572
 17 in Worsley and on to Worsley Brow towards the roundabout
 18 at Barton Road, there was a white male driving this
 19 vehicle who was the sole occupant."
 20 That I think corresponds to the entry at 18.07 on
 21 page 81.
 22 **A. Yes, sir.**
 23 Q. Yes?
 24 So that these are selected extracts from the
 25 surveillance logs, typed up and reordered into

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1 a chronological order, both by date and time.
 2 **A. Yes, sir.**
 3 Q. Okay. So effectively we can, for present purposes,
 4 treat this, the evidence in the logs, as reflected in
 5 a typed document that reorders them in a neater and
 6 easier to read fashion, yes?
 7 **A. Yes.**
 8 Q. Okay.
 9 We have seen examples in the logs that we have that
 10 there were more than one log running at one time for
 11 one day. Why would that be?
 12 **A. I believe there was two teams deployed that day.**
 13 Q. Would that be with two loggists then, or one loggist
 14 recording two teams?
 15 **A. Two loggists.**
 16 Q. Two loggists, okay.
 17 Again the amalgamated surveillance document that we
 18 have just looked at draws the two logs together, yes?
 19 You probably haven't looked through it.
 20 **A. I have been seen that far, but I will take your word for**
 21 **it.**
 22 Q. Can I turn then to some of the observations that you
 23 conducted. Was the first one of relevance on
 24 26 January 2012? If you look at your statement, in
 25 bundle 1, in the bundle at page 1, this is your witness

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1 statement of 8 March 2012 and you say on 26 January at
 2 4.00 in the morning:
 3 "I was shown a photograph [you give the exhibit
 4 reference] and DC Leach identified Anthony Grainger, who
 5 was referred to as Subject Gloucester."
 6 Yes?
 7 **A. Yes, sir.**
 8 Q. We see that you attribute pseudonyms to each of the
 9 subjects in the course of the operation, so Grainger
 10 when we see him in the log, Mr Grainger in the log, was
 11 Subject Gloucester. Is that right?
 12 **A. That's correct, sir.**
 13 Q. You were on plainclothes duty with other officers that
 14 day and then at 7.43 you saw Mr Grainger walk from the
 15 driver's door and walk towards the rear door of a Series
 16 3 blue BMW with the plate YA06 ZDT, yes?
 17 **A. Yes, sir.**
 18 Q. You saw the BMW parked at the top right-hand side of
 19 Wardlow Street, Bolton with the rear of the vehicle
 20 facing backwards towards Deane Church Lane. Mr Grainger
 21 was wearing a dark top, you didn't see his lower half
 22 because he was stood behind a vehicle. You saw
 23 Mr Grainger from approximately 10 to 15 feet away for
 24 three to five seconds, yes?
 25 **A. Yes, sir.**

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1 Q. We can see I think that reflected in the amalgamated
 2 surveillance chronology, page 15.
 3 If you go back to 14, you can see it is 26 January
 4 we are talking about.
 5 **A. Yes.**
 6 Q. Then entry number 56, at the foot of the page:
 7 "At 7.43 hours, DC Evans saw Anthony Grainger ..."
 8 **A. Yes, sir.**
 9 Q. Your witness statement does not tell us much, does it?
 10 With respect, it only just tells us a snapshot in time
 11 of what you saw at 7.43?
 12 **A. Yes, sir.**
 13 Q. The chronology that has been put together tells us what
 14 DCs Wilson, Halton and Johnson saw shortly before you
 15 and what DCs Halton, Smallwood and Dann saw shortly
 16 after you?
 17 **A. Yes, sir.**
 18 Q. So they pick up the trail?
 19 **A. Yes, sir.**
 20 Q. Can we move then to the next deployment that is relevant
 21 for our purposes.
 22 On 1 March 2012, were you shown again a photograph
 23 by another officer which identified a person said to be
 24 David Totton, who was to be referred to as Wilt.
 25 **A. Yes, sir.**

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1 Q. At 6.26 did you see a black VW with the registration
 2 mark HN55 PVT parked unattended on the right-hand side
 3 of Booths Hall Road, Boothtown about 30 metres into the
 4 junction facing away from Leigh Road?
 5 **A. Yes, sir.**
 6 Q. If we just track that through, that is what you said in
 7 your witness statement and if we go, please, to page 82
 8 in this bundle, do you have page 82, that is 02861?
 9 **A. Yes, sir.**
 10 Q. Can we see an entry in the surveillance log for
 11 Thursday, 1 March at 18.26?
 12 **A. Yes, sir.**
 13 Q. Which reads:
 14 "There is a black Golf HN55 parked on Booth Hall
 15 Road, Boothtown."
 16 Yes?
 17 **A. Yes, sir.**
 18 Q. Can we see it with your name against it and
 19 countersigned?
 20 **A. Yes, sir.**
 21 Q. What is missing, you have added a bit of detail in, in
 22 the witness statement, that it was about 30 metres into
 23 the junction facing away from Leigh Road.
 24 **A. Yes, sir.**
 25 Q. What did you understand, if anything, that vehicle to

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1 be? The black VW HN55?
 2 **A. I believed that vehicle was attributed to one of the**
 3 **subjects.**
 4 Q. Can you remember which one?
 5 **A. I believe Rimmer.**
 6 Q. In general terms, can you remember what the suspicion
 7 was in terms of the red Audi, the stolen red Audi, that
 8 was parked up in Boothtown?
 9 **A. I believe that the persons who had arrived in the**
 10 **Golf ... yes, I believe they turned up in the Golf to**
 11 **where the Audi was parked.**
 12 Q. Okay. Did you have a broader understanding of what the
 13 suspicion was about why the Audi was parked up in
 14 Boothtown and why people arrived in other vehicles at
 15 the red Audi and then drove away in the red Audi?
 16 **A. Well, I believe the higher I had at that time was the**
 17 **red Audi was a stolen motor vehicle.**
 18 Q. What about the vehicles that they turned up in, was it
 19 your understanding that they were legitimate vehicles
 20 registered to them?
 21 **A. Yes, sir.**
 22 Q. Okay, so they turned up in their legitimate vehicles to
 23 the red Audi and then drove the red Audi away?
 24 **A. Yes, sir.**
 25 Q. That is in very general overview terms?

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1 **A. Yes.**
 2 Q. Okay.
 3 Continuing with your observations on page 1 of your
 4 witness statement, you say:
 5 "At 1919 hours I was stood at the roundabout
 6 junction of the A580 East Lancashire Road and the A574
 7 Warrington Road when I saw a red Audi A6 estate which
 8 had rear blacked out windows bearing the registration
 9 RO08 LOD."
 10 Just pausing there, that is the suspected stolen red
 11 Audi is it?
 12 **A. Yes, sir.**
 13 Q. "As it travelled along the A580 towards the direction of
 14 Manchester. As the vehicle slowed to negotiate the
 15 roundabout, I identified the driver to be
 16 Anthony Grainger and the front seat passenger to be
 17 David Totton. The Audi took the second exit off the
 18 roundabout and continued along the A580 towards
 19 Manchester. I was stood approximately 10 feet as the
 20 vehicle passed me, it was dark however the roundabout
 21 was extremely well lit by street lighting. The vehicle
 22 was in my view for approximately 5 seconds."
 23 On that occasion, I think we can see the entry
 24 reflecting what you said at page 84 of the bundle, which
 25 is page 863 for those that are following.

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1 The entry 1919 --
 2 **A. Yes, sir.**
 3 Q. -- where it has SVI, that is the subject vehicle, is it?
 4 Subject vehicle 1?
 5 **A. Yes, sir.**
 6 Q. Travels, and you have said where it travels, Gloucester
 7 is the driver. Subject vehicles travels over 574
 8 Warrington Road towards Manchester. It is not recorded
 9 there that I think that the front seat passenger was
 10 David Totton, is it?
 11 **A. Yes, sir:**
 12 **"Subject Wilt is positively identified as the front**
 13 **seat passenger."**
 14 Q. It is in the second line, thank you very much.
 15 The vehicle was on the move at this time, was it?
 16 **A. Yes, sir.**
 17 Q. You presumably didn't have an opportunity to look inside
 18 the vehicle?
 19 **A. Yes, sir.**
 20 Q. I mean look down inside the vehicle, you could see the
 21 occupants in it?
 22 **A. Yes, sir. Obviously as it slowed to negotiate the**
 23 **roundabout, all I could see was in -- the people within**
 24 **the vehicle.**
 25 Q. Sort of upper torso and head?

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1 **A. Yes, sir.**
 2 Q. Right.
 3 I think at 7.42, if you go back to your witness
 4 statement, you saw the red Audi parked unattended on
 5 Sandringham Road facing towards Leigh Road and then you
 6 saw that the black Golf, HN55 was no longer parked on
 7 Booth Hall Road?
 8 **A. Yes, sir.**
 9 Q. I was reading from page 1 of your witness statement
 10 there.
 11 Did you look into the car at that stage?
 12 **A. No, sir.**
 13 Q. Okay. Did you get close to the car at that stage?
 14 **A. I was -- I walked alongside it.**
 15 Q. Okay.
 16 **A. Along the pavement.**
 17 Q. Sorry, along the pavement?
 18 **A. Along the pavement.**
 19 Q. You saw down one side of it, either the driver's side or
 20 the passenger's nearside?
 21 **A. I can't recall which side of the vehicle I walked down.**
 22 Q. Okay, and did you look into it, inside?
 23 **A. No, sir.**
 24 Q. Okay, you were recording the fact that it was there,
 25 rather than what its contents if anything were?

