

1 Thursday, 9 February 2017  
 2 (10.30 am)  
 3 THE CHAIRMAN: Mr Beer.  
 4 MR BEER: Thank you, sir.  
 5 Can we have John Wallace, please.  
 6 MR JOHN WALLACE (sworn)  
 7 THE CHAIRMAN: Thank you, you can sit down if you want.  
 8 **A. I am fine, thank you, sir.**  
 9 **Questions from MR BEER**  
 10 MR BEER: Mr Wallace my name is Jason Beer and I ask  
 11 questions with Ms Cartwright on behalf of the Inquiry.  
 12 You should have in front of you there a file with your  
 13 name on the spine and on the index.  
 14 **A. Yes.**  
 15 Q. If you open it up at page 1, can I run you through three  
 16 witness statements that I think are in your name.  
 17 The first of them, on 8 March 2012, on pages 1 and  
 18 2 --  
 19 **A. Yes, I've got that, sir.**  
 20 Q. Thank you. Then on page 3, a witness statement dated  
 21 30 March 2012.  
 22 **A. Got that, sir, yes, thank you.**  
 23 Q. Thank you. Lastly, on page 4, a witness statement dated  
 24 31 May 2012.  
 25 **A. Got that one as well, sir.**

Page 1

1 Q. Are those your three witness statements?  
 2 **A. They are, yes.**  
 3 Q. Are they true to the best of your knowledge and belief?  
 4 **A. Yes, they are.**  
 5 Q. How long have you been a police officer?  
 6 **A. I am a retired police officer now, I retired in 2012.**  
 7 **But I was a police officer for 30 years.**  
 8 Q. You did your 30 years, did you?  
 9 **A. Yes.**  
 10 Q. By 2011/2012, you had done 29, approaching 30 years'  
 11 service?  
 12 **A. Yes.**  
 13 Q. I think you were in the DSU, the dedicated surveillance  
 14 unit, is that right?  
 15 **A. Yes, I was, yes.**  
 16 Q. In January to March 2012?  
 17 **A. Yes.**  
 18 Q. How long had you been in the DSU?  
 19 **A. I had been in from 1989 to 1994 I think it was. And**  
 20 **then 2004 until August 2012, when I retired.**  
 21 Q. Right, okay, so you retired in the unit?  
 22 **A. Yes.**  
 23 Q. You had got plenty of experience as a surveillance  
 24 officer --  
 25 **A. Yes.**

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1 Q. -- certainly at this time. We have heard some evidence  
 2 already about the use of recording devices by  
 3 surveillance officers.  
 4 **A. As in?**  
 5 Q. Cameras -- still cameras and video recording cameras.  
 6 **A. Yes.**  
 7 Q. Was it your experience that surveillance officers  
 8 sometimes carried in their vehicles a still camera  
 9 and/or a video camera?  
 10 **A. I think it was normal practice that virtually all the**  
 11 **officers had a video camera, which to be honest was not**  
 12 **of particularly great quality.**  
 13 Q. Right. In terms of what? In terms of the images it  
 14 recorded?  
 15 **A. Yes, the quality of the camera to be honest. And some**  
 16 **officers would have a more dedicated camera set with**  
 17 **a still camera and various lenses.**  
 18 Q. Right. When and in what circumstances would you use  
 19 them?  
 20 **A. First of all it would be, do you need to use it in any**  
 21 **given circumstances, because obviously by the nature of**  
 22 **surveillance it is covert and if you start waving**  
 23 **a video camera or a still camera with a lens that long**  
 24 **around, you are going -- you are likely to attract**  
 25 **somebody's attention so --**

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1 Q. That is not really: do you need to use it? That is: can  
 2 you use it consistently with maintaining your covert  
 3 position?  
 4 **A. Yes, can you use it covertly.**  
 5 **Another thing will be, is it necessary to use it?**  
 6 **Say you are following a subject and every day he goes to**  
 7 **the gym on his own in the same car every day. If you**  
 8 **have got one picture of him at the gym is it worth**  
 9 **taking a picture of him every day at the gym? You have**  
 10 **already got the observation he was there. You just are**  
 11 **putting yourself at risk that somebody will see you with**  
 12 **the camera and then think: why is he filming something**  
 13 **here? So that is another reason why you may not use it.**  
 14 **If it was something that you considered would be --**  
 15 **I am trying to think of the word, from an intelligence**  
 16 **or evidence point of view, so say you have got a subject**  
 17 **who meets somebody you have never met before, obviously**  
 18 **if you can get a picture of him or an image of him, the**  
 19 **inquiry team can then maybe find out who that person is.**  
 20 **If it is trying to prove an association, so a subject**  
 21 **meets up with somebody who you already know but you want**  
 22 **to prove that association, again, if you have got the**  
 23 **camera, that would do that.**  
 24 Q. We heard yesterday from an officer who said that there  
 25 was not a sharp division between surveillance for the

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1 purposes of intelligence gathering and surveillance for  
 2 the purposes of evidence gathering. Do you agree with  
 3 that?  
 4 **A. No, it is the same. I mean, you will gather**  
 5 **intelligence, some of that intelligence may or may not**  
 6 **become evidence at a later date.**  
 7 Q. That is very much what he said, not the least because  
 8 when you are observing events, you don't necessarily  
 9 know what is going on?  
 10 **A. No. No.**  
 11 Q. You don't necessarily know what is going to happen.  
 12 **A. No.**  
 13 Q. You don't necessarily know what it may subsequently be  
 14 necessary to prove by way of evidence in the event of  
 15 a prosecution?  
 16 **A. Yes. That's correct.**  
 17 Q. Does it follow from that that you would try to use  
 18 recording equipment of the type that I have described as  
 19 much as was possible, consistently with your covert  
 20 role?  
 21 **A. No, without trying to get too technical, if -- in**  
 22 **a surveillance, if a subject stops, the idea is for**  
 23 **somebody to have control of that person or persons or**  
 24 **vehicle at that moment in time.**  
 25 Q. Just stopping there, what do you mean "control of"?

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1 **A. To be able to see them, because if they got out of one**  
 2 **car and got in another and you were not watching it,**  
 3 **that is the end of the surveillance for the day, they**  
 4 **have gone. So when a subject stops, the first thing for**  
 5 **the surveillance operative is for somebody to have, to**  
 6 **say they have got control of that subject. From that,**  
 7 **they then control the surveillance at that moment in**  
 8 **time. Excuse me -- so their duties are, as well as**  
 9 **maintaining control of the subject are to then, the term**  
 10 **is called put a plot on around that subject, so**  
 11 **basically it is a net of surveillance officers in**  
 12 **vehicles or on foot depending on the circumstances. So**  
 13 **if that subject or when that subject then moves, the**  
 14 **person watching them doesn't move with them, they then**  
 15 **move into the net and then it keeps leapfrogging like**  
 16 **that, if that makes sense?**  
 17 **So it might be that you have not got time to video**  
 18 **something or take a picture, because you are that busy**  
 19 **looking at an A to Z to see what are the escape routes**  
 20 **from where this person is at this moment in time --**  
 21 **I don't mean "escape routes" where they can run off,**  
 22 **I mean escape routes as in road, footpaths or public**  
 23 **transport.**  
 24 Q. Was the capturing of evidence by way of still or video  
 25 cameras very much an ancillary to your role?

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1 **A. Yes, but to expand it further if subjects had met up and**  
 2 **that particular circumstance was important, then you**  
 3 **would then -- do you give up the control of the subject**  
 4 **or putting the plot on around the subject to get the**  
 5 **video footage. It is a judgment call for the individual**  
 6 **officer.**  
 7 Q. You would try as much as you could consistently with the  
 8 need to remain covert and consistently with the need to  
 9 do the things that you have just said, ie to maintain  
 10 control of the subject with eyes on --  
 11 **A. Yes.**  
 12 Q. -- consistently with those two things, try to record  
 13 evidence as much as possible?  
 14 **A. Yes, it may be that, if there was enough surveillance**  
 15 **officers on a particular operation on a particular day,**  
 16 **because the first thing is to put the plot around the**  
 17 **subject, that is just the way it is done, to maintain**  
 18 **control of him. For example, if you needed six people**  
 19 **to cover six roads and there are seven surveillance**  
 20 **officers, that means one is then free to say, "I will**  
 21 **try and get digital footage of what is going on at this**  
 22 **moment in time".**  
 23 **If there are six officers and there are seven routes**  
 24 **off, you have not got anybody spare to say they will**  
 25 **take on that role, if that explains your question.**

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1 Q. Does that mean that a decision is sometimes taken at the  
 2 beginning of surveillance, who is going to try and make  
 3 the recording?  
 4 **A. No, no. Because you don't know where you will be in the**  
 5 **surveillance convoy at any given time in a day.**  
 6 Q. How is that decided amongst yourselves as the day  
 7 progresses?  
 8 **A. What? Where you will be?**  
 9 Q. No, that is dictated presumably by the subject.  
 10 **A. Yes.**  
 11 Q. How is it decided who is going to try and record still  
 12 or video images of the subject?  
 13 **A. Whoever hasn't been given another role, you would expect**  
 14 **them to volunteer to then try and get video images, so**  
 15 **it is not something that in the morning it is like, "You**  
 16 **are the person who will always do that", because you**  
 17 **might be the person who has control of the subject when**  
 18 **it stops.**  
 19 Q. Okay. If we can look, please -- I don't think it is in  
 20 your bundle, it is in one of the ones that will be over  
 21 your shoulder -- at bundle G2, pages 1 to 620.  
 22 Do you have that?  
 23 **A. I've got the bundle. I am just trying to ... sorry.**  
 24 **All right.**  
 25 Q. Thank you. Can we turn to page 493 within the bundle,

Page 8

1 please. It is sometimes difficult to track it down, it  
 2 is about an inch from the back.  
 3 **A. Unfortunately I don't think mine are numbered.**  
 4 Q. They are paginated, it is just sometimes that the black  
 5 has excluded the black printed. 493.  
 6 THE CHAIRMAN: You may find -- the relevant section, I have  
 7 had the same problem as you, but the relevant section  
 8 ... this is in landscape, isn't it?  
 9 MR BEER: It is.  
 10 THE CHAIRMAN: They are printed very small, but you will  
 11 find some numbers at the top and bottom of each page  
 12 when you get to the right section.  
 13 **A. Sorry, I don't know if it is my eyesight.**  
 14 THE CHAIRMAN: In mine it is perhaps a little under an inch  
 15 from the back.  
 16 **A. Can you see anything, is it my eyes?**  
 17 THE CHAIRMAN: Did you say 498?  
 18 MR BEER: No 493.  
 19 THE CHAIRMAN: 493, I do apologise.  
 20 **A. I'm sorry, it is not just my eyes.**  
 21 THE CHAIRMAN: Hand it here. (Handed)  
 22 Thank you. (Pause)  
 23 Here we are. (Handed)  
 24 **A. Thank you, sir.**  
 25 MR BEER: Can you see that, Mr Wallace?

Page 9

1 **A. Yes.**  
 2 Q. It is quite small print.  
 3 **A. Yes, I've got it now.**  
 4 Q. This is part of a document produced by GMP to the IPCC,  
 5 called "An updated version of a schedule of CCTV and  
 6 video evidence". It seems to be a list of recordings  
 7 from various sources obtained in the course of Operation  
 8 Shire. Can you see that there is a description -- for  
 9 some reason it starts at number 4, I don't know why that  
 10 is -- it says what the description of the image is, it  
 11 says who produces it, and you are named in some of them,  
 12 if you see --  
 13 **A. Yes.**  
 14 Q. -- five or six from the bottom?  
 15 **A. Yes, I can see that.**  
 16 Q. It gives the exhibit number, the department that that  
 17 person I think came from, the date produced, and then  
 18 the device on which it was recorded. I think to start  
 19 with, we will see that it is mainly handheld camcorders  
 20 on DVDs from officers of the dedicated surveillance unit  
 21 and then, as you move through it, it becomes a bit more  
 22 CCTVish, so as the investigation went overt, officers  
 23 presumably went to find CCTV of things that had been  
 24 observed by surveillance officers, and they wanted to  
 25 try and get those in an evidential form from CCTV. Can

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1 you see that?  
 2 **A. Yes, sir.**  
 3 Q. Just looking at that first page, 493, we can see lots of  
 4 DVD footage of Subject York, Subject Derby,  
 5 Aaron Corkovic and others, from various officers of the  
 6 dedicated surveillance unit, can you see?  
 7 **A. Yes, sir.**  
 8 Q. You will recognise those names from your pre-retirement  
 9 days?  
 10 **A. Yes, sir.**  
 11 Q. As I said, you are named as item 20, a DVD containing  
 12 still images of Subject York and an unknown male in  
 13 Green Gate. Then if you go over two pages, there are  
 14 yet more handheld camera footage -- or is more handheld  
 15 camera footage from DSU officers. Then over two pages  
 16 more, we can see at item 93 you are producing -- there  
 17 is a reference to your production as an exhibit of  
 18 footage of Wilt, who was David Totton, at the Skyline  
 19 Apartments?  
 20 **A. Yes, sir.**  
 21 Q. It goes on and we can see in there a good volume of  
 22 handheld camera footage from DSU officers, yes?  
 23 **A. Yes, sir.**  
 24 Q. So this -- you presumably have not seen the document,  
 25 this document, before in this format?

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1 **A. No, sir, no.**  
 2 Q. Because it is a collection together of material that you  
 3 were involved in and were not involved in?  
 4 **A. Yes.**  
 5 Q. This gives us an idea, does it, of the volume of footage  
 6 obtained by the DSU in this operation over a four- or  
 7 five-month period?  
 8 **A. Yes, sir.**  
 9 Q. We can see therefore that it is a relatively regular  
 10 occurrence that officers produced handheld camera  
 11 footage from the DSU?  
 12 **A. Yes.**  
 13 Q. Turning to a different subject, we can put that away --  
 14 **A. Okay.**  
 15 Q. -- was it normal to be given a briefing in relation to  
 16 a surveillance operation?  
 17 **A. Yes, every time you went out on an operation you would  
 18 be given a briefing.**  
 19 Q. It was a daily occurrence if you were conducting  
 20 surveillance?  
 21 **A. Yes.**  
 22 Q. Was that briefing given in the DSU offices?  
 23 **A. Yes.**  
 24 Q. Who was it typically given by, not their name but --  
 25 **A. A member of the DSU research staff.**

Page 12

1 Q. Just tell us, who are the research staff?

2 **A. They are not operational surveillance officers, they**

3 **will be detectives, their role is to, I suppose from the**

4 **inception, an employer, somebody from another department**

5 **within the force, would approach them with an operation**

6 **and the intelligence for that operation. They would**

7 **then be the focal point between the employer and the**

8 **DSU, so they would provide a briefing for the DSU for**

9 **our needs, they would liaise with the employer what**

10 **their needs were, what they wanted off the DSU, or would**

11 **like to get from the DSU, and then they would follow it**

12 **right through to file preparation if it went to**

13 **a prosecution, they would be the people who organised**

14 **statements, who was to give what statements, what**

15 **statements were relevant, what statements were not**

16 **relevant, right through to the signing off of the**

17 **operation at the end.**

18 Q. Thank you.

19 In a briefing, when the researcher gave it, what

20 issues were typically addressed?