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1 **A. Yes, sir.**
 2 Q. Can you remember, you mentioned earlier that it had
 3 blacked out rear windows.
 4 **A. The Audi?**
 5 Q. Yes.
 6 **A. Yes, sir.**
 7 Q. Can you remember whether the front windows, I mean the
 8 one next to the front passenger seat and the driver's
 9 seat were also blacked out or darkly tinted?
 10 **A. The windscreen definitely not tinted. To my knowledge,**
 11 **I don't believe that the passenger front passenger**
 12 **windows were either but I may be incorrect, but the**
 13 **windscreen was definitely not.**
 14 Q. The windscreen wasn't, okay?
 15 Did you see any of the subjects place anything into
 16 or remove anything from the vehicle at that time?
 17 **A. No, sir.**
 18 Q. Did you see any of the subjects in proximity to the
 19 vehicle at that time, at 19.42?
 20 **A. No, sir.**
 21 Q. Okay, so it was just an unattended car?
 22 **A. Yes, sir.**
 23 Q. Thank you.
 24 Can I turn then to 3 March 2012.
 25 Did you attend a firearms briefing on the morning of

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1 Saturday, 3 March at the Openshaw complex.
 2 **A. A firearms briefing? No, sir.**
 3 Q. Did somebody from your unit attend that briefing?
 4 **A. I can't say.**
 5 Q. Can we just track down a document and ask for your help
 6 on it, please. I don't think it is in these bundles, it
 7 is in G2 at 703. If you look over your left shoulder,
 8 in the white files, G2/703.
 9 703, please, Mr Evans. This looks like it is
 10 a report completed by Temporary Detective Inspector
 11 Hughes. Was he a DI on the DSU?
 12 **A. Yes, sir.**
 13 Q. It is dated, it is a memorandum, of 13 July, so
 14 postdating the incident. It looks like it is a response
 15 to an Independent Police Complaints Commission request.
 16 He says, in answer to the question:
 17 "What briefings were given to the surveillance team?
 18 What control measures were put in place by the TFC?"
 19 He has responded:
 20 "DSU research staff compile and present the briefing
 21 to a surveillance team."
 22 I think that is what you have told us this morning,
 23 it was a research team that presents -- this afternoon
 24 rather -- the briefing to a surveillance team?
 25 **A. Yes.**

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1 Q. This is delivered by PowerPoint and those present
 2 recorded upon the surveillance management record,
 3 I think that is known as the SMR, isn't it?
 4 **A. Yes, sir.**
 5 Q. No firearms officers or TFC were present at this
 6 briefing. A member of the DSU appointed as the DSU/TFU
 7 liaison, myself, attended the firearms briefing. This
 8 is done whenever possible so that any matters arising or
 9 points for clarification from the briefing can be
 10 reported back to the DSU team."
 11 Then in answer to the next IPCC question:
 12 "Were surveillance officers at the firearms briefing
 13 on 3/3/12 at 0600 hours?
 14 "Only NH from DSU shown on transcript briefing as
 15 present."
 16 And TDI Hughes has answered:
 17 "The only surveillance officer present at the
 18 firearms briefing was myself. As per the previous
 19 point, there is no joint DSU/TFU briefing."
 20 Can you confirm the accuracy of what he says there?
 21 **A. Yes, sir, I believe that to be correct.**
 22 Q. Sorry?
 23 **A. To my knowledge.**
 24 Q. To your knowledge. Did you know that Mr Hughes,
 25 Nick Hughes, went to the firearms briefing?

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1 **A. No, sir.**
 2 Q. Right. Okay.
 3 But there was somebody appointed as a DSU/TFU
 4 liaison officer, did you know that?
 5 **A. I didn't know specifically who it was, but on**
 6 **an operation where there is a firearms guy then there**
 7 **will always be a liaison.**
 8 Q. What is the function of a liaison officer, the clue
 9 might be in the title I suppose but perhaps you can help
 10 us?
 11 **A. I believe -- I mean it is normally above my pay grade,**
 12 **it is normally a supervisor I believe that would be**
 13 **a liaison with the firearms teams.**
 14 Q. Do you get anything back from them, from the liaison
 15 officer?
 16 **A. We would be kept informed, but normally we are not told**
 17 **the full intelligence picture because we don't need to**
 18 **know that.**
 19 Q. Was, on this occasion, anything reported back to you by
 20 Mr Hughes about what was said at the firearms briefing?
 21 **A. I can't recall, sorry.**
 22 Q. I think there was a briefing at the DSU offices, is that
 23 right, on this day?
 24 **A. For ourselves?**
 25 Q. Yes.

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1 **A. Yes, sir.**
 2 Q. Again, can we look, please -- we can put that file away
 3 but get out another slightly overfilled white file.
 4 G2/1698. Do you have that?
 5 **A. 169?**
 6 Q. 1698.
 7 THE CHAIRMAN: 1698.
 8 MR BEER: We might want to stop off at 1662, just to see in
 9 which document we are looking at.
 10 Can you see 1662, it is an events log for Operation
 11 Shire?
 12 **A. Apologies, do you want me on 1698?**
 13 Q. I changed my mind and said can we go to 1662 first so we
 14 can see the page of the document that we are looking at,
 15 so you can orientate yourself within it.
 16 Can you see it is an events log for Operation Shire?
 17 **A. Yes, sir.**
 18 Q. Just tell us what an events log for an operation is,
 19 maintained by the DSU?
 20 **A. It is just an overview for that day's deployment.**
 21 Q. Say again?
 22 **A. It is just an overview for that day's deployment.**
 23 Q. Who generally completes it?
 24 **A. The research officers.**
 25 Q. Can you see the name of the research officer in there

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1 for pretty much for every entry? Certainly at the
 2 beginning, it changes a little later.
 3 **A. Yes, sir.**
 4 Q. Is he the research officer?
 5 **A. For that particular day, yes, sir.**
 6 Q. Yes.
 7 Yes, I am asked to clarify the date at the top of
 8 it, can you see that it says "As at 9/9/2014"?
 9 I think the answer to that, to help Mr Weatherby
 10 out, is that if you look towards the end of the
 11 document, at page 1702, you will see a lot of entries
 12 that postdate the death of Mr Grainger and the arrest of
 13 the other subjects, can you see? It starts
 14 in August 2012 --
 15 **A. Yes, sir.**
 16 Q. -- about collection of the logs, and then an entry of
 17 21 September 2012, a court result for the Corkovic
 18 aspect of the operation where Aaron and Jamie Corkovic
 19 got 13 years each and Lee Waring was sentenced to
 20 imprisonment for 12 years.
 21 Then a court result of 24 September 2012 and then
 22 an entry for 9 July 2014:
 23 "Operation resurrected due to GMP being charged with
 24 breaching health and safety matters."
 25 Then there is a blank page at 1703 and then 1704,

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1 21 July:
 2 "DSU visited by the IPCC who inspected all DSU obs
 3 logs and they identified 35 logs that they wanted edited
 4 copies of."
 5 It looks like maybe the date at the front of it goes
 6 on into 2014 because the log continued to record court
 7 action and other investigative action after it, does
 8 that seem logical?
 9 **A. Yes.**
 10 Q. Thank you.
 11 Going to the page that I originally called out,
 12 1698, can you see there is an entry for 0554, the
 13 morning of 3 March at the bottom of the page -- next to
 14 the bottom of the page, the boxes?
 15 **A. Yes.**
 16 Q. Created by -- is that the name of another researcher?
 17 **A. Yes, sir.**
 18 Q. Thank you. It says:
 19 "0500 hours, briefing at DSU offices. Team as per
 20 SMR. IDs as per sheet. Objectives discussed."
 21 Would this be the briefing that you attended at the
 22 DSU offices at 5.00 in the morning?
 23 **A. Yes, sir.**
 24 Q. What was the nature of the briefing?
 25 **A. In respect to?**

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<p>1 Q. Anything.</p> <p>2 A. Well, we were brought on to I believe control the red</p> <p>3 Audi.</p> <p>4 Q. Okay. That sounds like a term of art, "Brought on to</p> <p>5 control the red Audi", what does that mean in</p> <p>6 non-surveillance officer speak?</p> <p>7 A. To monitor -- to monitor the red Audi and its movements.</p> <p>8 Q. Okay.</p> <p>9 It says that the objectives were discussed, what</p> <p>10 were the objectives of the surveillance operation?</p> <p>11 A. I can't recall the exact objectives, sir, it was -- it</p> <p>12 is nearly five years ago. I believe the objective would</p> <p>13 have been to control the red Audi.</p> <p>14 Q. This seems to have taken place at 5.00 in the morning</p> <p>15 and we know that there was a briefing at Openshaw of the</p> <p>16 tactical firearms unit at I think about 6.00 in the</p> <p>17 morning, so it seems to have been taking place before</p> <p>18 the briefing of the firearms officers at Openshaw.</p> <p>19 Did you know that there was a firearms deployment</p> <p>20 authorised?</p> <p>21 A. I can't recall.</p> <p>22 Q. If there had --</p> <p>23 A. I would assume I would have.</p> <p>24 Q. If there had been a firearms deployment, you would</p> <p>25 assume that you would be told?</p> <p style="text-align: center;">Page 141</p>	<p>1 you would know that a MASTS tactic had been authorised</p> <p>2 as in this case it had?</p> <p>3 What would your understanding be of the MASTS</p> <p>4 tactic?</p> <p>5 A. They are or would be an arrest capability.</p> <p>6 Q. There is an arrest capability within it?</p> <p>7 A. Yes, sir.</p> <p>8 Q. Is the MASTS tactic focused upon an arrest capability?</p> <p>9 A. Yes, sir.</p> <p>10 Q. Is that the logical, to your understanding, end point of</p> <p>11 the MASTS tactic?</p> <p>12 A. It is only -- the decision is only made at command level</p> <p>13 whether that tactic is to be used or not, so relevance,</p> <p>14 to me, obviously it is above my decision making, whether</p> <p>15 they are brought in or not.</p> <p>16 Q. I am just trying to get a sense of what your</p> <p>17 understanding is if you are on a MASTS deployment.</p> <p>18 Trying to take some of the police speak out of it.</p> <p>19 A. Yes.</p> <p>20 Q. If you are on a MASTS deployment, do you think, "I am</p> <p>21 going out today to conduct some surveillance I know that</p> <p>22 there is a firearms team there in case the need arises</p> <p>23 ..."</p> <p>24 A. Yes, sir.</p> <p>25 Q. "... I am going to do some surveillance. At the end of</p> <p style="text-align: center;">Page 143</p>
<p>1 A. Yes, sir.</p> <p>2 Q. Would you be told the nature of the firearms deployment?</p> <p>3 A. Not necessarily, no.</p> <p>4 Q. Is the tactical objectives of the firearms officers?</p> <p>5 A. No, sir, because that is their domain.</p> <p>6 Q. Would you be told in general terms what the objectives</p> <p>7 of the TFU were?</p> <p>8 A. Their objectives?</p> <p>9 Q. Hmm.</p> <p>10 A. No, sir.</p> <p>11 Q. Have you heard of MASTS?</p> <p>12 A. Yes.</p> <p>13 Q. What is your understanding of MASTS?</p> <p>14 A. It is an armed support to surveillance.</p> <p>15 Q. Does that mean that they are there to support you?</p> <p>16 A. Yes.</p> <p>17 Q. Not you to support them?</p> <p>18 A. It is -- the MASTS itself, it is a mobile armed support</p> <p>19 to surveillance.</p> <p>20 Q. Yes. Did you know on this day that a MASTS tactic had</p> <p>21 been authorised, in the words of the log?</p> <p>22 A. If it had been authorised prior to us coming on, we will</p> <p>23 have been told that there was a MASTS authority in</p> <p>24 place.</p> <p>25 Q. Yes. In fact it had, it had been authorised before, so</p> <p style="text-align: center;">Page 142</p>	<p>1 the day I will go home, having done my surveillance", on</p> <p>2 the one hand --</p> <p>3 A. Yes, sir.</p> <p>4 Q. -- or do you understand where MASTS has been authorised</p> <p>5 that the intention is, if appropriate, some decisive</p> <p>6 action may be taken?</p> <p>7 A. If required.</p> <p>8 Q. Yes, if required. Which may be an arrest, and I am</p> <p>9 there as the surveillance officer in order to facilitate</p> <p>10 that decision being made?</p> <p>11 Do you see the two different perspectives of looking</p> <p>12 at it?</p> <p>13 A. Yes.</p> <p>14 Q. What is your, in general terms, understanding of your</p> <p>15 role where MASTS has been authorised?</p> <p>16 A. Well, as a surveillance officer, you just go out and --</p> <p>17 I just go out and do my job as a surveillance officer,</p> <p>18 whether there is a need or a requirement for the MASTS,</p> <p>19 then that is a decision made by command.</p> <p>20 Q. Okay.</p> <p>21 A. I will go out and do my job to the same, regardless if</p> <p>22 there is a MASTS or not.</p> <p>23 Q. You don't have a presumption in your mind when you know</p> <p>24 that MASTS has been authorised, that, "The firearms</p> <p>25 officers are not really there to support me, I am here</p> <p style="text-align: center;">Page 144</p>

1 to support them and give them surveillance to know when
 2 they can make their arrest"?

3 **A. Yes.**

4 Q. You don't operate a presumption either way?

5 **A. No.**

6 Q. Thank you.

7 On this occasion, did you know whether or not the
 8 firearms officers intended to take decisive action that
 9 day?

10 **A. At what point in the day.**

11 Q. At the briefing point?

12 **A. At the briefing point, no, sir.**

13 Q. Did there come a point in the day when you did?

14 **A. Yes, sir.**

15 Q. We are going to come in detail to what happened, but at
 16 what point did you become aware?

17 **A. We believed when the Audi was parked within the car
 18 park, off Jackson Avenue in Culcheth.**

19 Q. Thank you. Can we go back to the beginning of the day
 20 then, after the briefing at 5.00 in the DSU offices, you
 21 I think first saw the red Audi at 05.40. If we go to
 22 page 91 of your bundle, please.

23 We can put the large G2 bundle away. 91 in the
 24 bundle, please. This was the page we looked at as
 25 an example earlier.

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1 I think at 0540 you saw the red Audi parked at
 2 Sandringham Road in Boothtown near to the junction with
 3 Leigh Road facing away from Leigh Road.

4 At that stage, was it unattended?

5 **A. Yes, sir.**

6 Q. I think we established from your statement earlier it
 7 was approximately 30 metres away from the junction
 8 facing away from Leigh Road?

9 **A. Yes, sir.**

10 Q. I think the next relevant entry that we have from you is
 11 over 12 hours later, at 6.29.

12 **A. Yes, sir.**

13 Q. Is that right?

14 **A. Yes.**

15 Q. Was that because in the intervening period you did not
 16 observe any of the subjects or their vehicles?

17 **A. That's correct, sir.**

18 Q. Were you trying to observe the subjects and their
 19 vehicles?

20 **A. No, sir, just the vehicle.**

21 Q. Right. I think then at 6.29, we can see an entry
 22 countersigned by you that you see the Audi travelling --
 23 if you can read that entry out, please.

24 **A. 1829?**

25 Q. Yes, please.

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1 **A. "The Audi Romeo Oscar 0 8 Lima Oscar Delta is travelling
 2 Sandringham Road, Boothtown, Subject Gloucester is
 3 driving. Subject Wilt is the front seat passenger. The
 4 Audi will now be referred to as subject vehicle one.
 5 Left towards the A580."**

6 Q. Thank you. To flesh that out a little bit, if you look
 7 at your witness statement, please at page 1 of the
 8 bundle. At the foot of page 1 you say in the last
 9 paragraph:

10 "At 6.29 that same day I saw the same red Audi A6 as
 11 it travelled along Sandringham Road towards its further
 12 exit with Leigh Road and left towards the A580 East
 13 Lancashire Road. As the driver passed me I saw the
 14 driver to be Anthony Grainger [you give his date of
 15 birth] and the front seat passenger to be David Totton
 16 [you give his date of birth]. The vehicle passed me
 17 approximately five metres away and I had them in my view
 18 for approximately 3 to 4 seconds. The Audi was
 19 travelling at low speed as it negotiated its way out of
 20 Sandringham Road. It was dark, however Sandringham Road
 21 is well lit by street lighting."

22 Is that all correct?

23 **A. Yes, sir.**

24 Q. In summary Mr Grainger was driving the red Audi as it
 25 left Boothtown; is that right?

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1 **A. Yes, sir.**

2 Q. Mr Totton was the front seat passenger in the red Audi?

3 **A. Yes, sir.**

4 Q. You didn't see any rear seat passenger?

5 **A. No, sir.**

6 Q. Whether identifiable by name or description or
 7 otherwise?

8 **A. No, sir.**

9 Q. You only saw two people in the vehicle?

10 **A. Yes, sir.**

11 Q. To whom was this information passed on, was it just to
 12 the loggist?

13 **A. No, that will have been given to everybody over the
 14 radio system.**

15 Q. Who is "everyone"?

16 **A. The surveillance team. Command, research, if there was
 17 a firearms cadre on then they would have received that
 18 also.**

19 Q. Your radio, was it tuned to a particular -- don't tell
 20 us the frequency or the channel, but it was tuned to
 21 a particular channel?

22 **A. Yes, sir.**

23 Q. Does that allow not only the people on the surveillance
 24 team and the loggists to hear, but the researcher and
 25 the DSU command team to hear?

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1 **A. Yes, sir.**
 2 Q. Who within the firearms team can hear it to your
 3 knowledge?
 4 **A. I couldn't tell you.**
 5 Q. Do you know whether it is somebody in the firearms
 6 command team, ie the gold, silver or bronze, or do you
 7 know whether it is the officers, the AFOs?
 8 **A. I would be assuming if I was to answer that.**
 9 Q. Okay, well don't then.
 10 But you think that your broadcast would be heard by
 11 at least a person or people within the firearms team?
 12 **A. Yes, sir.**
 13 Q. Thank you.
 14 Is that because you could hear them?
 15 **A. I don't believe I had heard them on our radio channel.**
 16 Q. Taking it away from this occasion, when you had done
 17 joint jobs before with a firearms crew --
 18 **A. Oh, did we use the same channel, could we communicate on**
 19 **the same channel?**
 20 Q. Yes.
 21 **A. Yes, sir.**
 22 Q. Right. That is why you know they can hear you, because
 23 you can hear them?
 24 **A. Yes, sir.**
 25 Q. Thank you.