21 **A. It is usually quite basic, because sometimes you will**

22 **have people who have been on the operation before, and**

23 **you may have people who have never been on that**

24 **operation or have not been on it recently. So the**

25 **briefing usually followed the format of the**

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1 **identification trails would usually be given.**

2 Q. What does that mean?

3 **A. There would be a picture of the subject, usually from**

4 **the police national computer or similar, so as the**

5 **surveillance officer, you would follow people who you**

6 **have never met personally, would have an identification**

7 **picture for their use, there would be a list of relevant**

8 **vehicles to those people, relevant addresses to those**

9 **people. Obviously as an operation progresses, the**

10 **vehicles, some may come, some may arrive, you know,**

11 **different vehicles may arrive, addresses, associates,**

12 **and then there would usually be a very brief summary of**

13 **what had happened over the, say, previous few days.**

14 Q. Was the position any different in a briefing when you

15 were going to be deployed alongside a tactical firearms

16 unit?

17 **A. No, not from a surveillance point of view.**

18 Q. The same briefing?

19 **A. Yes, same thing. You would be made aware there was**

20 **tactical firearms officers on that particular day but**

21 **for the surveillance officer, you wouldn't be told the**

22 **intelligence of why on that day they were there and why**

23 **they were not there the day before, it is not something**

24 **we would be privy to.**

25 Q. Okay.

Page 14

1 Was there somebody called a DSU/TFU liaison officer

2 in such cases?

3 **A. Yes.**

4 Q. What was their function?

5 **A. They would be the liaison between the DSU and the**

6 **tactical firearms unit.**

7 Q. What did that mean that they did?

8 **A. They would basically liaise with the firearms unit. As**

9 **to what they did with the firearms unit, I am not aware**

10 **because it was not something they brought back to us.**

11 Q. Have you heard of a MASTS operation?

12 **A. Yes.**

13 Q. What do you understand a MASTS operation to be?

14 **A. It is a mobile armed support to surveillance.**

15 Q. What does that mean?

16 **A. A normal surveillance operation is just surveillance**

17 **operatives. If the investigating officer, or the senior**

18 **investigating officer, for whatever reason has deemed**

19 **that it requires a MASTS it requires a -- or the**

20 **potential is for the people involved to be involved in**

21 **violence, to a high level, really, they would apply --**

22 **I am thinking it is to the ACCs but I am not sure there,**

23 **for authority for a MASTS.**

24 **That is then something they liaise with the firearms**

25 **units; it is nothing to do with surveillance. The MASTS**

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1 **tags along at the back of the surveillance. Now it**

2 **might be there for a short period of time, it might be**

3 **there all day. It may get deployed, it may not -- you**

4 **know I have been on operations where they do not get**

5 **deployed and you are never told why it was not deployed**

6 **on that day or why they were not deployed on that day.**

7 THE CHAIRMAN: When you say "deployed", I'm sorry to

8 interrupt, we need to be a bit careful about this,

9 I understand they are deployed if they are there, do you

10 mean something else?

11 **A. Sorry, sir, they wouldn't strike on the subjects, if**

12 **that clarifies it.**

13 MR BEER: We have understood "deploy" in a technical sense

14 to mean an authorisation has been given by a strategic

15 firearms commander, an ACC, for officers to carry

16 firearms on an operation.

17 **A. Right, sorry, it is the way I have explained it.**

18 Q. No, that is all right.

19 For a MASTS operation you would understand that they

20 would be there in the background, they may strike or

21 take action against subjects or they may not --

22 **A. Yes.**

23 Q. -- but they were there to support you?

24 **A. It is probably the way it is -- it is probably the name.**

25 **They are not actually supporting the surveillance, they**

Page 16

1 **are just to deal with the intelligence that is coming**  
 2 **in, if it is decided -- if it is decided by the senior**  
 3 **investigating officer that that is what he wishes them**  
 4 **to do.**  
 5 Q. That is what I just wanted to explore a little bit. Did  
 6 you understand in any sense, and from the title of it  
 7 "Armed support to surveillance", the idea of it was that  
 8 you were surveying people who were of a level of risk  
 9 that it required firearms support to be deployable, in  
 10 the sense take action, in the event that you needed it  
 11 to guard your safety?  
 12 **A. No. Because if -- fortunately it has never happened,**  
 13 **but if that happened, it would happen that quick. It**  
 14 **would be over, you know, before they could do anything**  
 15 **because they are not with you in the vehicle.**  
 16 Q. No.  
 17 **A. I think in London some surveillance officers are armed,**  
 18 **they certainly are not in GMP.**  
 19 Q. In terms of making a record of your observations,  
 20 putting aside the still and video recording, what was  
 21 the system for recording your observations?  
 22 **A. It is recorded by a dedicated loggist.**  
 23 Q. Was the loggist out on the ground?  
 24 **A. No, they would be back in the DSU offices.**  
 25 Q. How did you therefore communicate with them?

Page 17

1 **A. By the radio system.**  
 2 Q. Was that radio system on a channel that the whole team  
 3 could hear?  
 4 **A. The surveillance team, yes.**  
 5 Q. What about when there was a co-deployed TFU team, were  
 6 they tuned to your channel?  
 7 **A. They would have access to our radios as well, yes.**  
 8 Q. Did you have access to theirs?  
 9 **A. No.**  
 10 Q. You couldn't hear what they were saying?  
 11 **A. No.**  
 12 Q. Okay.  
 13 What would you do when you made an observation then?  
 14 How would you get that back to the loggist?  
 15 **A. You would just literally state it, so you might say for**  
 16 **instance, "Subject Wilt has exited his vehicle and**  
 17 **walked into the pub". You know, obviously you give the**  
 18 **name of the pub. The loggist would record the time you**  
 19 **said that and that is what you said.**  
 20 Q. Okay, let's just look at a real example or two, it may  
 21 be one will suffice. Your bundle, please, page 53.  
 22 **A. Yes, sir.**  
 23 Q. This is a surveillance log for 26 January 2012, can you  
 24 see that?  
 25 **A. Yes.**

Page 18

1 Q. If you go over to 54, can you see an entry:  
 2 "Subject vehicle 1 at 0523 passing through  
 3 junction 17, M6, southbound, the driver is wearing  
 4 a light coloured/fluorescent top."  
 5 **A. Yes, that was by myself.**  
 6 Q. Sorry?  
 7 **A. That was an entry by myself.**  
 8 Q. Yes, that is why I picked it.  
 9 **A. Sorry.**  
 10 Q. You would have called in that entry at 5.23, is that  
 11 right?  
 12 **A. Yes.**  
 13 Q. Then what happens, you would not have written "Wallace"  
 14 then, would you?  
 15 **A. No, no, where it says "Wallace" in the officer column,**  
 16 **that is written by the loggist, so that is who that**  
 17 **entry refers to.**  
 18 Q. Then you would have written something in the "Action  
 19 taken" column?  
 20 **A. Yes, at the end of the day's surveillance a debrief is**  
 21 **always held, first and foremost to go through the log,**  
 22 **so the loggist will sit down with all the surveillance**  
 23 **team and read through each entry in turn.**  
 24 Q. Yes. Then you would sign it if it was correct, correct  
 25 it if it was incorrect?

Page 19

1 **A. Yes, well you would put an addendum later on or there**  
 2 **may be further information, so it may be not so much for**  
 3 **that entry but it might be that there was an awful lot**  
 4 **of information at the time that would have taken up**  
 5 **valuable airtime on the radio, so you would put the**  
 6 **further detail --**  
 7 Q. There is an example of that at page 57.  
 8 If you see the capital A, the "anarchy" sign at the  
 9 foot of the page there. Over to page 56, do you have  
 10 that, 57 and 56? Does the A at 09.15 refer back to the  
 11 entry at 07.21.  
 12 **A. Yes, in case there is more than one addendum in a log --**  
 13 Q. You put A, B and C?  
 14 **A. -- so you know which one you are referring to.**  
 15 Q. That says:  
 16 "Reference entry 07.21, the black Renault Megane  
 17 ..."  
 18 Then it continues.  
 19 An example of you making an addendum entry, if we  
 20 look at page 85, please, this is the surveillance log  
 21 for 29 February 2012.  
 22 **A. Yes, sir.**  
 23 Q. Can you see at 21.10 it has written, with reference to  
 24 the entry at 1906, "Subject vehicle 1 turned on to  
 25 the ..." Then it continues?

Page 20

1 **A. Yes.**  
 2 Q. That was an reference back to an entry on page 81, at  
 3 19.06?  
 4 **A. Yes.**  
 5 Q. Both of those are your entries?  
 6 **A. They are, yes.**  
 7 Q. You are supplementing it at 9.10 that night, adding  
 8 a bit more detail?  
 9 THE CHAIRMAN: That was at the debrief, was it?  
 10 **A. That was at the debrief, sir, yes.**  
 11 MR BEER: Thank you.  
 12 How was the product of your surveillance operations  
 13 passed to the Operation Shire investigating officers?  
 14 **A. The log would go through the DSU research team. Quite**  
 15 **often -- I am not saying it happens all the time,**  
 16 **a member of Operation Shire would either be at the**  
 17 **debrief or would come over the next day and go through**  
 18 **the log and draw off whatever intelligence or**  
 19 **information they deemed fit from it.**  
 20 Q. So they would come along to the debrief, quite often?  
 21 **A. Not always but yes.**  
 22 Q. And who would that tend to be?  
 23 **A. It could be anybody from the operational team, usually**  
 24 **not one of the senior officers, usually one of the DCs**  
 25 **or a DS -- detective sergeant, sorry, or a detective**

Page 21

1 **constable.**  
 2 Q. You said they would take off what they required from the  
 3 log, what do you mean by that?  
 4 **A. They would take notes from the log.**  
 5 Q. They would not take a copy of it, they would write down  
 6 what they wanted to from the log?  
 7 **A. Yes.**  
 8 Q. Was there any other system for communicating what the  
 9 DSU had seen and heard over to the operational team?  
 10 **A. Not that I am aware of, no.**  
 11 Q. Can we look, please, in your bundle at page 6, which is  
 12 the amalgamated surveillance evidence chronology.  
 13 **A. Excuse me.**  
 14 **Sorry.**  
 15 Q. That is all right. Can you see between pages 6 and 23  
 16 the amalgamated surveillance evidence chronology, as it  
 17 has been called?  
 18 **A. Yes, sir.**  
 19 Q. Is this a document, the type of which you are familiar  
 20 with?  
 21 **A. No.**  
 22 Q. You haven't seen a document like this before?  
 23 **A. No.**  
 24 Q. Just have a leaf through it and see what it is.  
 25 **A. Yes, sir.**

Page 22

1 Q. Can you see what it appears to be?  
 2 **A. It appears to be a precis of a surveillance log, on**  
 3 **page 7, for Wednesday, 25 January.**  
 4 Q. Yes, and I think we know that sometimes there will be  
 5 more than one team out on a job --  
 6 **A. Yes.**  
 7 Q. -- and a different book or log is maintained for each  
 8 team?  
 9 **A. Yes, each surveillance team has its own surveillance**  
 10 **log.**  
 11 Q. This, as it appears to us, amalgamates sometimes  
 12 different books, different logs, yes, and orders them in  
 13 chronological order?  
 14 **A. Without looking at both of the two logs, but I have no**  
 15 **reason to say it isn't.**  
 16 Q. I am going to work on the basis that that is what it is,  
 17 and that it is reflected in a log.  
 18 Now I think, turning to your deployments, you  
 19 deployed firstly, as far as relevant, on  
 20 26 January 2012, if you look at your witness statement  
 21 at page 1.  
 22 **A. Yes, sir.**  
 23 Q. Do you have that?  
 24 **A. Yes, I've got that.**  
 25 Q. Can you see in the second paragraph beginning on,

Page 23

1 Thursday, 26 January and then ending at 0603 hours that  
 2 day?  
 3 **A. Yes.**  
 4 Q. That is a record of your surveillance observations that  
 5 day?  
 6 **A. Yes.**  
 7 Q. I am not going to read them, they are in the record  
 8 already.  
 9 You then I think next deployed, if we go to your  
 10 statement on page 3, on 8 February 2012, in paragraphs 2  
 11 and 3 you describe what you saw.  
 12 **A. Yes, that's correct, sir, yes.**  
 13 Q. Do you see that? Again I am not going to read those  
 14 into the record, they are there.  
 15 You then I think next deployed relevantly on  
 16 13 February 2012, see paragraph 3 of that statement.  
 17 **A. Yes, I've got that, sir.**  
 18 Q. You next deployed on 23 February 2012, see paragraph 4.  
 19 **A. Yes.**  
 20 Q. The next day, see paragraph 5.  
 21 **A. Yes.**  
 22 Q. Then I think on 29 February was your next deployment,  
 23 and I just want to use the amalgamated surveillance  
 24 chronology to pick up the story before you started your  
 25 observations, if I may.

Page 24

1 Can we look at page 16, please, just so we can  
 2 locate where we are.  
 3 **A. Yes, sir, I have got that.**  
 4 Q. Can you see on page 16, entry number 95, at 6.43  
 5 a colleague of yours saw the red Audi estate, with that  
 6 vehicle registration number:  
 7 "... drive from a car park located at the rear of  
 8 a parade of shops, Jackson Avenue, Culcheth, Cheshire,  
 9 it drove across Jackson Avenue and on to another car  
 10 park on the opposite side of the road. The vehicle  
 11 initially stopped at the front of the car park, which  
 12 would have afforded a view across the road towards the  
 13 parade of shops. It then drove further into the car  
 14 park from my view."  
 15 Yes?  
 16 **A. Yes, sir.**  
 17 Q. Then at the next entry, just picking up the story before  
 18 it gets to you, at 18.46, your colleague saw:  
 19 "... the red Audi estate exit the car park and turn  
 20 left on to Jackson Avenue. It then turned left on to  
 21 Common Lane, Culcheth."  
 22 Yes?  
 23 **A. Yes, sir.**  
 24 Q. Those are the things that happened immediately before  
 25 you pick up the story, yes?

Page 25

1 **A. Yes.**  
 2 Q. Did you understand that the red Audi that is referred to  
 3 there was the target vehicle, the subject vehicle?  
 4 **A. That was the subject vehicle on that day, yes.**  
 5 Q. That we have heard was a stolen red Audi A6, do you  
 6 remember that?  
 7 **A. I don't know if it was an A6, but I know it was a stolen**  
 8 **vehicle, yes.**  
 9 Q. Can we pick up your account then from your witness  
 10 statement, so that is back to page 1, please.  
 11 Can you see on page 1 you say:  
 12 "At 18.47 hours that day, I saw the Audi ..."  
 13 You describe it as an A6, so you certainly knew it  
 14 at the time.  
 15 **A. Yes, sorry.**  
 16 Q. That is all right, and you give the registration number:  
 17 "Travelling along Common Lane, Culcheth, away from  
 18 the village beyond Wigshaw Lane."  
 19 I just want to try and plot this, if we can, on  
 20 a map if that is all right. I hope there has been a map  
 21 put in front of you there. (Pause)  
 22 **A. I think if somebody has a spare. (Handed)**  
 23 **Thank you.**  
 24 Q. Thank you. Can you refamiliarise yourself with  
 25 Culcheth?