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1 You think at least some of the TFU would have been
 2 made aware of this broadcast, Mr Totton and Mr Grainger
 3 leaving Boothtown in the stolen red Audi?
 4 **A. Yes, sir.**
 5 Q. I think a couple of minutes later, you noted, if we look
 6 at page 91:
 7 "There is a black Golf, HN55, parked on
 8 Sandringham Road, Boothtown, near to Leigh Road on the
 9 opposite side of the road to where subject vehicle 1 was
 10 parked earlier."
 11 That's the same position as before, a black Golf
 12 HN55 had turned up, been parked up and then the
 13 subjects, Mr Grainger and Mr Totton, had been seen
 14 driving on the A580 East Lancashire Road in the stolen
 15 red Audi, Mr Grainger driving and Mr Totton in the
 16 passenger seat in the front?
 17 **A. Yes, sir.**
 18 Q. On 1 March, the previous occasion?
 19 **A. Yes.**
 20 Q. At about the same time in the evening actually, wasn't
 21 it, because on the previous time it was 7.19 that you
 22 spotted them on the A580 and this occasion it was 6.29?
 23 **A. Yes, sir.**
 24 Q. A couple of days later.
 25 Where did you go after 6.31?

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1 **A. I would have returned to my own vehicle.**
 2 Q. Yes, and where, if anywhere, did you go in your own
 3 vehicle?
 4 **A. Towards the Culcheth area.**
 5 Q. Why did you go towards the Culcheth area?
 6 **A. Because that is the direction the red Audi was**
 7 **travelling.**
 8 Q. Is that because, if you look at page 91, other
 9 surveillance officers picked up the stolen red Audi?
 10 Can you see the entry at 1840, "Subject vehicle 1
 11 travelled Warrington Road, Culcheth"?
 12 **A. Yes, sir.**
 13 Q. Then we see on page 92 -- we are going to hear from
 14 Mr Wallace in due course -- the movements of the stolen
 15 red Audi in Warrington Road, Common Lane and
 16 Jackson Avenue in Culcheth?
 17 **A. Yes, sir.**
 18 Q. Were you making your way over there at this time?
 19 **A. Yes, sir.**
 20 Q. I haven't got a brilliant idea of geography, I have seen
 21 it on a map, what is the approximate time driving within
 22 the speed limit from Boothtown to this part of Culcheth?
 23 **A. Maybe 10/15 minutes?**
 24 Q. You made your way over to Culcheth and what was the next
 25 thing that you did when you got to Culcheth?

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1 **A. What, in relation to the log?**
 2 Q. No, no.
 3 **A. Or what I actually done when I got there?**
 4 Q. Yes.
 5 **A. I believe I will have been parked within the Culcheth,**
 6 **in my vehicle.**
 7 Q. You parked somewhere in Culcheth?
 8 **A. Yes.**
 9 Q. Can you remember where it was?
 10 **A. No, sorry.**
 11 Q. Were you actively looking for the subject vehicle at
 12 this time or did other officers know where it was?
 13 **A. I believe it was other officers knew where it was.**
 14 Q. Okay.
 15 Were you then called forward to where it was?
 16 **A. Yes, sir.**
 17 Q. And was that the small car park off Jackson Avenue in
 18 Culcheth?
 19 **A. Yes, sir.**
 20 Q. What was the purpose of you being called forward to the
 21 car park on Jackson Avenue?
 22 **A. To ascertain if there were still occupants within the**
 23 **vehicle.**
 24 Q. And presumably the identity of the occupants?
 25 **A. At that time it was just to identify if there were still**

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1 **occupants within the vehicle.**
 2 Q. Okay, so you were not asked to ID them?
 3 **A. If possible you ID, but ...**
 4 Q. Did you then drive on to the car park on Jackson Avenue?
 5 **A. Yes, sir.**
 6 Q. Can we look, please, at some photographs.
 7 Can we look, please in bundle 01, which you will be
 8 helped to find, at page 323.
 9 That should be a photograph that looks like that.
 10 (Indicated)
 11 **A. Just give me the number again, please?**
 12 Q. 323, there should be a flag in it. There are two flags
 13 and it will be the second one.
 14 **A. Yes.**
 15 Q. All right.
 16 Does that look familiar as the car park off
 17 Jackson Avenue?
 18 **A. Yes, sir.**
 19 Q. Just to orientate ourselves, at the right-hand side of
 20 the picture, do we have running on a diagonal line,
 21 Common Lane?
 22 **A. Yes, sir.**
 23 Q. Can you see where there is a van turning into
 24 Common Lane and there is a black car in Common Lane,
 25 yes?

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1 **A. Yes. Yes, sir.**
 2 Q. Then do you see where the police car is parked at the
 3 entrance to the car park on the double yellow lines; is
 4 that Jackson Avenue?
 5 **A. Yes, sir.**
 6 Q. Do you see it then turns up right to where another
 7 police car is parked, just going out of shot, is that
 8 Thompson Avenue?
 9 **A. Thompson Avenue, yes, sir.**
 10 Q. They are the three roads that effectively surround three
 11 sides of this car park?
 12 THE CHAIRMAN: Sorry, Thompson Avenue is to the left is it?
 13 MR BEER: Exactly. I said where you turn right.
 14 THE CHAIRMAN: Right. There is a police vehicle going out
 15 of shot on the right as well, it is the one on the left.
 16 MR BEER: Yes, it is the one on the left, exactly, sir.
 17 THE CHAIRMAN: Yes.
 18 MR BEER: Can you tell us, when you went on to the car park
 19 at about 7.05 pm where was the red Audi parked?
 20 **A. The red Audi was parked in the bottom right-hand corner.**
 21 Q. Do you see the police tent?
 22 **A. Yes, sir.**
 23 Q. And the red Audi -- we know it is a red Audi, the red
 24 car that is parked behind it there, was it parked in
 25 that place there?

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1 **A. Yes, sir.**
 2 Q. Can you describe to us, were you on foot or in your car?
 3 **A. I was in my vehicle.**
 4 Q. Through which entrance did you enter, the Jackson Avenue
 5 or the Thompson Avenue?
 6 **A. I entered from Jackson Avenue, where there is a police
 7 car on double yellows at the entrance.**
 8 Q. Okay, and did you park up?
 9 **A. Yes, sir.**
 10 Q. Where did you park up?
 11 **A. Almost facing the subject vehicle, approximately 10 to
 12 15 feet away.**
 13 Q. Can you see the vehicles that are in the car park --
 14 **A. Yes, sir.**
 15 Q. -- there? This is I think the following day. Can you
 16 identify the parking spot by reference to those vehicles
 17 that you parked in?
 18 **A. That I parked?**
 19 Q. Yes.
 20 **A. Yes.**
 21 **If you refer to the subject vehicle as being for
 22 instance in lane 1, my vehicle was in lane 3.**
 23 Q. Yes.
 24 **A. A small 1 Series grey BMW facing the direction of where
 25 the subject vehicle was parked. Its nose into a silver**

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1 **vehicle, a saloon.**
 2 Q. We see it actually in there on the top left third row,
 3 yes?
 4 **A. Yes, sir.**
 5 Q. What driving position did you adopt? Where did you move
 6 the vehicle to get into that position?
 7 **A. I have entered through the entrance off
 8 Jackson Avenue --**
 9 Q. Yes.
 10 **A. -- and manoeuvred left round the car park.**
 11 Q. You sort of cut left towards where that blue vehicle is?
 12 **A. Yes.**
 13 Q. Yes.
 14 **A. Keeping Thompson Avenue to my left, manoeuvred along the
 15 rear of the car park, and swung my vehicle round to the
 16 right, so my lights and my vehicle were facing where the
 17 subject vehicle was parked.**
 18 Q. Yes. So you would have one headlight, the nearside
 19 headlight, illuminating at least part of the target
 20 vehicle?
 21 **A. Yes, sir.**
 22 Q. Were you in the driver's seat alone?
 23 **A. Yes, sir.**
 24 Q. In terms of the other cars that were in the car park
 25 there, was this the approximate density of the other

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1 vehicles in the car park, taking out the three police
 2 cars that we see moving between the arrows?
 3 **A. Yes, sir, to the best of my knowledge.**
 4 Q. It was about that busy?
 5 **A. Yes, sir.**
 6 Q. Was 7.05 pm the exact time when you first saw the Audi?
 7 **A. Yes, sir.**
 8 Q. How long did you observe it for in total?
 9 **A. Three to five seconds, just enough for me to park my**
 10 **vehicle up and alight from the vehicle.**
 11 MR THOMAS: Sorry, I didn't hear that.
 12 THE CHAIRMAN: Three to five seconds.
 13 **A. Three to five seconds.**
 14 MR THOMAS: Thank you.
 15 MR BEER: What did you do when you had parked your vehicle?
 16 **A. I transmitted on my radio to the team and the team**
 17 **leader that there were occupants still within the**
 18 **vehicle.**
 19 Q. Was that exactly what you transmitted?
 20 **A. Yes.**
 21 Q. If we look at page 92 of the bundle, please, this is the
 22 Shire log for 3 March, at 0829. Can you see the
 23 transmission in your name at 1905, "Subject vehicle 1
 24 remains on the car park and there are persons within the
 25 vehicle"?