Page 26

1 **A. Yes, sorry, I have not been back since that day.**  
 2 Q. I think you did go back since 29 February, but since the  
 3 incident?  
 4 **A. Sorry, since the 3rd, yes.**  
 5 Q. You just said that you saw the stolen Audi travelling  
 6 along Common Lane, and we can see Common Lane --  
 7 **A. Yes, sir, got that.**  
 8 Q. -- running at a 45-degree angle from left to right until  
 9 it joins the major road, the A574, the Warrington Road,  
 10 yes?  
 11 **A. Yes.**  
 12 Q. You said in your witness statement, "It was travelling  
 13 away from the village beyond Wigshaw Lane". I think we  
 14 can see Wigshaw Lane at a bottom left-hand corner of the  
 15 map running up to Common Lane, do you have that?  
 16 **A. Yes.**  
 17 Q. Then if you did a right and then a left it would turn  
 18 into Lodge Drive?  
 19 So it was travelling on Common Lane, going away from  
 20 the village, and you saw it at a point beyond the  
 21 junction with Wigshaw Lane. Is that right?  
 22 **A. Yes.**  
 23 Q. Can you describe, by reference to the map, roughly where  
 24 you were and it was?  
 25 **A. Unfortunately, no. It would be beyond Wigshaw Lane, it**

Page 27

1 **would not be as far as -- I think it is shown on the**  
 2 **right-hand side of Common Lane, Twiss Green Lane,**  
 3 **otherwise I would have used that as a point of**  
 4 **reference.**  
 5 Q. Okay, but it is in that stretch of road there?  
 6 **A. Yes.**  
 7 Q. Were you in a vehicle?  
 8 **A. Yes, I would have been.**  
 9 Q. Were you following or in front of the vehicle?  
 10 **A. I would have been travelling towards it.**  
 11 Q. You would have been on the other side of the road?  
 12 **A. Yes.**  
 13 Q. You would have been heading in to Culcheth?  
 14 **A. Yes.**  
 15 Q. Thank you.  
 16 You say in your statement:  
 17 "There were two white males sat in the front seats  
 18 of the car."  
 19 **A. Yes.**  
 20 Q. You don't identify them there. Does it follow that you  
 21 couldn't identify them?  
 22 **A. No. I didn't get a good enough look at who they were.**  
 23 **I could just tell there were two white males.**  
 24 Q. Thank you. Then eight minutes later you say in your  
 25 statement:

Page 28

1 "At 6.55 that day I saw the Audi A6 car stop in the  
 2 public car park off Jackson Avenue, Culcheth."  
 3 Can you see, going back into the village there,  
 4 Jackson Avenue off Common Lane.  
 5 **A. Yes, sir.**  
 6 Q. You can see that?  
 7 **A. Yes.**  
 8 Q. Can you see Thompson Avenue coming off Jackson Avenue?  
 9 **A. Yes, sir.**  
 10 Q. Do you see the little bit of space to the right of the  
 11 word "Avenue" or "Av" on Thompson, is that where the car  
 12 park is? We are going to look at some photographs in  
 13 a minute to pinpoint it.  
 14 **A. I think so, but it is not the best map to be honest.**  
 15 **I looked at Google Earth last night to get a better idea**  
 16 **and it was in a bit more detail but ...**  
 17 Q. Okay, let's look at the photographs then and we will try  
 18 and do a bit better. Can you look at bundle O, please.  
 19 Page 323 -- O1.  
 20 **A. Sorry, sir, what was the page number?**  
 21 Q. 323.  
 22 THE CHAIRMAN: It is probably flagged.  
 23 MR BEER: This is O1.  
 24 **A. It is not this folder. Can I give you that one back,**  
 25 **sorry?**

Page 29

1 Q. There should be a flag in it that says 323 on it.  
 2 THE CHAIRMAN: There should be two flags, just be careful,  
 3 there is one at 313 and one at 323 and they are probably  
 4 marked if they have not come adrift.  
 5 **A. Found it, sir, thank you.**  
 6 MR BEER: We are all on 323, yes?  
 7 Is that the car park you are referring to?  
 8 **A. Yes. It is, sir.**  
 9 Q. Just to orientate yourself, is the road on the  
 10 right-hand side with the black van turning into it and  
 11 the black car in it Common Lane?  
 12 **A. Yes, Common Lane is running across the corner there but**  
 13 **sort of in front of the shops.**  
 14 Q. Is Jackson Avenue the one running left to right and  
 15 right to left along the foot of the page with the marked  
 16 police car in it?  
 17 **A. It is, yes.**  
 18 Q. Is Thompson Avenue the one on the left-hand side of the  
 19 page running north to south, with the marked police car  
 20 at the top of it on the top left?  
 21 **A. Yes, the bit of Thompson Avenue you referred to with the**  
 22 **"Av" bit, it goes round in a loop and rejoins**  
 23 **Jackson Avenue, but that bit with the Av bit.**  
 24 Q. We can see the car park bisected by those three roads.  
 25 You say in your statement at 655 you saw the Audi stop

Page 30

1 in the public car park off Jackson Avenue, Culcheth?  
 2 Was it already stopped when you got there or did you  
 3 see it come to a stop?  
 4 **A. I don't recollect to be honest. It reads as if I saw it**  
 5 **come to a stop but I would be ...**  
 6 Q. Okay. You say:  
 7 "The car was positioned with the rear of it against  
 8 the perimeter fence, behind which were shops on  
 9 Common Lane. Immediately behind the car on the rear of  
 10 the premises were two large steel extractor chimneys."  
 11 Can you by reference to the vehicles that are parked  
 12 on this day, which I think is 4 March 2012, so a little  
 13 bit later, different cars, bar one, obviously -- the  
 14 Audi is the same -- point out where the Audi was?  
 15 **A. It would have either have been the bay with the green**  
 16 **car in, directly in front of the police tent, or the**  
 17 **empty bay directly in front of that.**  
 18 Q. Okay.  
 19 THE CHAIRMAN: I can't see the green car.  
 20 MR BEER: Do you see the police --  
 21 THE CHAIRMAN: I see in front of the tent, as from the view  
 22 of the camera? Right, I get it. Either in that one or  
 23 which one?  
 24 **A. Or the bay immediately next to it which is empty.**  
 25 THE CHAIRMAN: Right, I get it. Thank you.

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1 MR BEER: You referred there to two large steel chimney  
 2 extractors. Can we see those on the rear of the shops,  
 3 or restaurants, on the photograph?  
 4 **A. Yes, they are sort of immediately to the right of the**  
 5 **police tent. I think there were one or two takeaway**  
 6 **restaurant type extractor chimneys.**  
 7 Q. Yes, and you said it had the rear of it backed in up  
 8 against the fence -- not up against the fence but  
 9 towards the fence?  
 10 **A. Yes.**  
 11 Q. Presumably it had reversed in?  
 12 **A. Yes.**  
 13 Q. You continue in your statement:  
 14 "From this position the occupants had a view of the  
 15 car park exit on to Thompson Avenue."  
 16 If you see the arrows the straight arrow at the top  
 17 of the car park pointing outwards, is that towards the  
 18 exit that you are referring to?  
 19 **A. Yes.**  
 20 Q. It had a view of the entrance to the car park from  
 21 Jackson Avenue, and is that the one at the foot of the  
 22 page with the marked police car parked in it?  
 23 **A. Yes.**  
 24 Q. The exit road from the Sainsbury's store car park  
 25 leading on to Jackson Avenue, I don't think we can see

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<p>1 that in this photograph, can we?</p> <p>2 <b>A. That is actually situated where the police car is on the</b></p> <p>3 <b>road.</b></p> <p>4 Q. I was going to say, we can look at a better photograph.</p> <p>5 If you go back to the number 313 --</p> <p>6 <b>A. Yes, sir.</b></p> <p>7 Q. -- and then if you go back five pages before then,</p> <p>8 I think you reach 308. Do you have it?</p> <p>9 <b>A. Yes.</b></p> <p>10 Q. It is the one where we can see emblazoned on the wall</p> <p>11 "Dootsons LLP Solicitors", do you have that?</p> <p>12 <b>A. Yes, got that, sir.</b></p> <p>13 Q. Just tell us the entrance/exit to the Sainsbury's store</p> <p>14 car park that they, you say, would have had a view of?</p> <p>15 <b>A. If you were to look at the Dootsons Solicitors, you have</b></p> <p>16 <b>then got a road that goes to the back of the shops</b></p> <p>17 <b>there, and then immediately to the right of it, you can</b></p> <p>18 <b>see a single "No entry" sign.</b></p> <p>19 Q. Yes.</p> <p>20 <b>A. If you go to the top of that road, then there is</b></p> <p>21 <b>a signed police vehicle in this picture at the top of</b></p> <p>22 <b>this road.</b></p> <p>23 Q. I am not following where you are. Dootsons solicitors,</p> <p>24 to the right of that building there is a road way, yes?</p> <p>25 <b>A. There is a service way at the back of the solicitors.</b></p> <p style="text-align: center;">Page 33</p>	<p>1 Jackson Avenue.</p> <p>2 <b>A. Yes, where the marked police vehicle is at the other end</b></p> <p>3 <b>that is the car park.</b></p> <p>4 Q. That is how you get out of Sainsbury's?</p> <p>5 <b>A. Yes, coming down this way to Jackson Avenue, yes.</b></p> <p>6 Q. Then you say:</p> <p>7 "It had a view of an access road which appeared to</p> <p>8 lead to the rear of the Post Office and other retail</p> <p>9 premises in that location.</p> <p>10 <b>A. Yes, that is immediately between the solicitors and the</b></p> <p>11 <b>no entry sign, it is just what you will call --</b></p> <p>12 THE CHAIRMAN: Forming a V with the Sainsbury's exit?</p> <p>13 <b>A. Yes.</b></p> <p>14 MR BEER: You thought from that position the stolen Audi, or</p> <p>15 the occupants of it, would be able to see those five</p> <p>16 things?</p> <p>17 <b>A. You definitely could, sir, I went and parked there</b></p> <p>18 <b>afterwards to see what they could see.</b></p> <p>19 Q. When did you do that?</p> <p>20 <b>A. After the vehicle moved off that day, and other officers</b></p> <p>21 <b>had the vehicle under control, I went and parked my</b></p> <p>22 <b>vehicle in exactly the same place that they were in and</b></p> <p>23 <b>just looked and see what could I see from there.</b></p> <p>24 Q. You say in your statement, continuing:</p> <p>25 "At 6.58 the Audi remained in the same location as</p> <p style="text-align: center;">Page 35</p>
<p>1 Q. Yes.</p> <p>2 <b>A. Then the road immediately next to it has a single "No</b></p> <p>3 <b>entry" sign on the right-hand side, that road that you</b></p> <p>4 <b>can follow up to the top right-hand corner of the</b></p> <p>5 <b>picture and there is a police vehicle parked there.</b></p> <p>6 THE CHAIRMAN: I wonder if you have the same photograph, can</p> <p>7 I just see which photographs you are looking at?</p> <p>8 Ah, it is a different photograph.</p> <p>9 <b>A. Sorry.</b></p> <p>10 MR BEER: I think we are looking at different photographs.</p> <p>11 THE CHAIRMAN: Yes.</p> <p>12 MR BEER: Pass me your bundle, please, and I will find it.</p> <p>13 THE CHAIRMAN: I think I have yours, Mr Beer.</p> <p>14 <b>A. It has a little yellow tab on that one.</b></p> <p>15 MR BEER: Yours is a better photograph, by accident, anyway.</p> <p>16 305, yours might have a yellow tab on it, sir.</p> <p>17 THE CHAIRMAN: Yes, I have it.</p> <p>18 MR BEER: 305 for people that are following.</p> <p>19 We were on a closer up view.</p> <p>20 <b>A. Sorry.</b></p> <p>21 Q. It is not your fault at all.</p> <p>22 Can you see the no entry sign then, and as you have</p> <p>23 said, with the marked police car at the top of it, is</p> <p>24 that the road you are referring to in your statement as</p> <p>25 the exit road from the Sainsbury's store leading on to</p> <p style="text-align: center;">Page 34</p>	<p>1 at 6.55. There were no lights illuminated on the car."</p> <p>2 Where were you at this time?</p> <p>3 <b>A. I don't recollect, sir.</b></p> <p>4 Q. Were you still in your vehicle?</p> <p>5 <b>A. I would have been, yes.</b></p> <p>6 Q. You would have been?</p> <p>7 <b>A. Yes.</b></p> <p>8 Q. Do you think you had driven on to the car park?</p> <p>9 <b>A. I really don't recollect, I am sorry.</b></p> <p>10 Q. You say:</p> <p>11 "At 7.06 pm I saw the Audi A6 enter the car park of</p> <p>12 Sainsbury's store, situated on Common Lane, Culcheth.</p> <p>13 It drove around the outer edge of the car park and along</p> <p>14 the exit road which led to Jackson Avenue."</p> <p>15 Did you follow it when it drove into the car park?</p> <p>16 <b>A. Yes. To Sainsbury's, yes.</b></p> <p>17 Q. Did you follow it from the car park that we have been</p> <p>18 talking about into the Sainsbury's car park?</p> <p>19 <b>A. No.</b></p> <p>20 Q. Sorry?</p> <p>21 <b>A. No.</b></p> <p>22 Q. Did you see it leave the car park we have been talking</p> <p>23 about?</p> <p>24 <b>A. No.</b></p> <p>25 Q. Where did you first pick it up then?</p> <p style="text-align: center;">Page 36</p>