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1 **A. Yes, sir.**
 2 Q. You have signed that. Is that right, that all you could
 3 say was that there were people in the vehicle?
 4 **A. Yes, sir, that's correct.**
 5 Q. In your witness statement at page 2, please, of this
 6 bundle, in the last paragraph you say:
 7 "At 1905 I drove on to a small car park off
 8 Jackson Avenue, Culcheth and saw the red Audi A6 estate
 9 still bearing those plates parked in the bottom
 10 right-hand corner of the car park [as you have described
 11 to us today]. The Audi was parked backed into the
 12 corner facing out towards its further exit at
 13 Thompson Avenue, I parked my vehicle almost directly in
 14 front of the Audi approximately 10 to 15 feet away and
 15 as I did so the headlights of my vehicle illuminated the
 16 Audi. At this time I saw that there were occupants sat
 17 within the driver's seat and the front passenger seat
 18 within the vehicle. I then alighted from my vehicle and
 19 walked off the car park towards Jackson Avenue."
 20 **A. Yes, sir.**
 21 Q. You could see that there were occupants within the
 22 vehicle and in your statement you describe that there
 23 were two occupants in the vehicle, one in the driver's
 24 seat and one in the front passenger seat?
 25 **A. Yes, sir.**

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1 Q. Did you see a third man in the rear seat?
 2 **A. No, sir.**
 3 **Can you confirm that you could not identify either**
 4 **the driver or the front seat passenger?**
 5 **A. I can confirm I could not at that stage identify either.**
 6 Q. You could not give a positive ID that it was Mr Grainger
 7 driving or Mr Totton the passenger?
 8 **A. That's correct.**
 9 Q. Did you broadcast that? "I can't ID them"?
 10 **A. I believe, my words at the time were, "There are still**
 11 **occupants within the vehicle", because that is what**
 12 **I was asked to do. I was not asked to confirm**
 13 **identifications, just that if there were occupants still**
 14 **in the vehicle.**
 15 Q. Who put that question to you?
 16 **A. I believe it would have been the team leader.**
 17 Q. Were the two men that you saw doing anything?
 18 **A. No, sir. However, if we are talking -- we are talking**
 19 **a very short window of how long I had them in my view.**
 20 Q. Yes.
 21 Could you tell whether the engine of the Audi was
 22 running or not?
 23 **A. No, sir.**
 24 **Did you see the driver of the vehicle out of the red**
 25 **Audi at any stage?**

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1 **A. No, sir.**
 2 Q. Did you see the driver of the red Audi with anything in
 3 his hands at any stage?
 4 **A. No, sir.**
 5 Q. Could you see whether he was wearing anything on his
 6 hands at any stage?
 7 **A. No, sir.**
 8 Q. Could you see whether he was wearing a hat?
 9 **A. No, sir.**
 10 Q. Same questions in relation to the passenger. Could you
 11 see whether he was doing anything with his hands?
 12 **A. No, sir.**
 13 Q. Could you see whether he was wearing anything on his
 14 hands?
 15 **A. No, sir.**
 16 Q. Could you see whether he was wearing a hat or not?
 17 **A. No, sir.**
 18 Q. Did you see any members of the public in the vicinity of
 19 the car park?
 20 **A. No, sir.**
 21 Q. By "the vicinity" I mean within the boundaries of the
 22 car park?
 23 **A. No, sir.**
 24 Q. We may hear evidence in due course of a man walking
 25 either adjacent to the car park or maybe even on the car

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1 park, called Mr Delaney, an older man. Did you see him
 2 at any stage?
 3 **A. No, sir.**
 4 Q. Or a young woman or girl, aged I think then 15 years
 5 old, did you see her at any stage?
 6 **A. No, sir.**
 7 Q. Can we look, please at your statement at page 4 of the
 8 bundle. You say:
 9 "At 19.05 hours, having alighted from my vehicle,
 10 I walked across the car park and on to Jackson Avenue."
 11 Can you describe by reference to the photograph,
 12 where you got out of your vehicle and which direction
 13 you walked in order to get to Jackson Avenue?
 14 **A. I alighted from the driver's side of the Audi, which**
 15 **I have highlighted, and, effectively, turned right**
 16 **towards the exit on Jackson Avenue.**
 17 Q. You see where your car is parked at the top of row 3?
 18 **A. Yes, sir.**
 19 Q. Did you walk forwards or backwards?
 20 **A. I will have walked forwards.**
 21 Q. In between the rows of cars?
 22 **A. I can't recall if I walked in between or whether**
 23 **I walked to the rear of the parked vehicles.**
 24 Q. Right.
 25 In any event, you turned right and walked towards

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1 the entrance to the car park on Jackson Avenue?
 2 **A. That's correct, yes.**
 3 Q. And walked out of the in gate?
 4 **A. Yes, sir.**
 5 Q. Did you look around at all?
 6 **A. In relation to?**
 7 Q. At any time did you look behind you?
 8 **A. No, sir.**
 9 **You said earlier that the reason that you didn't**
 10 **deploy a video camera on this day is because you didn't**
 11 **have time.**
 12 **A. Yes, sir, and also it wouldn't have been covert to do**
 13 **so.**
 14 Q. Sorry?
 15 **A. It would not have been covert to do so.**
 16 Q. You would not have been covert?
 17 **A. It wouldn't have been covert, ie the subjects would have**
 18 **seen me do it.**
 19 Q. Is that because you were so close to them?
 20 **A. Yes, sir.**
 21 Q. And you were face to face with them?
 22 **A. Yes, sir.**
 23 Q. As you turned right and walked out of the car park, you
 24 say:
 25 "As I crossed Jackson Avenue, I saw four vehicles in

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1 convoy containing firearms officers turn right on to the
 2 car park from Jackson Avenue and drive across the front
 3 of parked vehicles."
 4 Can you point out on the photograph, please, where
 5 you were on the photograph when you first saw the four
 6 vehicles containing firearms officers?
 7 **A. I believe I was exiting the car park on to**
 8 **Jackson Avenue.**
 9 Q. Do you see the hashed sign -- the hashes on the road,
 10 cross hatching, in white next to the P sign?
 11 **A. Yes.**
 12 Q. Were you there or beyond there when the vehicles, the
 13 police cars, came past you?
 14 **A. I believe I was beyond, beyond there.**
 15 Q. Help us, just roughly, where you were when you first saw
 16 the police cars, you know by reference maybe to the two
 17 sets of double yellows or the police car that is there?
 18 **A. I believe I was on the pavement or possibly crossing**
 19 **over Jackson Avenue.**
 20 Q. By "the pavement", do you mean -- I imagine the top of
 21 this picture is north -- the north pavement?
 22 **A. Yes, sir.**
 23 Q. Or in the road crossing over?
 24 **A. It is hard to -- I can't recall exactly where I was.**
 25 Q. Okay. You say you saw four police cars in convoy

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1 containing firearms officers.
 2 How did you know that they were four police vehicles
 3 containing firearms officers?
 4 **A. Because I have seen them.**
 5 Q. What do you mean, because you have seen the police
 6 officers?
 7 **A. They drove past me.**
 8 Q. Yes, how did you know that they were police officers?
 9 **A. Because I could see them, and I am aware of the vehicles**
 10 **that were being used.**
 11 Q. Right, so you recognised the vehicles?
 12 Were the people within the vehicles recognisable to
 13 you as police officers?
 14 **A. Maybe I am making that assumption because I know that**
 15 **was about to happen.**
 16 Q. Yes. Okay.
 17 **A. So whether they were identifiable to members of the**
 18 **public, then maybe not.**
 19 Q. You say that you saw four vehicles. We have heard that
 20 three vehicles entered the car park and a fourth
 21 vehicle, the delta vehicle, held back. You remember
 22 four going on to the car park, do you?
 23 **A. To the best of my knowledge, four.**
 24 Q. Did you turn and watch what they did?
 25 **A. No, sir.**