<p>1 <b>A. I picked it up as it entered the car park of Sainsbury's</b></p> <p>2 <b>store.</b></p> <p>3 Q. How did you know to go there?</p> <p>4 <b>A. Other officers would have commented on the movement of</b></p> <p>5 <b>the vehicle.</b></p> <p>6 Q. Can you see on this photograph the entrance to the</p> <p>7 Sainsbury's car park?</p> <p>8 <b>A. No, it is --</b></p> <p>9 Q. I don't think you can, it is over the back of the</p> <p>10 building, isn't it?</p> <p>11 <b>A. It is the other side, yes.</b></p> <p>12 Q. In any event, you say that it drove around the outer</p> <p>13 edge of the car park and along the exit road. Is that</p> <p>14 the exit road that we can see and which we have been</p> <p>15 talking about, the one that came back on to</p> <p>16 Jackson Avenue?</p> <p>17 THE CHAIRMAN: You might want to look at the photograph.</p> <p>18 <b>A. Yes, it was, sir.</b></p> <p>19 MR BEER: Thank you.</p> <p>20 You say:</p> <p>21 "In doing so it passed a large steel gate to its</p> <p>22 offside, which gave access to the rear of the Post</p> <p>23 Office."</p> <p>24 Can you show us the large steel gate that would have</p> <p>25 been on its offside?</p> <p style="text-align: center;">Page 37</p>	<p>1 access to the rear of the Post Office and other retail</p> <p>2 ..."</p> <p>3 It didn't really pass it, did it, because there is</p> <p>4 that triangular parcel of land between it?</p> <p>5 <b>A. No, it says:</b></p> <p>6 <b>"In doing so it passed a large steel gate to its</b></p> <p>7 <b>offside, which gave access to the rear of the Post</b></p> <p>8 <b>Office."</b></p> <p>9 <b>So as the vehicle travels down from where the signed</b></p> <p>10 <b>police vehicle is to Jackson Avenue, there is that small</b></p> <p>11 <b>triangle of trees or shrubs for want of a better word,</b></p> <p>12 <b>with a lamp in the middle of it, the gate is on --</b></p> <p>13 <b>I can't pick out exactly where it is off the picture,</b></p> <p>14 <b>but the gate was on the right-hand side, beyond those</b></p> <p>15 <b>shrubs, somewhere protecting that serve way on the back</b></p> <p>16 <b>of the shop.</b></p> <p>17 MS BARTON: Sir, I rise it might be of assistance for this</p> <p>18 witness, because I have it on a computer and you can</p> <p>19 enlarge that section so he might just like to see that.</p> <p>20 MR BEER: That might be helpful, if Ms Barton is happy to</p> <p>21 give up NCA property. (Handed)</p> <p>22 <b>A. Yes, I can see it now, thank you. Thanks very much.</b></p> <p>23 MR BEER: So it is about halfway down the service road</p> <p>24 before you get to the yellow hatching?</p> <p>25 <b>A. Yes.</b></p> <p style="text-align: center;">Page 39</p>
<p>1 <b>A. I can't make it out on this picture, sir, exactly where</b></p> <p>2 <b>it is.</b></p> <p>3 Q. Firstly, let's be clear, the offside of a car --</p> <p>4 <b>A. The driver's side.</b></p> <p>5 Q. -- is the driver's side?</p> <p>6 <b>A. Yes, the right-hand side.</b></p> <p>7 Q. Nearside, left-hand side?</p> <p>8 <b>A. Yes.</b></p> <p>9 Q. As it came down that exit road, it was on its right-hand</p> <p>10 side?</p> <p>11 <b>A. Yes, between the exit road and the buildings that you</b></p> <p>12 <b>can see at the top of the picture.</b></p> <p>13 Q. If you look at the photograph on page 305 that we are</p> <p>14 looking at, can you see a steel gate, if you look at the</p> <p>15 Dootsons Solicitors logo, if you follow that building up</p> <p>16 on its right-hand side before you get to the yellow</p> <p>17 hatching that is on the road, can you see what might be</p> <p>18 a gate there? If not, go back a page, ie forward in the</p> <p>19 bundle, to page 304. Can you see it on there?</p> <p>20 <b>A. It looks like the gate, but it is not that clear.</b></p> <p>21 Q. You are saying that as it drove down the exit road it</p> <p>22 passed the large steel gate?</p> <p>23 <b>A. Well, the gate was on its offside, yes.</b></p> <p>24 Q. Well now, you say:</p> <p>25 "In doing so it passed a large steel gate which gave</p> <p style="text-align: center;">Page 38</p>	<p>1 THE CHAIRMAN: Yes.</p> <p>2 <b>A. Yes, it is immediately prior to where the yellow</b></p> <p>3 <b>hatching starts as you look into the picture.</b></p> <p>4 THE CHAIRMAN: Yes. It is in fact visible on the hard copy,</p> <p>5 but with difficulty.</p> <p>6 MR BEER: You then say:</p> <p>7 "It then returned to the position it had been parked</p> <p>8 at at ..."</p> <p>9 THE CHAIRMAN: Thank you, Ms Barton.</p> <p>10 MR BEER: "... 6.55 hours that day, where it remained with</p> <p>11 no lights illuminated."</p> <p>12 So it went back into the same parking spot?</p> <p>13 <b>A. Yes.</b></p> <p>14 Q. Did it back in again?</p> <p>15 <b>A. Yes.</b></p> <p>16 Q. And remained there?</p> <p>17 <b>A. Yes.</b></p> <p>18 Q. Did it stay there for 24 minutes?</p> <p>19 <b>A. Without looking at the log, I couldn't say, I didn't see</b></p> <p>20 <b>it manoeuvre.</b></p> <p>21 Q. You say in your statement:</p> <p>22 "At 1919 hours I saw the car manoeuvre."</p> <p>23 <b>A. Yes, but between 1906 and 1919, if somebody else has</b></p> <p>24 <b>an entry saying it is manoeuvring around the car park,</b></p> <p>25 <b>it would not feature in my statement.</b></p> <p style="text-align: center;">Page 40</p>

<p>1 Q. I see. If we look at the log then, please, it is at 2 pages 80 and 81. 3 THE CHAIRMAN: Yes. 4 MR BEER: Do you see page 80? 5 <b>A. Yes, I am just trying to ...</b> 6 THE CHAIRMAN: At the bottom of page 80. 7 <b>A. Yes.</b> 8 MR BEER: Can you see the entry at 18.55, which is where you 9 have the vehicle back in the car park in the same spot, 10 your entry: 11 "Subject vehicle 1 stops in the car park off 12 Jackson Avenue near to the junction of Thompson Avenue, 13 Culcheth". 14 Do you see there is a B there? Can you see the B 15 alongside it. 16 <b>A. I can see that, sir, yes.</b> 17 Q. Do you want to track that B through to page 84, an entry 18 that you caused to be made at 21.01, a supplemental 19 entry. Are you there? 20 <b>A. Yes, I've got that, sir.</b> 21 Q. Where it says: 22 "Ref entry 1855, subject vehicle one stopped in the 23 car park with the rear of the vehicle facing 24 Common Lane. Immediately behind it was two large steel 25 extractor chimneys, from this location the occupants</p> <p style="text-align: center;">Page 41</p>	<p>1 It looks as if it is 13 minutes; is that right? 2 THE CHAIRMAN: Yes. 3 MR BEER: Between 7.06 and 7.19, that it remained on the car 4 park, yes? 5 <b>A. Yes, sir.</b> 6 Q. Where were you at that time, please? 7 <b>A. I don't recollect, sir, I didn't make a note of it.</b> 8 Q. Okay. Can you recall anything that the occupants of the 9 vehicle did in that time? 10 <b>A. No, because if I had have seen them do anything or been 11 able to identify them or numbers, I would have caused 12 an entry to be created on the log.</b> 13 Q. Thank you. 14 At 19.19, 7.19, you saw the vehicle manoeuvre from 15 the car park and then I think it returned to Boothtown, 16 is that right? 17 <b>A. It did, yes.</b> 18 Q. Thank you. 19 Can we move to 3 March 2012, please. This is the 20 day of the arrests and of Mr Grainger's death, 21 3 March 2012. Did you attend a briefing on the morning 22 of 3 March 2012? 23 <b>A. Yes, sir.</b> 24 Q. Did you attend as a firearms briefing at Openshaw? 25 <b>A. No.</b></p> <p style="text-align: center;">Page 43</p>
<p>1 could view all of the car ..." 2 Which we read out earlier? 3 <b>A. Yes.</b> 4 Q. Going back to page 80, there is an entry at 18.58: 5 "Subject vehicle 1 is parked at the rear of the car 6 park with the lights off." 7 <b>A. Yes.</b> 8 Q. Then you have I think the entry that comes next, I am 9 not sure whether that is you or Mr Connors? 10 <b>A. No, that is Officer Connors.</b> 11 Q. The only reason I asked -- I see: 12 "Subject vehicle 1 turns left from the car park on 13 to Jackson Avenue, right on to Common Lane and then 14 right into a car park behind the Post Office. Subject 15 vehicle 1 is parked in the car park opposite the Post 16 Office of Jackson Avenue in the same spot ..." 17 I think that is, so that is you, yes? 18 <b>A. Yes, sir.</b> 19 Q. "Reentry at 18.43, subject vehicle 1 came from the car 20 park behind the Post Office, travelled across 21 Jackson Avenue, on to car park opposite the Post 22 Office." 23 Then an entry from you, 19.19: 24 "Subject vehicle 1 turns left from the car park on 25 to Jackson Avenue."</p> <p style="text-align: center;">Page 42</p>	<p>1 Q. Do you know whether any other officers of the DSU 2 attended the firearms briefing? 3 <b>A. Normal surveillance officers would not attend a firearms 4 briefing. There may have been some sort of liaison 5 officer or research officer, but I wouldn't know that.</b> 6 Q. We have some records, we looked at them with your 7 colleague DC Evans yesterday -- for your note, sir, it 8 is G2/703, I am not going to take up time -- which 9 recorded that a Temporary Detective Inspector Hughes 10 attended the firearms briefing. Do you remember him? 11 <b>A. I do sir, he was the acting head of the surveillance 12 unit.</b> 13 Q. Was he, as far as you can recall, the appointed DSU 14 tactical firearms unit liaison officer for that day? 15 <b>A. He would have been the senior officer on duty because 16 the DSU was managed by an inspector, so I am presuming 17 that was his role there. But what his actual purpose 18 was, I have no knowledge.</b> 19 Q. Did you get anything back from him as a result of his 20 attendance at the briefing? 21 <b>A. No, we would have been told at the briefing by the 22 research officer that a MASTS had been authorised.</b> 23 Q. Yes? 24 <b>A. But that is all we would -- excuse me, all we would 25 require to know.</b></p> <p style="text-align: center;">Page 44</p>

11 (Pages 41 to 44)

1 Q. There was a briefing at the DSU offices by the  
 2 researcher?  
 3 **A. Yes.**  
 4 Q. You were there and the other officers of the DSU on this  
 5 operation that day were there; is that right?  
 6 **A. Yes.**  
 7 Q. What was the nature of the briefing then?  
 8 **A. Just the same as any other briefing, just, as I have**  
 9 **explained before, "These are the objectives of the**  
 10 **surveillance".**  
 11 Q. What were the objectives of surveillance that day?  
 12 **A. To maintain control of the stolen Audi and its**  
 13 **occupants.**  
 14 Q. Is it as simple as that? You attend a briefing, it is  
 15 either a car or a person and you are told to maintain  
 16 control of them?  
 17 **A. Yes, as I explained before, you would sign the ID trail**  
 18 **again, for evidential purposes, you would know what**  
 19 **staff were on duty, what vehicles those staff were in,**  
 20 **who carried the trauma kit, sort of ancillary matters**  
 21 **like that.**  
 22 Q. It is all fairly standard form, from one day to the  
 23 next?  
 24 **A. Yes.**  
 25 Q. You said that you knew, or you would have known, if

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1 MASTS was going to be deployed?  
 2 **A. Yes, we would have been told that.**  
 3 Q. Did you know what the operational plan of the firearms  
 4 team was?  
 5 **A. No.**  
 6 Q. Would you have needed to know whether it was planned  
 7 that the TFU intended to take decisive action or that it  
 8 was the intention of the TFU to arrest the subjects that  
 9 day, if that was the plan?  
 10 **A. We wouldn't need to know that.**  
 11 Q. You wouldn't need to know?  
 12 **A. No. The only time it would -- that we would need to**  
 13 **know that they were going to react was immediately**  
 14 **before and then the commentary and the surveillance**  
 15 **would change slightly to the point that -- how can**  
 16 **I explain it best, things that might affect the TFU**  
 17 **deploying, so say in this instance, if we were told,**  
 18 **they are going to strike on the vehicle now and it is**  
 19 **parked in the car park, if there is a lady walking by**  
 20 **with a buggy and two children, you would flag that up.**  
 21 **Normally you wouldn't because it is nothing to do with**  
 22 **the subject, but it obviously affects the TFU and what**  
 23 **they do. So your commentary would change slightly in**  
 24 **that degree but that is the only reason, for public**  
 25 **safety, really, as to who was around in the area at the**

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1 **time.**  
 2 MR BEER: Right, okay.  
 3 We will come back to that in the context of  
 4 Operation Shire, perhaps, sir, after the break. That is  
 5 a convenient moment before we move to the observations  
 6 on the 3rd.  
 7 THE CHAIRMAN: Yes, thank you.  
 8 11.50 is that long enough or would you prefer  
 9 a little more?  
 10 MR BEER: No, that is fine.  
 11 THE CHAIRMAN: 11.50. Thank you.  
 12 (11.42 am)  
 13 (A short adjournment)  
 14 (11.50 am)  
 15 MR BEER: Thank you, Mr Wallace.  
 16 Can I pick up your observations on 3 March 2012,  
 17 please.  
 18 **A. Yes, sir.**  
 19 Q. Starting with your witness statement at page 1. Do you  
 20 have that to hand?  
 21 **A. Yes.**  
 22 Q. Sorry, page 2. Page 2, just over the page.  
 23 You say --  
 24 THE CHAIRMAN: Just pause a moment.  
 25 MR BEER: You say:

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1 "On Saturday, 3 March 2012, I was engaged in  
 2 plainclothes with other officers on a surveillance  
 3 operation. At 6.40 that day I saw the Audi A6 car [you  
 4 give the registration number] travelling along  
 5 Church Road, Culcheth near to Warrington Road and  
 6 towards that junction."  
 7 On the map, could you point out where that is,  
 8 please?  
 9 **A. In the bottom right-hand corner, if you have got the red**  
 10 **road which is Warrington Road, the A574 I think it is.**  
 11 Q. 574, yes?  
 12 **A. Church Lane runs from it to the bottom right-hand corner**  
 13 **of the map.**  
 14 Q. Yes.  
 15 THE CHAIRMAN: Just give me a moment, please. There we are.  
 16 Just repeat that, please, sorry.  
 17 **A. Sorry, sir, Warrington Road is the red road running**  
 18 **across the map.**  
 19 THE CHAIRMAN: Yes.  
 20 **A. The bottom right-hand corner of the map, Church Lane**  
 21 **runs off it, from the village green and runs across to**  
 22 **the bottom right-hand corner.**  
 23 THE CHAIRMAN: Yes.  
 24 MR BEER: The vehicle was on Church Lane, yes?  
 25 **A. Yes, sir.**

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1 Q. It was travelling towards the Warrington Road junction?  
 2 **A. Yes.**  
 3 Q. Yes?  
 4 **A. Yes.**  
 5 Q. Where were you?  
 6 **A. I would have, presumably, been on Church Lane.**  
 7 Q. Were you in a vehicle or on foot?  
 8 **A. I was in a vehicle.**  
 9 Q. Were you following it or were you driving in the  
 10 opposite direction to it or were you somewhere else?  
 11 **A. I would have been following it at that point.**  
 12 Q. You were behind it.  
 13 You say:  
 14 "The car stopped approximately 50 yards from the  
 15 junction with Warrington Road and remained stationary  
 16 for several seconds before turning around and travelling  
 17 back along Church Lane."  
 18 **A. Yes.**  
 19 Q. So did it do a U-turn?  
 20 **A. Yes.**  
 21 Q. What did you do?  
 22 **A. I just carried on down Church Lane and towards Culcheth**  
 23 **village, overtook the vehicle and continued.**  
 24 Q. So it has driven along Church Lane, got 50 yards short  
 25 of the junction with Warrington Road, done a U-turn,

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1 travelled in the opposite direction down Church Lane,  
 2 you carried on --  
 3 **A. Then it is gone from my view then it is gone from your**  
 4 **view.**  
 5 Q. But not for long, I think?  
 6 **A. No.**  
 7 Q. Because you say:  
 8 "At 6.41 I saw the Audi travelling along  
 9 Common Lane, Culcheth, away from the roundabout with  
 10 Warrington Road and in the direction of Jackson Avenue."  
 11 **A. Yes.**  
 12 Q. Just point that out to us, please?  
 13 **A. Where you have got the red road, which is Warrington**  
 14 **Road, that is where I refer to the roundabout, which is**  
 15 **situated where the yellow road joins it, Common Lane.**  
 16 Q. Yes.  
 17 **A. So I have seen it come -- I have seen it travelling**  
 18 **along Common Lane, into Culcheth village, towards**  
 19 **Jackson Avenue, away from the roundabout with Warrington**  
 20 **Road.**  
 21 Q. Okay, so in that short section of yellow road between  
 22 Warrington Road and Jackson Avenue?  
 23 **A. Yes.**  
 24 Q. That has the village green on one side and the shops,  
 25 including Sainsbury's, on the other?