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<p>1 Q. What did you do?</p> <p>2 A. I continued walking to the premises on the opposite side</p> <p>3 of Jackson Avenue, I think there are some shop premises</p> <p>4 and there is restaurants and there are people there</p> <p>5 going about their business.</p> <p>6 Q. On this photograph can you see the shop premise?</p> <p>7 A. You can just see the car park, because it is like the</p> <p>8 shops are, like a bit of a L shape, like slightly out of</p> <p>9 picture.</p> <p>10 Q. Have a look at the next but one photograph in the</p> <p>11 bundle, which I think would be 325. Does that show it</p> <p>12 a bit better?</p> <p>13 A. No.</p> <p>14 Q. Sorry?</p> <p>15 A. No. At the bottom of the picture, you can just see the</p> <p>16 car park, some hash markings and some vehicles parked.</p> <p>17 That is where the shops are.</p> <p>18 THE CHAIRMAN: Bottom right-hand corner?</p> <p>19 A. Bottom right-hand corner.</p> <p>20 MR BEER: Exactly, so on 325 we can see where the cars are</p> <p>21 parked at 45 degrees, yes?</p> <p>22 A. Yes.</p> <p>23 Q. You walked into that area, did you?</p> <p>24 A. Yes, sir.</p> <p>25 Q. How far into that area did you walk?</p> <p style="text-align: center;">Page 165</p>	<p>1 A. Yes, sir.</p> <p>2 Q. Okay.</p> <p>3 It might be suggested that you had an opportunity to</p> <p>4 video record what happened in the car park when the</p> <p>5 firearms team put in the strike. Ie when you were at</p> <p>6 the exit of the car park, you could have turned round</p> <p>7 and video recorded what had happened. What would be</p> <p>8 your response to that suggestion?</p> <p>9 A. That is not something that I would do.</p> <p>10 Q. Why would you not do that?</p> <p>11 A. For one, I had a very short window to identify if there</p> <p>12 were occupants still in the vehicle. It was not at that</p> <p>13 stage to obtain footage, it was just to put people in</p> <p>14 the vehicle. So to stand there with a camcorder in the</p> <p>15 public, is that what you are asking I would have been</p> <p>16 doing?</p> <p>17 Q. Yes?</p> <p>18 A. No, sir.</p> <p>19 Q. You knew I think that a firearms team was going to, as</p> <p>20 they drove past you, take some decisive action in</p> <p>21 relation to the subjects in the vehicle?</p> <p>22 A. Yes, sir.</p> <p>23 Q. Which may have involved the use of firearms?</p> <p>24 A. Yes, sir.</p> <p>25 Q. Wouldn't that be an opportunity for you to gather some</p> <p style="text-align: center;">Page 167</p>
<p>1 A. Basically on to towards the area of the car park and the</p> <p>2 shops.</p> <p>3 Q. How close to the shops did you get?</p> <p>4 A. Fairly close, I would suggest.</p> <p>5 Q. By that, do you mean sort of 5 or 10 feet away?</p> <p>6 A. Yes, sir.</p> <p>7 Q. Were you looking back at what was going on in the car</p> <p>8 park?</p> <p>9 A. No, sir.</p> <p>10 Q. You have told us that you didn't look back as you walked</p> <p>11 out of the car park, and I have assumed that you didn't</p> <p>12 look back as the car, the four police cars came past</p> <p>13 you?</p> <p>14 A. No, sir.</p> <p>15 Q. You were not looking back after the police cars had gone</p> <p>16 into the car park?</p> <p>17 A. No, sir.</p> <p>18 Q. Why were you not looking?</p> <p>19 A. At that stage, that was the arrest situation, so that is</p> <p>20 down to them. I had done my part and to remain covert</p> <p>21 and maintain my covertness, I did not want to get</p> <p>22 involved in the arrest situation because that is the</p> <p>23 firearms role.</p> <p>24 Q. You wanted to remain, as far as you could, a covert</p> <p>25 surveillance officer and blend in the background?</p> <p style="text-align: center;">Page 166</p>	<p>1 evidence as to what happened when they took that</p> <p>2 decisive action?</p> <p>3 A. That is not something that I have ever done before, it</p> <p>4 is not within my role to do so.</p> <p>5 Q. Has it ever been part of your training either to do it</p> <p>6 or not to do it?</p> <p>7 A. Of an arrest situation?</p> <p>8 Q. Yes.</p> <p>9 A. No, sir.</p> <p>10 Q. Carrying on with your statement, you say:</p> <p>11 "I continued walking along Jackson Avenue and beyond</p> <p>12 the entrance to the car park and did not see any of the</p> <p>13 arrest situation."</p> <p>14 Is that correct?</p> <p>15 A. Yes, sir.</p> <p>16 Q. "A very short time later I heard three loud bangs."</p> <p>17 What did you interpret the bangs to be?</p> <p>18 A. I interpreted them to be a firearms discharge.</p> <p>19 Q. Were they the same type of bang or different types of</p> <p>20 bang?</p> <p>21 A. In all honesty I can't recall.</p> <p>22 Q. Sorry?</p> <p>23 A. In all honesty I can't recall if there was any</p> <p>24 difference.</p> <p>25 Q. Can you recall whether there was any appreciable</p> <p style="text-align: center;">Page 168</p>

<p>1 interval between them?</p> <p>2 A. No, sir.</p> <p>3 Q. Or alternatively whether they were in very quick</p> <p>4 succession to each other?</p> <p>5 A. They did appear in quick succession.</p> <p>6 Q. Did you see any police officers getting out of their</p> <p>7 cars, the firearms officers?</p> <p>8 A. No, sir.</p> <p>9 Q. Did you see any police officers discharge a firearm?</p> <p>10 A. No, sir.</p> <p>11 Q. Did you see the occupants of the red Audi getting out of</p> <p>12 the vehicle?</p> <p>13 A. No, sir.</p> <p>14 Q. You say:</p> <p>15 "I remained on Jackson Avenue out of view of the car</p> <p>16 park and directed members of the public and traffic away</p> <p>17 from entering Jackson Avenue."</p> <p>18 A. Yes, sir.</p> <p>19 Q. Is that right?</p> <p>20 A. Yes, sir.</p> <p>21 Q. At the time that the arrest situation, as you call it,</p> <p>22 occurred could you see the red Audi and around it at any</p> <p>23 time? Or was it out of your view?</p> <p>24 A. It was out of my view, sir.</p> <p>25 MR BEER: Yes, thank you very much. Those are the only</p> <p style="text-align: center;">Page 169</p>	<p>1 Roughly, not specifically, roughly how long afterwards</p> <p>2 did you learn there had been a fatality?</p> <p>3 A. I am not sure, sir, the exact time.</p> <p>4 Q. I didn't ask you for the exact time. I will repeat the</p> <p>5 question a third time.</p> <p>6 A. Roughly.</p> <p>7 Q. Sorry?</p> <p>8 A. Maybe -- I am assuming, maybe two to three hours.</p> <p>9 Q. Two to three hours?</p> <p>10 A. I am not sure, maybe one to two.</p> <p>11 Q. You knew roughly within two to three hours --</p> <p>12 THE CHAIRMAN: Maybe one to two he added, he said, "Maybe</p> <p>13 two to three/maybe one to two".</p> <p>14 A. It was after the event and certainly that evening.</p> <p>15 MR THOMAS: So, a matter of hours, perhaps one, maybe as</p> <p>16 much as three hours, you knew that there had been</p> <p>17 a fatality, correct, roughly?</p> <p>18 A. Yes, sir.</p> <p>19 Q. You knew at that point there would be an investigation</p> <p>20 into this tragedy?</p> <p>21 A. Yes, sir.</p> <p>22 Q. And obviously, when you started your day that morning,</p> <p>23 it was the last thing you expected that would happen,</p> <p>24 that a man would die?</p> <p>25 A. Most definitely, sir.</p> <p style="text-align: center;">Page 171</p>
<p>1 questions that I ask.</p> <p>2 THE CHAIRMAN: Any questions, Mr Thomas?</p> <p>3 MR THOMAS: Yes, sir.</p> <p>4 Questions from MR THOMAS</p> <p>5 MR THOMAS: Mr Evans, can I just take up from where you left</p> <p>6 off. You said that you directed members of the public</p> <p>7 from entering the car park after you heard the shots?</p> <p>8 A. Yes, sir.</p> <p>9 Q. That presumably was because you knew that the strike had</p> <p>10 taken place and you didn't want members of the public to</p> <p>11 go in that could possibly get in the way of what had</p> <p>12 taken place: would that be right?</p> <p>13 A. And for their own safety, sir, yes.</p> <p>14 Q. So you made the decision then to go from being covert to</p> <p>15 not being covert?</p> <p>16 A. Yes, because it was necessary at that stage.</p> <p>17 Q. Sorry, could you keep your voice up, please?</p> <p>18 A. It was necessary at that stage to do so.</p> <p>19 Q. Right. When did you learn that there had been</p> <p>20 a fatality?</p> <p>21 A. I can't put a specific time on it, sir.</p> <p>22 Q. Give us the generality about it, then.</p> <p>23 A. It would have been that evening.</p> <p>24 Q. So there you are, you are there and you are preventing</p> <p>25 members of the public from going into the car park.</p> <p style="text-align: center;">Page 170</p>	<p>1 Q. Yes. Tell me this. On how many surveillance operations</p> <p>2 have you been on that there has been a tragedy such as</p> <p>3 this, somebody has died? Was this the first?</p> <p>4 A. This is the first one, sir.</p> <p>5 Q. Right.</p> <p>6 So the sort of incident that would remain in your</p> <p>7 mind, would you agree?</p> <p>8 A. Yes.</p> <p>9 Q. Yes.</p> <p>10 Can I come back to a question that Mr Beer asked you</p> <p>11 a moment ago. This is the first time you have been on</p> <p>12 a surveillance operation, shortly afterwards, between</p> <p>13 one to three hours, something like that, you learn there</p> <p>14 has been this tragedy, and you are saying you can't</p> <p>15 remember the briefing you had that morning?</p> <p>16 A. I do remember the briefing.</p> <p>17 Q. Let's turn to that briefing then.</p> <p>18 A. Can I just say I don't recall exactly how the objectives</p> <p>19 were worded, that is what I said, or worded.</p> <p>20 Q. Let's see if I can unpick this a little bit in a little</p> <p>21 bit more detail.</p> <p>22 A. Yes, sir.</p> <p>23 Q. All right, so you had a briefing at that morning, right,</p> <p>24 and you were told what your role was going to be.</p> <p>25 Correct?</p> <p style="text-align: center;">Page 172</p>

<p>1 A. Yes, sir.</p> <p>2 Q. Your role was you were meant to keep eyes on, as far as</p> <p>3 you can, this vehicle, correct?</p> <p>4 A. Yes, sir.</p> <p>5 Q. Keep eyes on the vehicle and report back the movements</p> <p>6 of the vehicle or the movements of the occupants; is</p> <p>7 that right?</p> <p>8 A. Yes, sir.</p> <p>9 Q. Okay, and that is what you were doing?</p> <p>10 A. As a team.</p> <p>11 Q. Yes.</p> <p>12 A. Yes, sir.</p> <p>13 Q. Yes. I am concentrating on you specifically though</p> <p>14 because you are in the witness box, okay?</p> <p>15 A. Yes, sir.</p> <p>16 Q. Right.</p> <p>17 Tell me this. You knew that as part of keeping eyes</p> <p>18 on the subject and the subject vehicle, that there would</p> <p>19 be a MASTS operation that would involve firearms, yes?</p> <p>20 A. Yes, sir.</p> <p>21 Q. What is your eyesight like, good?</p> <p>22 A. Enough -- yes, sir.</p> <p>23 Q. I mean to say, in terms of visual assistance, contacts,</p> <p>24 glasses, do you need them?</p> <p>25 A. I don't need to wear glasses, no, sir.</p> <p style="text-align: center;">Page 173</p>	<p>1 THE CHAIRMAN: Where the silver one is in the photograph, is</p> <p>2 that what you are asking?</p> <p>3 MR THOMAS: Yes.</p> <p>4 Let me repeat the question because the chairman is</p> <p>5 quite right to pull me up, my confusion of terms. You</p> <p>6 are in the third row, correct?</p> <p>7 A. Yes, sir.</p> <p>8 Q. First bay?</p> <p>9 A. Yes, sir.</p> <p>10 Q. We know where the red Audi is. What I am asking you is,</p> <p>11 in the second row, in the second row, was there</p> <p>12 a vehicle in between your car and the red Audi, am</p> <p>13 I clear?</p> <p>14 A. You are clear.</p> <p>15 Q. All right, what is the answer?</p> <p>16 A. The picture would indicate that there was a vehicle</p> <p>17 parked there, between me and the subject vehicle.</p> <p>18 Q. All right.</p> <p>19 Okay.</p> <p>20 You were looking through a vehicle to see the red</p> <p>21 Audi, is that right?</p> <p>22 A. I purposefully manoeuvred the vehicle, my vehicle,</p> <p>23 around the car park, so my headlights would shine upon</p> <p>24 the subject vehicle prior to me parking up, which is why</p> <p>25 I only had a small window to observe the red Audi.</p> <p style="text-align: center;">Page 175</p>
<p>1 Q. No.</p> <p>2 When you were in the car park, you knew that you had</p> <p>3 to keep eyes on and send information back in real-time?</p> <p>4 A. Yes, sir.</p> <p>5 Q. As long as you could remain covert, correct?</p> <p>6 A. Yes, sir.</p> <p>7 Q. Can I ask you this. You have given an indication as to</p> <p>8 where you were located in the car park, and you have put</p> <p>9 yourself in the third row, as it were, the first row</p> <p>10 being where the red Audi was, second row being the row</p> <p>11 in between, the third row is where you were parked up.</p> <p>12 Correct?</p> <p>13 A. Yes, sir.</p> <p>14 Q. You are in, I think you said the second bay in that</p> <p>15 third row, is that right?</p> <p>16 A. I believe it is the first bay.</p> <p>17 Q. Sorry? The third?</p> <p>18 A. I believe it to be the first bay.</p> <p>19 Q. The first bay, okay.</p> <p>20 Was there a car in front of your car in the second</p> <p>21 bay, or was the second bay completely unobstructed?</p> <p>22 THE CHAIRMAN: Do you mean the second row?</p> <p>23 MR THOMAS: Sorry, forgive me.</p> <p>24 THE CHAIRMAN: There may be cross purposes.</p> <p>25 MR THOMAS: It is my fault, I meant the second row.</p> <p style="text-align: center;">Page 174</p>	<p>1 Q. Let me just take a step back and just be clear on this</p> <p>2 then.</p> <p>3 When you perform your three to five second</p> <p>4 observation of the red Audi --</p> <p>5 A. Yes, sir.</p> <p>6 Q. -- is that before you park up?</p> <p>7 A. Yes, sir.</p> <p>8 Q. All right. I am going to come back to that three to</p> <p>9 five second observation in a moment. I just want to</p> <p>10 deal with when you are actually parked up.</p> <p>11 When you park up and you are in that first bay in</p> <p>12 the third row, are you saying that you don't perform any</p> <p>13 observations on the red Audi at that point in time?</p> <p>14 A. No, sir.</p> <p>15 Q. No, you don't perform any observations?</p> <p>16 A. No, sir.</p> <p>17 Q. Right. Okay.</p> <p>18 You park up, what, you are there for how long before</p> <p>19 you get out of the vehicle and exit the car park?</p> <p>20 A. Seconds.</p> <p>21 Q. Seconds, so you literally park up and then leave?</p> <p>22 A. No, I parked up, transmitted my observations --</p> <p>23 Q. Right.</p> <p>24 A. -- and then turned off my vehicle, locked it up and</p> <p>25 walked away.</p> <p style="text-align: center;">Page 176</p>

<p>1 Q. Okay. To be clear, when you are transmitting your 2 observations, you are not looking at the vehicle, is 3 that what you are saying?</p> <p>4 A. That's correct, sir.</p> <p>5 Q. Let's come back then as you are manoeuvring around the 6 car park to get into that first bay in the third row, so 7 there comes a point when you are -- I think you said 10 8 to 15 feet away from the red Audi?</p> <p>9 A. Yes, sir.</p> <p>10 Q. Yes. That is when you perform your observations?</p> <p>11 A. Yes, sir.</p> <p>12 Q. Right, so I am at that point in time. 13 You were asked by Mr Beer, did you see the hands? 14 Did you see whether there was anything on the hands? 15 And so on and so forth, you remember that series of 16 questions you were asked?</p> <p>17 A. Yes, sir.</p> <p>18 Q. I want to take those questions just a step further if 19 I may. Can we just be clear on this, when you say you 20 didn't see the hands, why was that?</p> <p>21 A. Because I presume they was not on show.</p> <p>22 Q. When you say you couldn't -- I think you were asked 23 whether or not there was anything on the head, do you 24 remember that question?</p> <p>25 A. I do remember that question, sir.</p> <p style="text-align: center;">Page 177</p>	<p>1 in mind at that time I was still manoeuvring my vehicle, 2 and my requirement at that stage was just to clarify if 3 the subjects remained in the vehicle, not what they were 4 wearing just if they remained in the vehicle.</p> <p>5 Q. That I understand but you were moving your vehicle 6 slowly, weren't you?</p> <p>7 A. Yes, sir.</p> <p>8 Q. You had eyes on the subject for some three to five 9 seconds, didn't you?</p> <p>10 A. Yes, sir.</p> <p>11 Q. To be clear on this, you were, you know, you are 12 trained, you were looking into the vehicle, were you 13 not?</p> <p>14 A. Yes, sir.</p> <p>15 Q. All right. 16 Let me move on. 17 It may be suggested at some point that the red 18 Audi's engine was on. Do you remember that?</p> <p>19 A. I don't recall that.</p> <p>20 Q. All right. It also may be suggested that the driver of 21 the Audi had got out of the Audi and was stood by the 22 red Audi with the engine now off. Do you remember, or 23 did you have any observation of the driver being outside 24 the vehicle?</p> <p>25 A. No, sir.</p> <p style="text-align: center;">Page 179</p>
<p>1 Q. When you say you don't know whether anything was on the 2 head, why was that?</p> <p>3 A. Because I couldn't see, it was dark.</p> <p>4 Q. Can I just clarify this, because I thought, as you 5 manoeuvred your vehicle, part of that manoeuvring was to 6 illuminate the interior of the red Audi?</p> <p>7 A. Yes, sir.</p> <p>8 Q. Your evidence is, if I have understood it, you say that 9 as part of that illumination you were able to see into 10 the red Audi for some three to five seconds. Have 11 I understood that correctly?</p> <p>12 A. Yes, sir.</p> <p>13 Q. Well, let's just pause. One, two, three, that is three 14 seconds?</p> <p>15 A. Yes, sir.</p> <p>16 Q. That is sufficient, if the vehicle is illuminated, to 17 see into it, that is a -- you know, it is not long but 18 it is a sufficient period of time to see into the 19 vehicle. And this is what you are trained to do, 20 isn't it?</p> <p>21 A. Yes, sir.</p> <p>22 Q. When you say you couldn't see whether there was a hat 23 on, why was that? I just want to understand, was it 24 because it was dark?</p> <p>25 A. I couldn't see if they had a hat on. You have to bear</p> <p style="text-align: center;">Page 178</p>	<p>1 Q. That would be important, wouldn't it, if the driver was 2 out of the vehicle, you would agree, that would be 3 an important fact to relay?</p> <p>4 A. Yes, sir.</p> <p>5 Q. It would be important because if the driver is out of 6 the vehicle, and without a firearm, that would be 7 information that you or one of the other members of your 8 team would have to relay to the MASTS unit. Would you 9 agree?</p> <p>10 A. You would report your observations at that time.</p> <p>11 Q. Yes. But I am being very specific. I am suggesting, if 12 the driver was out of the vehicle without a firearm, 13 stood by the vehicle, that would be information that 14 would be relevant to relay to the MASTS team. Do you 15 agree?</p> <p>16 A. I never -- in my observations, I never put Mr Grainger 17 out of the vehicle.</p> <p>18 Q. Mr Evans, I am going to ask you the question a third 19 time. I understand what your evidence is, please listen 20 to the question. If the subject was out of the vehicle 21 and one of the surveillance team saw him out of the 22 vehicle, that would be relevant, would you agree?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. It would also be relevant if he was out of the 25 vehicle and he was unarmed, wouldn't it?</p> <p style="text-align: center;">Page 180</p>