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1 **A. Yes, it is the main part of the village.**  
 2 Q. Were you again following it, the vehicle or was it  
 3 coming towards you or were you stationary in some other  
 4 position?  
 5 **A. I was parked up by that point.**  
 6 Q. You were parked up, were you?  
 7 **A. Yes.**  
 8 Q. Where were you parked up?  
 9 **A. I was parked up on the opposite side of the village**  
 10 **green. Sort of -- I am not saying I was on Lodge Drive,**  
 11 **but the Lodge Drive area, there were some shops there,**  
 12 **or certainly some parking bays there.**  
 13 Q. You were looking through your car windscreen or your  
 14 side windows at it, yes?  
 15 **A. Yes.**  
 16 Q. You were alone in the car, is that right?  
 17 **A. Yes.**  
 18 Q. You say that -- I think if we just go first please to  
 19 page 22 of the bundle, which is the amalgamated  
 20 surveillance chronology.  
 21 **A. Yes, sir.**  
 22 Q. If you look at page 22 of the compendious list of  
 23 observations that day, can you see entry 144 at 18.40,  
 24 6.40, you:  
 25 "... saw the red Audi travelling along Church Lane

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1 near to Warrington ... and towards the junction, the car  
 2 stopped approximately 50 yards from the junction with  
 3 Warrington Road and remained stationary for several  
 4 seconds before turning around and travelling back along  
 5 Church Lane."  
 6 It is what you just described to us?  
 7 **A. Yes, it is an extract of my statement.**  
 8 Q. I think if this document is accurate, you were therefore  
 9 the first officer to see the red Audi in Culcheth?  
 10 **A. If this is correct, yes, sir.**  
 11 Q. Yes. I have looked at the surveillance logs and I can't  
 12 see any other entry from an entry before you seeing the  
 13 red Audi in Culcheth. Could you identify the occupants?  
 14 **A. No. If I had have done, I would have said at least the**  
 15 **numbers or the race or the gender.**  
 16 Q. You could not identify whether there was more than one  
 17 person in the Audi?  
 18 **A. No.**  
 19 Q. There must have been at least one. You could not  
 20 identify who they were?  
 21 **A. No.**  
 22 Q. Did you hear any other officer identify the occupants of  
 23 the Audi in Culcheth at that time?  
 24 **A. No.**  
 25 Q. In fact I think if you look at the amalgamated

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1 chronology, you were one of only two officers in  
 2 Culcheth that saw the red Audi from the DSU that day?  
 3 **A. Yes, sir.**  
 4 Q. You and DC Evans, who we heard from yesterday?  
 5 **A. Yes.**  
 6 Q. Were there other surveillance officers in Culcheth?  
 7 **A. Yes.**  
 8 Q. Do you know where they were, where was everyone else?  
 9 **A. I have no idea, sir.**  
 10 Q. Back to the chronology, you have told us about what  
 11 happened at 6.41. At that point, at 6.41, when you saw  
 12 the vehicle travelling back along Common Lane in the  
 13 direction of Jackson Avenue, could you identify who the  
 14 occupants of the stolen Audi were?  
 15 **A. No. If I had have done, it would have been on the log**  
 16 **because obviously it would have been a pertinent entry.**  
 17 Q. Yes. Could you even identify how many occupants there  
 18 were?  
 19 **A. No.**  
 20 Q. Could you even identify the gender of them?  
 21 **A. No.**  
 22 Q. The next stage is at 6.45. You say that you saw:  
 23 "... the Audi A6 travelling along Jackson Avenue,  
 24 Culcheth in the direction of Common Lane. It turned  
 25 left into the public car park."

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1 Again, could you show us on the map where the  
 2 vehicle was when you saw it and where you were when you  
 3 saw it?  
 4 **A. It is probably easier with the pictures than the map,**  
 5 **sir.**  
 6 Q. Yes, okay. If you take out file O --  
 7 **A. It is picture 323.**  
 8 Q. 323?  
 9 **A. 323, I think it is.**  
 10 **Sorry, sir, could you repeat your question?**  
 11 Q. Yes, the question was, you say that you saw the vehicle  
 12 travelling along Jackson Avenue in the direction of  
 13 Common Lane, and it turned left into the public car  
 14 park. Where was the vehicle when you saw it and where  
 15 were you when you saw it?  
 16 **A. I saw the vehicle as it -- as you look at the picture,**  
 17 **you have got the white building on the corner of**  
 18 **Jackson Avenue and Common Lane. Once the vehicle**  
 19 **cleared that building line and then passed the sort of**  
 20 **driveway to that shop, just where the yellow -- it is**  
 21 **police tape is, that short stretch of Jackson Avenue**  
 22 **there, it then turned right into the car park following**  
 23 **the directional arrows.**  
 24 Q. Hold on though, Mr Wallace. You have it the other way  
 25 round in your statement. In your statement you say it

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1 was travelling along Jackson Avenue in the direction of  
 2 Common Lane and it turned left, not right?  
 3 **A. Sorry. Sorry, I do apologise, my mistake.**  
 4 Q. That is all right.  
 5 **A. Sorry, it has come down Jackson Avenue and turned left**  
 6 **following the direction arrows in the car park.**  
 7 Q. Yes, so where did you first see it?  
 8 **A. If you can look at the building where I have identified**  
 9 **the steel chimneys previously.**  
 10 Q. Yes.  
 11 **A. Going up the picture, there is a police vehicle at the**  
 12 **bottom of some steps.**  
 13 Q. Yes.  
 14 **A. If you go up those steps, you can -- you cannot really**  
 15 **make it out in the picture but that is a balcony to two**  
 16 **or three flats there above the shops, I had gone from**  
 17 **the front entrance off Common Lane, up the steps and was**  
 18 **stood on the balcony of those flats, on the first floor**  
 19 **overlooking the car park.**  
 20 Q. Why had you gone there?  
 21 **A. Because on the --**  
 22 Q. The 29th?  
 23 **A. On the 29th the vehicle had been there and I knew**  
 24 **exactly where it had been, so just from experience,**  
 25 **I had gone there, if it came back again, I would have**

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1 **a vantage point of it, to keep control of it.**  
 2 Q. By 6.45, you were on the balcony in one of those three  
 3 open bays that we see in photograph 323?  
 4 **A. Yes.**  
 5 Q. Looking over and towards the car park?  
 6 **A. Yes.**  
 7 Q. You saw the stolen Audi coming down Jackson Avenue and  
 8 turn left into the car park?  
 9 **A. Yes.**  
 10 Q. You say:  
 11 "On entering the car park, the Audi reversed into  
 12 a parking bay with the rear of it against the perimeter  
 13 fence approximately two parking bays away from the  
 14 location it had been at 6.55 on the 29th."  
 15 **A. Yes.**  
 16 Q. Can you point to the location of the stolen red Audi and  
 17 where it parked by reversing in?  
 18 **A. It is where it remains on the picture, immediately**  
 19 **behind the police tent.**  
 20 Q. Okay.  
 21 When the vehicle entered the car park, through the  
 22 correct entrance, what did it do?  
 23 **A. It just drove naturally and following the directional**  
 24 **arrows, turned left to make a reversing movement and**  
 25 **then just backed up against the hedge.**

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1 Q. You I think therefore would have had a view of the front  
 2 of the car from when it entered the car park until  
 3 before it performed the left swing, preparatory to the  
 4 reversing manoeuvre?  
 5 **A. Yes. Yes, sir.**  
 6 Q. Yes?  
 7 At the time it entered the car park, could you see  
 8 how many people were in the car.  
 9 **A. No, I was looking straight into the headlights and**  
 10 **I couldn't see.**  
 11 Q. You couldn't therefore identify their gender or, more  
 12 precisely, who they were?  
 13 **A. No.**  
 14 Q. I think you maintained observations on the car until  
 15 6.52, you tell us, in the statement there, yes?  
 16 **A. Erm.**  
 17 Q. Do you see that, on page 2 of the statement you say:  
 18 "I maintained observations on the car until  
 19 6.52 hours that day."  
 20 **A. Sorry, sir, I am just trying to find where I am.**  
 21 Q. It is four lines from the bottom of the page.  
 22 **A. Yes, sir, sorry I have found that, yes.**  
 23 Q. That was for about seven minutes?  
 24 **A. Yes.**  
 25 Q. Between 6.45 and 6.52?

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1 **A. Yes.**  
 2 Q. In that time, did you remain in the position on the  
 3 balcony?  
 4 **A. I did, sir, yes.**  
 5 Q. You say, I think, if you look at page 4 of your  
 6 statement -- of your bundle, rather, in the third line  
 7 of the second paragraph:  
 8 "I was approximately 15 to 20 yards from the parking  
 9 bay the Audi stopped in."  
 10 Yes?  
 11 **A. Yes, that's correct, sir.**  
 12 Q. Was that right, you were about 15 to 20 yards away?  
 13 **A. Yes, that's an approximation, it is the distance you can**  
 14 **see on the photo.**  
 15 Q. On the photograph, okay. Can you remember which of the  
 16 three balconies you were in?  
 17 **A. I think initially the, if you have got three of the --**  
 18 **the one directly above the police vehicle.**  
 19 Q. Okay, so the one to the far right of the vehicle?  
 20 **A. Yes.**  
 21 Q. What were the lighting conditions like in the car park?  
 22 **A. It was dark at the time. The car park had lighting but**  
 23 **not -- it wasn't well illuminated, it was dark.**  
 24 Q. Can you see on the photographs where the lights in the  
 25 car park were?

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1 **A. I think there is something, it is only a presumption --**  
 2 **where you can see a police car through a gap in a hedge,**  
 3 **there appears to be some form of lighting there. It**  
 4 **certainly was not pitch black, it was a public car park,**  
 5 **but it was not well illuminated.**  
 6 Q. It was not well illuminated?  
 7 **A. No.**  
 8 Q. I think, if you go on two photographs to 325, you can  
 9 see that those lights to which you referred point in the  
 10 other direction, they illuminate the other car park.  
 11 Can you see that?  
 12 **A. Yes.**  
 13 Q. Not the car park we are talking about.  
 14 **A. I don't know where the lights came from, sir.**  
 15 Q. No, I was just saying you thought that possibly those  
 16 ones provided some light.  
 17 **A. Yes.**  
 18 Q. They look as if they go in the other direction, don't  
 19 they?  
 20 **A. They do, yes.**  
 21 Q. Did the subject vehicle have its headlights on?  
 22 **A. No.**  
 23 Q. Was the engine of the subject vehicle on?  
 24 **A. No, I couldn't hear it while I was there, no.**  
 25 Q. If it had have been on, would you have been able to hear

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1 it?  
 2 **A. Yes, from where I was.**  
 3 Q. Did anyone get into or out of the car?  
 4 **A. Not while I had observation, no.**  
 5 Q. We are talking about the seven-minute period at the  
 6 moment?  
 7 **A. Yes.**  
 8 Q. Did you in fact know whether there was anyone in the  
 9 vehicle?  
 10 **A. I knew there was at least a driver because I had seen it**  
 11 **manoeuvre into position and nobody had left the vehicle**  
 12 **or left the area of the vehicle, so at least the driver**  
 13 **remained in.**  
 14 Q. What transmissions did you make at about this time?  
 15 **A. They would have been those transmissions, that the**  
 16 **vehicle had stopped, describing where it was in relation**  
 17 **to the day previous -- not the day previous, sorry, the**  
 18 **29th.**  
 19 Q. The 29th.  
 20 **A. Describing exactly where it was, up against the hedge,**  
 21 **backed against the building line or the fence line, and**  
 22 **the fact that the lights were not illuminated. I don't**  
 23 **know if I would have said if the engine was running or**  
 24 **not, I don't recollect, and whether -- well, because**  
 25 **I hadn't seen anybody leave I wouldn't have said,**

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1 **"I have not seen anybody leave", it is like saying**  
 2 **a negative. So I would just have commented on how it**  
 3 **had parked up.**  
 4 Q. Can you look, please, at pages 90 and 91, which is the  
 5 surveillance log for 3 March?  
 6 **A. Yes, sir.**  
 7 Q. Can you see the entry at 6.45 under your name, I think  
 8 which you have countersigned:  
 9 "Subject vehicle left into car park off  
 10 Jackson Avenue, having travelled Jackson Avenue towards  
 11 Common Lane opposite the Post Office."  
 12 Then the entry seven minutes later:  
 13 "Subject vehicle remains on the car park in the  
 14 bottom right-hand corner as you drive onto the car  
 15 park."  
 16 **A. Yes, sir.**  
 17 Q. The extra detail that you have given us today does not  
 18 appear to have been recorded as a transmission, does it?  
 19 **A. No, because it is not -- not everything that you say is**  
 20 **recorded verbatim, but for clarity I would have made**  
 21 **people aware that nobody had left the vehicle.**  
 22 Q. Wouldn't that be the kind of detail that you added  
 23 subsequently at the debrief?  
 24 **A. No, it is not. It is not something that I would record,**  
 25 **really.**

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1 Q. Why not?  
 2 **A. Because at the time it wouldn't have had any relevance.**  
 3 Q. We can see that you did make in fact I think two  
 4 supplemental entries at the debrief, on page 91.  
 5 You supplemented the entry at 18.40 and have  
 6 written:  
 7 "Subject vehicle 1 travelled Church Lane towards  
 8 Warrington Road and stopped approximately 50 yards short  
 9 of the junction for a brief period before turning around  
 10 and travelling back."  
 11 Yes?  
 12 **A. Yes, sir.**  
 13 Q. Then another supplemental entry:  
 14 "Re the entry at 1905 I saw there were two occupants  
 15 ..."  
 16 **A. No, that's --**  
 17 Q. That is Mr Evans, I am so sorry. So one supplemental  
 18 entry?  
 19 **A. Yes.**  
 20 Q. Thank you.  
 21 What, if anything, could you hear about what the  
 22 firearms team were doing at this time?  
 23 **A. I wouldn't have heard anything; they are on a separate**  
 24 **radio channel.**  
 25 Q. Are they?

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1 **A. Yes.**  
 2 Q. You cannot hear them at all?  
 3 **A. No.**  
 4 Q. We may hear some evidence in due course from the  
 5 tactical firearms commander, Superintendent Mark Granby,  
 6 that between 6.40 pm and 6.50 pm, he received further  
 7 information from the dedicated surveillance unit in  
 8 relation to the movement of the subjects, which he  
 9 refers to as Mr David Totton, Mr Anthony Grainger and  
 10 Mr Robert Rimmer. Did you hear anything broadcast as to  
 11 the subjects, meaning Messrs Totton, Grainger and  
 12 Rimmer, were in Culcheth town centre?  
 13 **A. No. I don't -- erm, without looking at the log or the**  
 14 **precis of the log, I certainly never saw anyone and**  
 15 **I don't recollect the surveillance officer saying he**  
 16 **identified them in Culcheth. I know they were**  
 17 **identified earlier on in the vehicle --**  
 18 Q. Absolutely, earlier on there was an identification at  
 19 Boothtown of two people I think.  
 20 **A. I could tell you by looking at the log or at this**  
 21 **precis.**  
 22 Q. Look at this precis to see if you can see anything  
 23 broadcast that the subjects, meaning Messrs Totton,  
 24 Grainger and Rimmer, were in Culcheth town centre.  
 25 **A. No, sir, there isn't. Certainly not in the precis.**

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1 Q. If you want to look at the log as well.  
 2 **A. If you wish me to I will, sir, yes.**  
 3 Q. That was 90 to 91.  
 4 **A. No, there is nothing on the log either.**  
 5 Q. What caused you to stop observations at 6.52?  
 6 **A. I realised that although the position I had got afforded**  
 7 **an excellent view of the vehicle and any persons leaving**  
 8 **it or coming to it, the problem was, as soon as they got**  
 9 **out of the vehicle, they only had to look up and I am**  
 10 **stood there with no reason to be there, which would --**  
 11 **I think it would have compromised the operation totally,**  
 12 **really. So I made the surveillance team leader aware**  
 13 **that I was moving from where I was because it wasn't**  
 14 **a covert position. Once the vehicle had settled, it**  
 15 **certainly was not the place to be, just stood there with**  
 16 **no reason.**  
 17 **I also had the problem of if an occupant came out of**  
 18 **the flat and challenged me, it is not really the time**  
 19 **where I want to start showing my warrant card, excuse**  
 20 **me, and explaining I am a plainclothes police officer**  
 21 **when the subjects are only the length of this room away.**  
 22 Q. You knew there was a firearms operation on them, so  
 23 presumably they were thought to be quite dangerous?  
 24 **A. It is not so much the danger it is the -- it is the**  
 25 **compromising the operation. I mean, you know, we**

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1 regularly go close to people who are dangerous, you  
 2 know, you might sit in a pub next to them, not on this  
 3 occasion but on occasion it goes with the job. But it  
 4 was certainly a compromising position, it wasn't the  
 5 good idea I thought it was when I first went there to be  
 6 blunt.  
 7 Q. After that seven minutes or so you move and where did  
 8 you go?  
 9 A. By then I was aware through the radio transmissions from  
 10 the surveillance team leader that the command team  
 11 wanted to know the occupancy of the vehicle.  
 12 Q. What does that mean, the occupancy?  
 13 A. Who was in it, the people that were in it.  
 14 Q. Is the number of people in it or the identity of the  
 15 people in it?  
 16 A. Either the number or the identity.  
 17 Q. Which? Can you help?  
 18 A. I would think, ideally the identity but if not the  
 19 identity then the number. Because sometimes you can see  
 20 there are three people but you might not be able to say  
 21 who they are.  
 22 Q. Of course.  
 23 A. So that then became, or it became obvious from the radio  
 24 transmission that that was --  
 25 Q. The imperative?

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1 A. Yes, a point of concern to the command centre.  
 2 Q. Had something, not to put too fine a point on it, gone  
 3 slightly wrong by now, in that you had lost the ability  
 4 to identify the number and identity of the occupants  
 5 within the vehicle?  
 6 A. No, I wouldn't say so because from recollection, and  
 7 looking at the log and the summary of the log, the three  
 8 occupants are named in it at the start and --  
 9 Q. Are they? Where is that?  
 10 A. Sorry, what number is this summary on?  
 11 THE CHAIRMAN: Which one are you looking at the typed one or  
 12 the handwritten written one.  
 13 A. Sorry, the typed summary, sir.  
 14 THE CHAIRMAN: The typed summary, okay.  
 15 A. Do you have the number of that, sorry, sir?  
 16 MR BEER: Yes, it is 22 and 23.  
 17 I am not sure you will find that three of them are  
 18 named.  
 19 A. Sorry, I do apologise, two were named. It says at entry  
 20 140, 18.29 hours, DC Clark says that --  
 21 Q. Mr Grainger gets into the driver's seat?  
 22 A. Puts gloves on and gets into it.  
 23 So he is named as the driver. At the same time  
 24 DC Evans says the vehicle has moved off and he  
 25 identifies Mr Grainger as the driver and the front seat

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1 passenger as Mr Totton.  
 2 Q. Yes.  
 3 A. Sorry, I apologise, I thought there was a third person  
 4 mentioned. But it mentions those two in the vehicle.  
 5 And as you look through the summary --  
 6 Q. Nobody is mentioned thereafter, are they?  
 7 A. No, but if during the surveillance there is a loss of  
 8 the vehicle, then that would be listed as a loss,  
 9 because then you have not had control of it, so somebody  
 10 could have got out, somebody could have got in, so you  
 11 need to reconfirm who is still in the vehicle or who is  
 12 now in the vehicle.  
 13 Q. Are you saying that there was eyes on the vehicle for  
 14 the whole period from 18.29 to when you picked it up at  
 15 18.40?  
 16 A. There is certainly no big gaps in it, for it. It might  
 17 have gone round a corner.  
 18 Q. What about the nine minutes between 6.31 and 6.40?  
 19 A. That would have been a mobile surveillance.  
 20 Q. We heard in fact that it wasn't, that DC Evans yesterday  
 21 saw at 6.31 HN55 parked unattended and he thought that  
 22 was the legitimate vehicle of one of the subjects, in  
 23 which they had travelled to Boothtown.  
 24 What about the entry at 6.30, is that what you are  
 25 referring to?

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1 A. Yes, at 6.30 you have the Audi travelling on Channock  
 2 Road, Boothtown, and just from reading this and from  
 3 recollection, there was never a point where a loss was  
 4 declared by a surveillance officer of the vehicle.  
 5 Q. Are you saying that DC Rushbrook -- it is DC Rushbrook  
 6 we should be looking to see whether he or she  
 7 maintained contact with the vehicle and is able to say  
 8 that Messrs Grainger and Totton remained in the driver  
 9 and passenger seat?  
 10 A. Not necessarily. His -- he has an entry in the log  
 11 saying where it is travelling. He wouldn't normally  
 12 have followed that vehicle from there all the way to  
 13 Culcheth, because it is not covert. He would have  
 14 handed it over to other officers.  
 15 Q. We have no other evidence from any other officers.  
 16 A. But that is -- when it is handed over, there is not  
 17 necessarily an entry every time an officer hands over  
 18 the -- what is called the eyeball, the visual of the  
 19 vehicle. That is not how a log is normally written.  
 20 Q. Right.  
 21 A. If that clarifies it.  
 22 Q. Not at all.  
 23 A. Sorry.  
 24 Q. Because sometimes there is an entry --  
 25 A. Excuse me, sorry.

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1 Q. -- where nothing new is happening and you are telling me  
 2 that sometimes there is not an entry, even though  
 3 nothing new is happening?  
 4 **A. Yes, I mean say the vehicle travelled down from**  
 5 **Manchester to London, you wouldn't have every officer,**  
 6 **you would just have them every -- there is not a fixed**  
 7 **scale every so often, because it hasn't been lost from**  
 8 **view, so there is no need to put an entry every time**  
 9 **an officer takes over the eyeball of the vehicle.**  
 10 Q. If that is the case, why it was it important to find at  
 11 7.03, why was the imperative to identify the subjects in  
 12 the vehicle, if there had not been a loss of eyeball?  
 13 **A. Without being flippant, you would have to ask Mr Granby**  
 14 **that, sir, because I am only getting message from -- and**  
 15 **I am not saying it is Mr Granby but from my surveillance**  
 16 **sergeant it was, "We need to identify who is in the**  
 17 **vehicle".**  
 18 Q. Do you think that indicated that they at least believed  
 19 that they had not maintained an eyeball and could not  
 20 say that Messrs Grainger and Totton remained in the  
 21 driver's and passenger seat?  
 22 **A. I don't know, sir, you would have to ask somebody who**  
 23 **was in the command team what was going on then.**  
 24 Q. We may hear evidence in due course from  
 25 Superintendent Granby that having consulted with the

1 SIO, DI Cousen, and assessed the information available  
 2 to him, that he considered that what he calls a tipping  
 3 point had been reached and that the subjects could now  
 4 be arrested for a conspiracy to commit a robbery.  
 5 I wonder whether we could just look at what he says  
 6 his reasoning was and just see whether you can help us  
 7 with whether you provided any of it to him. It is  
 8 bundle A, page 53, please.  
 9 THE CHAIRMAN: Bundle A?  
 10 MR BEER: 53, please, Mr Wallace.  
 11 **A. Yes, sir, I got the page.**  
 12 Q. Can you see in the third line, having said that he had  
 13 reached the conclusion that the tipping point had been  
 14 reached and the subjects could be arrested for  
 15 conspiracy to commit armed robbery, he says:  
 16 "I formed this opinion as the three subjects were in  
 17 a stolen motor vehicle in an area where I understood  
 18 them to have undertaken previous reconnaissance, were  
 19 wearing gloves and now appeared to be ready to leave the  
 20 vehicle."  
 21 Yes, can you see that?  
 22 **A. Yes, sir.**  
 23 Q. I just want to, taking it quite slowly, please, look at  
 24 the three elements to that reasoning that Mr Granby, or  
 25 three of the elements that Mr Granby has given.

1 The first, that is that the three subjects, which  
 2 from earlier in the statement he was referring to,  
 3 Mr Totton, Mr Grainger and Mr Rimmer, were in the stolen  
 4 vehicle in a car park where they had undertaken previous  
 5 reconnaissance.  
 6 Did you hear it broadcast that Messrs Totton,  
 7 Grainger or Rimmer, or using their codes, their  
 8 pseudonyms, were in the stolen vehicle in the car park?  
 9 **A. Referring back to the precis of the log, it names**  
 10 **Mr Grainger, Mr Totton and an unknown male in the rear**  
 11 **passenger seat, so certainly two of them and a third**  
 12 **person were named in the vehicle.**  
 13 Q. Earlier on.  
 14 **A. Earlier on. As I have explained, as far as I am aware,**  
 15 **there was no loss on the vehicle, so those three people**  
 16 **still remained within the vehicle and then, as I have**  
 17 **explained it, parked up on the car park, almost in the**  
 18 **same location as it had been on the 29th.**  
 19 THE CHAIRMAN: That is not quite an answer to the question  
 20 you were asked actually, the question was whether you  
 21 heard?  
 22 **A. No.**  
 23 MR BEER: Did you broadcast that?  
 24 **A. No.**  
 25 Q. Did you hear it broadcast, that the three subjects were

1 in the vehicle on the car park?  
 2 **A. No.**  
 3 Q. Was there any other surveillance officer in position  
 4 that you know of at that time, 7.03, in a position to  
 5 say that?  
 6 **A. No.**  
 7 Q. The second element that I wanted to ask you about, he  
 8 says that the three subjects were wearing gloves. Did  
 9 you see three men in the car wearing gloves?  
 10 **A. No. The only recollection I can see for the log on that**  
 11 **day is the entry at 18.29 hours by DC Clark, and it says**  
 12 **that Mr Grainger, who is wearing gloves, gets into the**  
 13 **driver's door of Romeo Oscar 08 Lima Oscar Delta.**  
 14 Q. So 34 minutes earlier there was an observation of one  
 15 man wearing gloves getting into the car?  
 16 **A. Yes.**  
 17 Q. Did you hear it broadcast at or about 7.03 by anyone,  
 18 that the three subjects were in the car all wearing  
 19 gloves?  
 20 **A. No.**  
 21 Q. Was there any surveillance officer in position at that  
 22 time, to your knowledge, who was in a position to say  
 23 that?  
 24 **A. No.**  
 25 Q. The third element, "They [the subjects] now appeared to

1 be ready to leave the vehicle". Did you see the  
 2 subjects being ready to leave the vehicle?  
 3 **A. No.**  
 4 Q. Did you hear any other officer broadcast that the  
 5 subjects appeared ready to leave the vehicle?  
 6 **A. No.**  
 7 Q. Was there any surveillance officer in position at that  
 8 time, 7.03, in a position to say that the subjects  
 9 appeared ready to leave the vehicle?  
 10 **A. No.**  
 11 Q. In a later statement Mr Granby added some additional  
 12 reasons for believing that the tipping point had been  
 13 reached. I am not going to spend the time taking you to  
 14 the statement.  
 15 Amongst the reasons were, first, that all three  
 16 subjects were wearing jogging suits. Did you see all  
 17 three subjects in the vehicle wearing jogging suits?  
 18 **A. No, sir.**  
 19 Q. At this time, by 7.03, did you hear any officer  
 20 broadcast that all three subjects were wearing jogging  
 21 suits? Ie plainclothes which made them presumably  
 22 inconspicuous or unidentifiable?  
 23 **A. The only thing in the precis of the log --**  
 24 Q. Yes.  
 25 **A. -- and I don't know if it has been written like this by**

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1 **the officer, DC Clark, but it says, "All three are**  
 2 **wearing sports clothing". I don't know if that how he**  
 3 **refers to it in the actual log or if that is how**  
 4 **somebody has interpreted it on here, but that is the**  
 5 **only indication of jogging suits.**  
 6 Q. Yes, thank you.  
 7 At the time that we are talking about, at 7.03, was  
 8 there any officer in position to say that the three  
 9 subjects were wearing jogging suits?  
 10 **A. No.**  
 11 Q. Secondly, he says in the supplemental reasoning he had  
 12 regard to the fact that the three subjects had spent  
 13 several minutes driving around the centre of Culcheth  
 14 carrying out counter-surveillance manoeuvres. Did you  
 15 see the subjects, or the vehicle, carrying out  
 16 counter-surveillance manoeuvres or what you believed to  
 17 be counter-surveillance manoeuvres?  
 18 **A. The only thing that could remotely be described as it is**  
 19 **the -- let me just refer to my statement.**  
 20 Q. Yes, the U-turn?  
 21 **A. Yes, sorry, yes. That's not to say it is**  
 22 **a counter-surveillance manoeuvre, but it could be.**  
 23 Q. Did you broadcast that they are taking anti-surveillance  
 24 manoeuvres or counter-measures?  
 25 **A. No, I just broadcast that it had done a -- that it had**

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1 **turned round in the road.**  
 2 Q. Did you hear any other officer before 7.03 broadcast  
 3 that the vehicle was conducting counter-surveillance  
 4 manoeuvres or measures?  
 5 **A. No.**  
 6 Q. Mr Granby in his evidence to date has said that at 7.03  
 7 he contacted the operational firearms commander, the  
 8 bronze, witness X7, and provided authority to effect the  
 9 arrests of the subjects, the so-called State Amber. X7  
 10 will I think tell the Inquiry that that handed the  
 11 operation over to his control for the strike phase?  
 12 Did you hear that broadcast?  
 13 **A. No, that would go over the firearms radio. The only**  
 14 **thing that -- I can't recollect if it was said at that**  
 15 **particular time, but immediately prior to the strike,**  
 16 **the surveillance team would be told that the firearms**  
 17 **have gone to State Amber, and immediately after that**  
 18 **they would go to State Red, so State Amber means they**  
 19 **have been given the authority to strike on the subjects**  
 20 **and will do so at the first opportunity that they deem**  
 21 **appropriate.**  
 22 **So as I was explaining before how the surveillance**  
 23 **commentary, by a surveillance officer might change. If**  
 24 **it went to State Amber, you would start to describe**  
 25 **things that you might not normally describe, excuse me,**

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1 **you know, people in the area, children, the location.**  
 2 Q. Collateral information that is more about safety than  
 3 evidence?  
 4 **A. Than surveillance or evidence, yes.**  
 5 Q. Does it follow that in order to perform that function,  
 6 the surveillance officers have to be told when the  
 7 firearms team are moving to State Amber?  
 8 **A. Only when they go to State Amber, you would just be**  
 9 **told, "The firearms team are now at State Amber", it**  
 10 **would just be that, that is all you would get told.**  
 11 Q. Were you told that this firearms team went to State  
 12 Amber then?  
 13 **A. It came over the radio, yes.**  
 14 Q. We have been told in Mr Granby's evidence that that  
 15 happened at 7.03 pm, yes? If we just look at page 22 of  
 16 the log, which I think is what you were on, page 22?  
 17 **A. Yes, got that, certainly.**  
 18 Q. Can we see your entry at 147 you said that the red Audi  
 19 remained in situ and as we heard yesterday, at 7.05,  
 20 DC Evans drove on to the car park, saw the red Audi  
 21 parked in the bottom right-hand corner of the car park,  
 22 it was backed into the corner, facing outside and he  
 23 parked his vehicle almost directly in front of the Audi  
 24 about 10 to 15 feet away. The headlights of his vehicle  
 25 illuminated the Audi. He saw that there were occupants