<p>1 A. Yes.</p> <p>2 Q. And if that was the situation, that would need to be</p> <p>3 reported back to the MASTS team, wouldn't it?</p> <p>4 A. If that was the situation, yes.</p> <p>5 MR THOMAS: Thank you, that is all I ask.</p> <p>6 Questions from MR WEATHERBY</p> <p>7 MR WEATHERBY: I will be very brief.</p> <p>8 Mr Evans, can you just help me with a couple of</p> <p>9 matters.</p> <p>10 You were aware that there was a firearms team</p> <p>11 deployed that day, you have told us that.</p> <p>12 A. Yes, sir.</p> <p>13 Q. Therefore you were aware that there might be an actual</p> <p>14 deployment during the course of the day?</p> <p>15 A. By the firearms teams?</p> <p>16 Q. Yes.</p> <p>17 A. Yes, sir.</p> <p>18 Q. Can you help us when you became aware that there would</p> <p>19 be a firearms deployment, at what point?</p> <p>20 THE CHAIRMAN: Well, what do you mean by "firearms</p> <p>21 deployment"?</p> <p>22 MR WEATHERBY: Well a strike, an arrest situation.</p> <p>23 A. I believe the arrest situation was called whilst the red</p> <p>24 Audi was in the subject vehicle.</p> <p>25 Q. I am sorry, I didn't hear that?</p> <p style="text-align: center;">Page 181</p>	<p>1 the car?</p> <p>2 A. Once I walked off?</p> <p>3 Q. No, before you were sent on to the car park --</p> <p>4 A. Yes, sir.</p> <p>5 Q. -- you were aware that visual observation had been lost</p> <p>6 on the car?</p> <p>7 A. Yes, sir.</p> <p>8 Q. Yes.</p> <p>9 Previously you had been parked up awaiting orders,</p> <p>10 essentially?</p> <p>11 A. Yes, sir.</p> <p>12 Q. Yes?</p> <p>13 Were you surprised to be sent on to the car park,</p> <p>14 because eyes had been lost?</p> <p>15 A. No, sir.</p> <p>16 Q. Was there a sense of urgency over the radio</p> <p>17 communications when you were asked to go on to the car</p> <p>18 park? You hesitate.</p> <p>19 A. I would -- any more than normal? I can't recall if what</p> <p>20 the urgency was at that point.</p> <p>21 Q. The plan though, as I understood it, correct me if I am</p> <p>22 wrong, but the plan was to keep observations continually</p> <p>23 on the red Audi?</p> <p>24 A. When it is possible to do so, it is not always possible</p> <p>25 to do so.</p> <p style="text-align: center;">Page 183</p>
<p>1 A. I believe the arrest strategy was put into place when</p> <p>2 the Audi was in the car park at Culcheth.</p> <p>3 Q. Right. Okay.</p> <p>4 Would it be right that you knew that there was going</p> <p>5 to be an arrest situation when you went on to that car</p> <p>6 park?</p> <p>7 A. Potentially, yes.</p> <p>8 Q. Yes. What do you mean by "potentially"?</p> <p>9 A. Because that decision is made above my command.</p> <p>10 Q. Yes, but would it be right that at that point you</p> <p>11 thought you were being sent on to that car park to make</p> <p>12 sure the people to be arrested were still there?</p> <p>13 A. That is -- well that would be an assumption. I was</p> <p>14 asked to clarify if the subjects or if there were still</p> <p>15 occupants within the vehicle, so whether I have --</p> <p>16 after, when I have clarified that, that decision is made</p> <p>17 by supervision.</p> <p>18 Q. Yes, all I am trying to ascertain from you, is that when</p> <p>19 you went on to that car park you were aware that you</p> <p>20 were moving to an arrest situation?</p> <p>21 A. Yes, sir.</p> <p>22 Q. It was obvious to you when you went on to that car park</p> <p>23 that eyes had been lost; is that right?</p> <p>24 A. Eyes had been lost?</p> <p>25 Q. Yes, there was no observation, visual observation, of</p> <p style="text-align: center;">Page 182</p>	<p>1 MR WEATHERBY: Thank you very much.</p> <p>2 THE CHAIRMAN: Ms Whyte?</p> <p>3 Questions from MS WHYTE</p> <p>4 MS WHYTE: Mr Evans, you cannot see me but I want to ask you</p> <p>5 just one matter, please, on behalf of the Greater</p> <p>6 Manchester Police. That relates to your sighting of the</p> <p>7 Audi on 3 March at 18.29, so it is page 1 of your</p> <p>8 statement or if you want to look at the log, it is</p> <p>9 page 91.</p> <p>10 A. Yes.</p> <p>11 Q. In your statement you use this expression:</p> <p>12 "I saw the same Audi as it travelled along</p> <p>13 Sandringham ..."</p> <p>14 Do you see that.</p> <p>15 A. Yes ma'am.</p> <p>16 Q. In the log it says for the same minute, "The Audi is</p> <p>17 travelling", does it follow from that wording that when</p> <p>18 you first saw the Audi at 8.29 it was in motion? Can</p> <p>19 you remember?</p> <p>20 A. "18.29, travelled along Sandringham Road", means, yes,</p> <p>21 it was in motion.</p> <p>22 Q. Does it follow from that that you didn't see the</p> <p>23 subjects arrive and get into the car?</p> <p>24 A. No, ma'am.</p> <p>25 MS WHYTE: Thank you very much.</p> <p style="text-align: center;">Page 184</p>

1 Thank you, sir.
 2 THE CHAIRMAN: Thank you.
 3 Mr Beer?
 4 MR BEER: Just three questions in re-examination if I may,
 5 officer.
 6 Further questions from MR BEER
 7 MR BEER: Firstly, I was struggling to find a photograph
 8 earlier of the place that you went to, the shops,
 9 I think I have found one now. Do you have the
 10 photograph bundle easily to hand?
 11 **A. Yes, sir.**
 12 Q. Unfortunately because of the dark copying it has covered
 13 up the pagination, there should be a flag in 313.
 14 THE CHAIRMAN: The first of the two flags in that bundle.
 15 MR BEER: 313. Can you go back nine pages from there to
 16 304.
 17 It should look like that. (Indicated)
 18 **A. Yes, sir.**
 19 Q. Is that a good view of the shops?
 20 **A. Yes, sir.**
 21 Q. This is after I think the helicopter has completed one
 22 of its circuits and is taking photographs the other way.
 23 Can you pinpoint on 304, by reference to any of the
 24 landmarks or cars there, where you were when you heard
 25 the gunshots?

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1 **A. In sort of the right angle of the building line,**
 2 **I believe I was down the side closest to where there is**
 3 **a white car-derived van and a silver vehicle.**
 4 Q. Near where the red postbox is?
 5 **A. More to the building line.**
 6 Q. Closer into the building line?
 7 **A. Yes, sir.**
 8 Q. From there, you couldn't see across to the red Audi --
 9 **A. No, sir.**
 10 Q. -- because that clump of trees, and I think it is a bin
 11 store, is in the way?
 12 **A. Yes, sir.**
 13 Q. Thank you.
 14 The second thing is that you said that you heard
 15 radio transmissions from the tactical firearms officers
 16 on your channel.
 17 **A. Yes, sir.**
 18 Q. When in your movements that you have described to us
 19 today, did you hear the strike called?
 20 **A. I can't recall. I believe it was when I was alighting**
 21 **from my vehicle walking across the car park.**
 22 Q. You transmitted "occupants in the vehicle"?
 23 **A. Yes, sir.**
 24 Q. Then as you were getting out of the vehicle, or at about
 25 that time, you heard the strike called?

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1 **A. I can't recall exactly, if I am being completely honest.**
 2 Q. Okay, did it appear to you to be in consequence of you
 3 saying "occupants in the vehicle" --
 4 **A. Yes, sir.**
 5 Q. -- that the strike was called?
 6 **A. Yes, sir.**
 7 Q. There was a cause and effect?
 8 **A. Yes, sir.**
 9 Q. Thank you, and the third thing is, before you heard the
 10 shots fired, did you hear any verbal commands shouted?
 11 **A. No, sir.**
 12 MR BEER: Thank you very much indeed.
 13 THE CHAIRMAN: Thank you very much. That is the end of your
 14 evidence. If you would just like to sit down, Mrs Shaw
 15 will come to escort you out.
 16 MR BEER: Thank you very much, sir. I think probably the --
 17 although there are not any members of the public. There
 18 are not actually. I suppose there is a very theoretical
 19 possibility that somebody might come in, but I think we
 20 had better follow the -- here we are, Mrs Shaw is coming
 21 in now.
 22 MR BEER: Thank you.
 23 Sir, thank you for sitting slightly late to
 24 accommodate the conclusion of the witness's evidence.
 25 THE CHAIRMAN: Certainly.

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1 MR BEER: We move to Andrew Talbot tomorrow, sir.
 2 THE CHAIRMAN: Thank you.
 3 (4.39 pm)
 4 (The Inquiry adjourned until 10.30 am the following day)
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