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1 sat in the front driver and passenger seat.  
 2 If that timing is correct I think it follows,  
 3 doesn't it, that State Amber was called two minutes  
 4 before DC Evans had even confirmed that anyone was in  
 5 the vehicle?  
 6 **A. I can only go off the times you are giving me, but, yes,  
 7 it is two minutes prior.**  
 8 Q. Looking at your observation at 7.03, which according to  
 9 our other evidence is when State Amber was called, the  
 10 vehicle was still in situ at 7.03, yes?  
 11 **A. Yes, sir, it was.**  
 12 Q. Where had you gone for the nine minutes between 6.52,  
 13 when you had ceased observations on the vehicle, and  
 14 7.03, when you picked up observations on the vehicle?  
 15 **A. If you look first at the picture on 323, the overview of  
 16 the car park and the subject vehicle and the police  
 17 tent --**  
 18 Q. Yes.  
 19 **A. -- as I explained, I came off the balcony for the reason  
 20 that I explained, but I was aware that, from the radio  
 21 transmission off the surveillance team leader, the  
 22 surveillance sergeant, that the command team wanted to  
 23 confirm who was in the vehicle, or the number of people  
 24 in the vehicle. I had then gone down the steps --**  
 25 Q. Just to pick you up on that, you heard from your

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1 sergeant that the firearms team wanted to confirm --  
 2 **A. No, that the command team.**  
 3 Q. Who was the command team?  
 4 **A. That would be, I presume, Mr Granby.**  
 5 Q. Right, yes. Sorry, I --  
 6 **A. In our words, the employers, the serious and organised  
 7 crime senior officers that are controlling the  
 8 operation.**  
 9 Q. They wanted to know how many in the vehicle and who they  
 10 were?  
 11 **A. Who they were.**  
 12 **So I had gone down the steps from that building on  
 13 to Common Lane --**  
 14 Q. Yes.  
 15 **A. -- walked along Common --**  
 16 Q. Again to stop you, going down the outside stairs?  
 17 **A. Yes, not the stairs you can see there, there are some  
 18 steps that lead on to Common Lane on the other side.**  
 19 Q. Right, okay.  
 20 **A. Down those steps, walked along Common Lane, basically  
 21 going to the top of the picture.**  
 22 Q. Yes.  
 23 **A. Where you can see a white building at the top.**  
 24 Q. The Cherry Tree?  
 25 **A. Yes, the Cherry Tree pub. I had gone round into the**

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1 **Cherry Tree pub.**  
 2 Q. Actually inside the pub?  
 3 **A. No, no, I walked into the car park.**  
 4 Q. Okay.  
 5 **A. If you look on the map -- sorry, on the picture, you can  
 6 see a gap in the fencing between the Cherry Tree pub car  
 7 park and the public car park where the subject vehicle  
 8 was.**  
 9 Q. Is that where the police car is parked, is it? There is  
 10 a yellow barrier there?  
 11 **A. A yellow barrier there, yes.**  
 12 Q. Yes.  
 13 **A. Because I had been there the previous evening and parked  
 14 my vehicle up where they were and looked around I had  
 15 an idea of the geography around there.**  
 16 Q. You have done a big loop right around the top of this  
 17 picture and walked through the car park?  
 18 **A. Walked through there and then walked, basically  
 19 following the arrows, but against the arrows, and walked  
 20 out of the entrance of the car park. The idea being to  
 21 try and look into the vehicle as I walked past to  
 22 identify who was in.**  
 23 Q. Yes.  
 24 **A. Unfortunately, because of the darkness within the  
 25 vehicle and on the car park, I still couldn't see who**

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1 **was in it.**  
 2 Q. You described this at page 4 of your witness statement,  
 3 page 4 of the bundle.  
 4 **A. Yes, sir.**  
 5 Q. You say:  
 6 "I walked from the car park of the Cherry Tree  
 7 public house through a gap in the hedge and into the  
 8 public car park where the Audi was stopped. I was  
 9 approximately 20 to 25 yards from the vehicle.  
 10 I continued walking through the car park on to  
 11 Jackson Avenue. I had an unobstructed view of the front  
 12 of the vehicle. However, due to the darkness, I was  
 13 unable to see into the vehicle and I could not say if it  
 14 contained occupants or not."  
 15 **A. That's correct.**  
 16 Q. This was in response to the request, the imperative,  
 17 broadcast by your sergeant, at the request of the  
 18 firearms command team, to identify if there are people  
 19 in the vehicle and if so who they are?  
 20 **A. Yes.**  
 21 Q. You tried to do that, and you could not say whether  
 22 there was anyone in the vehicle?  
 23 **A. No.**  
 24 Q. And if there was, who they were?  
 25 **A. That's correct.**

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1 Q. Did you broadcast that?  
 2 **A. Yes. I then further broadcast because --**  
 3 Q. Just stopping there before you tell us what you further  
 4 broadcast.  
 5 **A. Sorry.**  
 6 Q. If we look at the log, which is page 90.  
 7 **A. Yes, sir.**  
 8 Q. The only broadcast that we have recorded is at 19.03 is,  
 9 "Subject vehicle remains on the car park", not, "I  
 10 cannot identify whether there is anyone in it and if so  
 11 who they are?"  
 12 **A. That what I said.**  
 13 Q. You knew at this time I think that this was  
 14 an imperative?  
 15 **A. Yes.**  
 16 Q. When you came to make the supplemental entries at 1.00  
 17 or 2.00 in the morning, that we can see on the  
 18 right-hand side of this bundle here, why didn't you add  
 19 that in?  
 20 **A. Because of the events that had unfolded, it was not**  
 21 **relevant then. You know, unfortunately Mr Grainger had**  
 22 **been shot, the other two had been arrested, it wasn't --**  
 23 Q. Doesn't it make it more relevant that a man had died to  
 24 say that, "About six minutes before he died I was unable  
 25 to identify who was in the car, despite a specific

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1 request to do so"?  
 2 **A. I didn't consider at the time, no.**  
 3 Q. Okay, but in any event your evidence is that you  
 4 couldn't identify who they were or whether there was  
 5 anyone there and you broadcast that?  
 6 **A. Yes.**  
 7 Q. Yes?  
 8 **A. Yes.**  
 9 Q. The rest of the surveillance team, including your  
 10 sergeant would have known that?  
 11 **A. Yes.**  
 12 Q. And the firearms team listening in?  
 13 **A. Yes.**  
 14 Q. Thank you.  
 15 **A. Sorry, sir, just on that point, if it assists, although**  
 16 **it is not in my evidence because it is not evidence,**  
 17 **because I couldn't identify who was in, I then relayed**  
 18 **to the surveillance team that if somebody was to drive**  
 19 **on the car park, and park up, as I think eventually**  
 20 **DC Evans did, if I explained where the vehicle was, that**  
 21 **there was cars coming and going all the time on the car**  
 22 **park, so it wouldn't be unusual and it wouldn't**  
 23 **jeopardise the operation to drive on, you are just**  
 24 **another person in a vehicle, parking up. If they drove**  
 25 **on and parked in the right way, the potential their**

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1 **headlights would illuminate the subject vehicle, and**  
 2 **they would be able to identify who was in it and then**  
 3 **just get out of the car and walk to the shops like**  
 4 **plenty of other people were doing that evening.**  
 5 Q. That sounded like a good plan, I think you can see from  
 6 DC Evans's entry that he did that or tried to do that  
 7 but could not identify who was in the vehicle?  
 8 **A. Yes.**  
 9 Q. I think, does it follow, that this observation or  
 10 attempted observation was at 7.03 and the vehicle had  
 11 been there since, on your evidence, 6.45?  
 12 **A. Yes.**  
 13 Q. So about 18 minutes; is that right?  
 14 **A. Yes, sir.**  
 15 Q. When you walked past it, did you see anyone out of the  
 16 vehicle?  
 17 **A. No.**  
 18 Q. When you walked past it, was the engine of the vehicle  
 19 running?  
 20 **A. No.**  
 21 Q. Were the headlights of the vehicle on?  
 22 **A. No.**  
 23 Q. Did you see any other members of the public on the car  
 24 park?  
 25 **A. I have no recollection whether I did or I didn't. It**

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1 **would literally have been the last thing on my mind at**  
 2 **that moment in time.**  
 3 Q. Or maybe the first thing, if you knew that State Amber  
 4 had been broadcast?  
 5 **A. But it is when it goes to State Red, that is when the**  
 6 **firearms are going, it is imminent.**  
 7 Q. You cannot remember whether you saw anyone, I am  
 8 thinking in particular of a middle aged or older man  
 9 called Mr Delaney, you wouldn't know his name --  
 10 **A. No, sir.**  
 11 Q. -- or a younger lady or girl aged about 15 at the time,  
 12 you didn't see either of them?  
 13 **A. Well, I just don't recollect them, sir, at all. There**  
 14 **were people moving around all time in the area but as to**  
 15 **the people you have described, no.**  
 16 Q. You walk in the opposite direction to the arrows. Did  
 17 you go out of the entrance?  
 18 **A. Yes.**  
 19 Q. Where do you go then?  
 20 **A. If I can find a picture -- I went basically across the**  
 21 **road, but I don't think there would be a picture that**  
 22 **shows it.**  
 23 Q. If we start at 323, just describe it without pointing to  
 24 a picture and I will try and find a picture that shows  
 25 it.

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1 **A. One of the ones we had earlier would show it.**  
 2 Q. Tell us where you went.  
 3 **A. Picture --**  
 4 THE CHAIRMAN: For the moment, don't worry about pictures,  
 5 if you describe where you went, we may be able to find  
 6 the picture.  
 7 **A. Directly opposite the entrance to the car park and to**  
 8 **the bottom left-hand side of the picture 323 there are**  
 9 **a number of like, six, white bollards.**  
 10 MR BEER: Okay, go to 304, then, please. Or the one with  
 11 the yellow flag on it, 305. Do you have it?  
 12 **A. Yes.**  
 13 Q. Do you see the six white bollards?  
 14 **A. Excuse me, sir.**  
 15 **Yes, sir.**  
 16 Q. You walk against the arrows, under the steel entrance,  
 17 yes?  
 18 **A. Yes.**  
 19 Q. And do a partial right?  
 20 **A. I turned right, walked up what is --**  
 21 Q. Jackson Avenue?  
 22 **A. Jackson Avenue and just beyond those bollards and where**  
 23 **you can see the police tape going across the road.**  
 24 Q. Yes.  
 25 **A. And you can just see there, just beyond the police tape,**

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1 **basically going out of shot, is a building there, that**  
 2 **was in shadows. I think it is a National Health**  
 3 **building of some sort.**  
 4 Q. It is a medical centre.  
 5 **A. Yes, and I just stood in the shadows of the doorway**  
 6 **there, because from there I had a view back down**  
 7 **Jackson Avenue and also along Thompson Avenue.**  
 8 Q. Could you see the red Audi from that spot?  
 9 **A. Not from there, no.**  
 10 Q. Is that because there were some trees in the way?  
 11 **A. Just because of the distance and the cars on the car**  
 12 **park moving round and the darkness.**  
 13 Q. We understand that this approximates to the cars that  
 14 were on the car park because this aerial footage was  
 15 taken the next day after the scene had been sealed. So  
 16 from your position, you couldn't see through the  
 17 vehicles and the treeline to the red Audi?  
 18 **A. No.**  
 19 Q. Was that deliberate, that you put yourself in a position  
 20 that you couldn't see the red Audi?  
 21 **A. No, for one I didn't want to walk back past potentially**  
 22 **the occupants of the vehicle, even though I hadn't said**  
 23 **there were anybody in there, so didn't want them to see**  
 24 **me again in the area because again it is not**  
 25 **particularly covert, but from where I was, I realised**

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1 **that I could control the exit and the entrance to that**  
 2 **car park, should the vehicle move.**  
 3 Q. Did it remain the position that you couldn't see the  
 4 Audi?  
 5 **A. Yes.**  
 6 Q. I think there came a time when you saw another Audi,  
 7 a police unmarked vehicle, go on to the car park. Did  
 8 you stay in the same position that you have described  
 9 when you saw the police vehicle go on to the car park?  
 10 **A. By then, we would have been made aware that State Amber**  
 11 **had gone to State Red. Literally just that over the**  
 12 **radio.**  
 13 Q. Yes.  
 14 **A. I then walked back down Jackson Avenue towards the**  
 15 **entrance of the car park.**  
 16 Q. Yes.  
 17 **A. Purely to observe this -- not to observe the firearms**  
 18 **strike but to observe the scene and if anything happened**  
 19 **and I was required as a surveillance officer, but to be**  
 20 **honest by then the strike was imminent.**  
 21 Q. Looking at photograph 305 with the yellow flag, where  
 22 were you when first saw the police Audi?  
 23 **A. Over where I said I was stood in the shadows and I could**  
 24 **see it come on from Jackson Avenue from Common Lane.**  
 25 Q. It was coming towards you and then it did a right into

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1 the car park?  
 2 **A. Yes.**  
 3 Q. Is that when you started walking?  
 4 **A. Yes.**  
 5 Q. Was it followed by any other police vehicles?  
 6 **A. Yes, but I can't remember what kind they were.**  
 7 Q. Can you remember how many there were?  
 8 **A. There is normally four on a MASTS, but whether all four**  
 9 **followed into the car park I couldn't say.**  
 10 Q. When you saw the vehicle, you started walking towards  
 11 the entrance, you said?  
 12 **A. Yes.**  
 13 Q. When you got to the entrance, what was the police Audi  
 14 and the other vehicle or vehicles doing?  
 15 **A. It was, as you see it in the picture, 305, the red Audi,**  
 16 **the subject vehicle, is -- remains where it has been all**  
 17 **the time.**  
 18 Q. Yes.  
 19 **A. The police Audi is directly across the front of it and**  
 20 **those two vehicles immediately behind are tactical**  
 21 **firearms, plainclothes vehicles, so they were all in**  
 22 **that -- as they are there.**  
 23 Q. Had they stopped?  
 24 **A. When I got there, yes.**  
 25 Q. They were already stationary?

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<p>1 <b>A. Yes.</b></p> <p>2 Q. Was anyone out of the vehicle by the time you got there?</p> <p>3 <b>A. Firearms officers.</b></p> <p>4 Q. How many people were out of the vehicle by the time you</p> <p>5 got there?</p> <p>6 <b>A. Well, I know there were four in each vehicle, but</b></p> <p>7 <b>I couldn't identify that there was 12 people out of the</b></p> <p>8 <b>vehicle.</b></p> <p>9 Q. Can you identify how many people were out of the</p> <p>10 vehicle?</p> <p>11 <b>A. No.</b></p> <p>12 Q. Did you stay stationary at about the entrance to the car</p> <p>13 park?</p> <p>14 <b>A. Once I realised that the strike was under control,</b></p> <p>15 <b>I obviously was not aware of what had gone on, I just</b></p> <p>16 <b>walked away because especially in this day and age, the</b></p> <p>17 <b>last thing I want as a surveillance officer is to be on</b></p> <p>18 <b>somebody's video footage that they are taking because</b></p> <p>19 <b>that is just the way it is now, as soon as something</b></p> <p>20 <b>happens, everyone gets their phone out.</b></p> <p>21 Q. If you just look at your statement at page 4, please,</p> <p>22 you say in the last paragraph:</p> <p>23 "At 1909 hours that day [so 7.09 pm] I saw an Audi</p> <p>24 A6 estate car, which I was aware contained tactical</p> <p>25 firearms officers, entering the public car park from</p> <p style="text-align: center;">Page 89</p>	<p>1 Q. Was that as far as you could tell from the same voice or</p> <p>2 more than one voice?</p> <p>3 <b>A. It would be more than one voice I heard it from.</b></p> <p>4 Q. When you say "it would be"?</p> <p>5 <b>A. No, it was.</b></p> <p>6 Q. It was.</p> <p>7 Did you hear any bangs?</p> <p>8 <b>A. Yes.</b></p> <p>9 Q. How many bangs were there?</p> <p>10 <b>A. Three, as I recollect.</b></p> <p>11 Q. Did the shouting come before, during or after the bangs?</p> <p>12 <b>A. All at the same time.</b></p> <p>13 Q. What did the bangs sound like?</p> <p>14 <b>A. Gunfire.</b></p> <p>15 Q. Were they in quick succession or was there any</p> <p>16 appreciable interval between each of them?</p> <p>17 <b>A. There was certainly no interval that I was aware of.</b></p> <p>18 Q. Were they a regular report of a firearm or did it go</p> <p>19 bang, bang-bang or bang-bang, bang?</p> <p>20 <b>A. I don't know, sir, I just remember hearing three.</b></p> <p>21 Q. Was it the same noise on each three occasion or</p> <p>22 a different type of noise?</p> <p>23 <b>A. I couldn't differentiate between the noises.</b></p> <p>24 Q. How long between you arriving at the entrance to the car</p> <p>25 park there and hearing the shouts and the bangs elapsed?</p> <p style="text-align: center;">Page 91</p>
<p>1 Jackson Anne. I saw this vehicle stop directly in front</p> <p>2 of the Audi A6."</p> <p>3 That might give the impression that you saw it</p> <p>4 stopping.</p> <p>5 <b>A. It's my grammar then, sir. I didn't see it stopping; it</b></p> <p>6 <b>was stopped when I saw it.</b></p> <p>7 Q. Similarly, if you look at page 2 of the bundle, the last</p> <p>8 line of your earlier witness statement, where it says:</p> <p>9 "At 19.09 hours that day I saw an Audi estate car</p> <p>10 stop immediately in front of the red Audi and an arrest</p> <p>11 situation took place ..."</p> <p>12 <b>A. That my grammar, sir.</b></p> <p>13 Q. That is the same, you didn't see it stopping, you saw it</p> <p>14 had already stopped?</p> <p>15 <b>A. It had stopped.</b></p> <p>16 Q. Did you hear any shouting?</p> <p>17 <b>A. Yes, there is always shouting when --</b></p> <p>18 Q. No.</p> <p>19 <b>A. Sorry.</b></p> <p>20 Q. Did you hear any shouting?</p> <p>21 <b>A. Yes.</b></p> <p>22 Q. You did hear shouting?</p> <p>23 <b>A. Yes.</b></p> <p>24 Q. What shouting did you hear?</p> <p>25 <b>A. The words "Police".</b></p> <p style="text-align: center;">Page 90</p>	<p>1 <b>A. Seconds.</b></p> <p>2 Q. A small number of seconds or a large number of seconds?</p> <p>3 <b>A. Yes, 5, 10 seconds, no more, I think.</b></p> <p>4 Q. When you saw the police cars at least coming past you</p> <p>5 effectively, they didn't drive through you but they came</p> <p>6 in front of you, how were they being driven?</p> <p>7 <b>A. Normally. In a normal manner you would go on a car</b></p> <p>8 <b>park.</b></p> <p>9 Q. So not at excessive speed?</p> <p>10 <b>A. No.</b></p> <p>11 Q. You didn't see the police cars coming to a stop, so you</p> <p>12 cannot say how long elapsed between them stopping and</p> <p>13 the first bang?</p> <p>14 <b>A. No.</b></p> <p>15 Q. Did you see the occupants of the red Audi out of their</p> <p>16 car?</p> <p>17 <b>A. No.</b></p> <p>18 Q. At which point did you leave the scene? After the</p> <p>19 bangs?</p> <p>20 <b>A. After the strike I just walked back to my vehicle.</b></p> <p>21 Q. After which part of the strike?</p> <p>22 <b>A. Well, it is all within 5 or 10 seconds, the initial</b></p> <p>23 <b>strike, the bangs, the shouting, and I just continued</b></p> <p>24 <b>walking, back to my vehicle.</b></p> <p>25 MR BEER: Thank you very much.</p> <p style="text-align: center;">Page 92</p>

<p>1 Sir, I don't know whether you want to break now and 2 let those core participants that wish to ask 3 questions -- 4 THE CHAIRMAN: I would have thought that is probably more 5 sensible. 6 Is there anybody who wants to ask questions first of 7 all? 8 MR THOMAS: Yes, sir, there is. I certainly want to ask 9 some questions, but perhaps it would be sensible to do 10 it after the break. 11 THE CHAIRMAN: We will break off now until 2.00. 12 Thank you. 13 (12.55 pm) 14 (The Luncheon Adjournment) 15 (2.06 pm) 16 THE CHAIRMAN: Mr Thomas, I address you because you are 17 about to ask questions next. 18 Mr Stuart Grainger is not actually on the link at 19 the moment. The link is there and it is functioning, he 20 has probably been delayed on his way to the room. 21 I propose we carry on. The difficulty is, I don't 22 know how long he will be -- if we don't carry on, how 23 long we may be kept waiting. I thought you should know. 24 MR THOMAS: Yes. 25 THE CHAIRMAN: I am prepared -- I can understand why you</p> <p style="text-align: center;">Page 93</p>	<p>1 Q. Okay. 2 Just a point of clarification before I get into my 3 questions, if you look at the page over, which is where 4 you have done the entry, or where the loggist has done 5 the entry retrospectively at 1.50 in the morning. 6 <b>A. That is done by me, that, sir.</b> 7 Q. That is done by you? 8 <b>A. Yes, the addendum is done by myself.</b> 9 Q. That is fine. Where you have done the entry 10 retrospectively at 1.50 in the morning, this is you 11 adding information in relation to where the vehicle 12 turns around, correct? 13 <b>A. Yes.</b> 14 Q. There is no suggestion there, is there, that you thought 15 this was some sort of counter-surveillance move, is 16 there? 17 <b>A. Not at the time, no.</b> 18 Q. And you knew that this was at a point when Mr Grainger 19 unfortunately had died, when you made this entry? 20 <b>A. Yes.</b> 21 Q. And also this, just how long after -- we can see the 22 last entry you had made, which is at 19.09 on the 23 previous page. Do you see that? 24 <b>A. Yes, sir.</b> 25 Q. Help us with this. Roughly, I am not asking you for</p> <p style="text-align: center;">Page 95</p>
<p>1 might want him to be present. 2 MR THOMAS: I do. 3 THE CHAIRMAN: I am prepared to give him a few minutes, but 4 quite frankly that is all. 5 MR THOMAS: Can we say five minutes, sir? 6 THE CHAIRMAN: Is that going to cause problems for anybody 7 else? I assume not. 8 We will allow five minutes, in case it is some 9 administrative difficulty. 10 MR THOMAS: If not I will start, but five minutes? 11 THE CHAIRMAN: Yes, all right. 12 (2.07 pm) 13 (A short adjournment) 14 (2.09 pm) 15 MR THOMAS: Sir, thank you. 16 Questions from MR THOMAS 17 MR THOMAS: Mr Wallace, can we just turn up the log, this is 18 the manuscript log, I believe it is -- is it page 90? 19 <b>A. Sir.</b> 20 Q. Do you have it there? 21 <b>A. I do, yes.</b> 22 Q. If you could turn to I believe it is the second page of 23 it and we are taking it up on 3 March at about, well, 24 the first entry is at 18.40. 25 <b>A. Yes, I have that, sir.</b></p> <p style="text-align: center;">Page 94</p>	<p>1 exact times, did you learn of this tragedy? 2 <b>A. I would think probably within the hour, because --</b> 3 Q. Yes, within the hour. 4 <b>A. After the stand down I would have gone back to the DSU</b> 5 <b>offices, and I would have been made aware then.</b> 6 Q. You knew that something tragically wrong had happened 7 here, within the hour? 8 <b>A. Yes. Yes, I would think so.</b> 9 Q. And you knew that there would be a police investigation 10 and an investigation by the IPCC, correct? 11 <b>A. Yes.</b> 12 Q. Yes. So you knew the importance of, if there was 13 anything that needed to be put into the log, you 14 certainly knew within the hour of the importance of 15 making sure that the log was correct, would that be 16 fair? 17 <b>A. Yes.</b> 18 Q. All right. 19 Now can I turn to some of the substantive questions 20 that I have for you. 21 If we can just look at that page that I took you to 22 initially, this is the loggist's page, the first entry 23 at 18.40. 24 <b>A. Yes, sir.</b> 25 Q. All right. Can I just be clear on this, Mr Wallace.</p> <p style="text-align: center;">Page 96</p>



1 The job of your team, the surveillance team, was to keep  
 2 eyes on the subject vehicle, correct?  
 3 **A. As much as possible, yes.**  
 4 Q. Yes. We can see and we have been told yesterday, that  
 5 within the team there were something like eight  
 6 surveillance officers, probably more?  
 7 **A. I don't know how many were on duty that day, sir. If**  
 8 **I looked at the surveillance management record, that**  
 9 **would have it.**  
 10 Q. Hang on a second, when you say you don't know how many  
 11 were on duty that day.  
 12 THE CHAIRMAN: Can I just pause a moment if you don't mind,  
 13 Ms Thomas.  
 14 Ms Whyte, I am aware now that some form of agreement  
 15 has been reached as to the extent of this type of  
 16 questioning.  
 17 MS WHYTE: Yes.  
 18 THE CHAIRMAN: Are you content for this question to be put  
 19 and answered?  
 20 MS WHYTE: For the clarity of all concerned, as you are  
 21 aware, Mr Beer asked yesterday, perfectly appropriately,  
 22 a question that did not transgress any issues of  
 23 redaction at all --  
 24 THE CHAIRMAN: No.  
 25 MS WHYTE: -- about typical potential deployments.

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1 THE CHAIRMAN: That's right, it was not in relation to  
 2 Operation Shire.  
 3 MS WHYTE: It was not in relation to Operation Shire, it was  
 4 not in relation to specific dates in Operation Shire and  
 5 the agreement to date has been that there would not be  
 6 revelation of the exact number of officers tasked on  
 7 a particular day to surveil the subjects. Obviously  
 8 certain numbers are identified by reference to logs and  
 9 witness statements, but that does not necessarily tell  
 10 the story.  
 11 THE CHAIRMAN: No, I understand.  
 12 Can I invite you simply to monitor any questions  
 13 that are put on behalf of any core participant, if you  
 14 think that the question might, because you were in  
 15 a better position to judge I think than I am. I will  
 16 adjudicate on it.  
 17 MS WHYTE: Likewise the core participants have heard what  
 18 I have said and hopefully can deal with it.  
 19 THE CHAIRMAN: Certainly.  
 20 Mr Thomas, sorry to interrupt.  
 21 MR THOMAS: Sir, I am going to continue and if there is any  
 22 objection, then we can deal with the objection but  
 23 I hear what has been said but --  
 24 THE CHAIRMAN: Yes, no revelation of the total number, as  
 25 I understand it, of officers deployed for surveillance

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1 purposes on any given day.  
 2 MR THOMAS: Sir, will you just give me a minute?  
 3 THE CHAIRMAN: Take a moment. There may be another way  
 4 round the point you want to raise. I will even rise if  
 5 you want.  
 6 MR THOMAS: Sir, will you because this is obviously new to  
 7 us.  
 8 THE CHAIRMAN: I see.  
 9 I think what I will do is initially I will give you  
 10 five minutes, you might like to have a chat with  
 11 Ms Whyte and that will give you an opportunity to find  
 12 a way through that is not going to offend against the  
 13 necessary redactions. If you need more time then I will  
 14 come back in and you can explain why.  
 15 (2.16 pm)  
 16 (A short adjournment)  
 17 (2.21 pm)  
 18 THE CHAIRMAN: Yes.  
 19 MR THOMAS: Sir, just so you know, I am going to continue  
 20 with my questions, if there is a problem, I have  
 21 discussed it with Ms Whyte, she will rise. I understand  
 22 the parameters that have been set, but I don't think my  
 23 questions are going to infringe upon those parameters.  
 24 THE CHAIRMAN: Fine.  
 25 MR THOMAS: I have given an indication to my friend as to

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1 where I am going.  
 2 THE CHAIRMAN: Right. Yes, all right.  
 3 I am actually entitled to know, I am not going to  
 4 insist.  
 5 MR THOMAS: I am quite happy to tell you.  
 6 THE CHAIRMAN: Because under rule 10 --  
 7 MR THOMAS: Yes, can I ask for the witness to leave?  
 8 THE CHAIRMAN: I don't think there is any need. I am quite  
 9 content at this stage for you to carry on, you don't  
 10 need to explain to me but I am, at this stage,  
 11 indicating that I am happy for the current informal  
 12 situation to carry on with brief questioning by counsel  
 13 for core participants which has not offended against the  
 14 intent behind rule 10, thus far, at least not to any  
 15 significant extent. I am happy to continue that in the  
 16 interests of economy of time and so on.  
 17 MR THOMAS: I am grateful.  
 18 THE CHAIRMAN: However, if we are going to have problems  
 19 I am going to insist on strict adherence to the  
 20 provisions of rule 10 to all core participants,  
 21 including prior notification to me of whether any new  
 22 issues are to be raised and if not why the questions  
 23 have to be asked and, indeed, prior notification to me  
 24 of what issues are to be raised.  
 25 I am not going to insist on it now because I think

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<p>1 we need to get on with it. If you think it will not 2 infringe I am happy to -- you carry on, will see where 3 we go. 4 MR THOMAS: I am grateful, sir, thank you very much. 5 Mr Wallace, we know that you had a briefing that 6 morning, before the operation started, correct? 7 <b>A. Correct, sir.</b> 8 Q. We know that there were a number surveillance officers 9 at that briefing, correct? 10 <b>A. Yes, sir.</b> 11 Q. Right. Obviously, at the briefing there would have been 12 discussion about whether the numbers of officers who had 13 been deployed to survey this subject vehicle would have 14 been sufficient for the task, correct? 15 <b>A. No, sir.</b> 16 Q. Was there any indication from you or your colleagues 17 that you thought there would be a problem in terms of 18 keeping eyes on -- and you understand what I mean by the 19 expression "eyes on" -- the subject vehicle? 20 <b>A. No, sir.</b> 21 Q. Right, so nobody said they had a problem with it, nobody 22 said to the supervisor, "We don't think we can keep eyes 23 on with this number of bodies on the ground"? There was 24 no indication of anything like that, correct? 25 <b>A. No, sir.</b></p> <p style="text-align: center;">Page 101</p>	<p>1 Q. You have already told Mr Beer that at 18.45 what you are 2 observing is, you had gone up the stairs and you were 3 making your observation from the -- above the shops 4 where the flats are across into the car park, correct? 5 <b>A. Yes.</b> 6 Q. You said that you were there for some seven minutes or 7 so making your observations? 8 <b>A. Yes, sir.</b> 9 Q. During that seven-minute period, right, when you were 10 there, you saw no activity whatsoever from the subject 11 vehicle? 12 <b>A. None at all.</b> 13 Q. Just help me with this. During the entirety of that 14 seven minutes, so I am talking from 18.45 to 18.52, did 15 you have eyes on the subject vehicle during that entire 16 seven minutes? 17 <b>A. Yes, sir.</b> 18 Q. All right. 19 Just so we are clear on this, there is a period of 20 some four minutes, if you look at the entry before your 21 entry, yes? 22 <b>A. Yes, sir, I see that, 18.41.</b> 23 Q. Yes. Can I just be clear, when we get to your entry at 24 18.45, did you see the car actually park up or was the 25 car already in position, just so I am clear?</p> <p style="text-align: center;">Page 103</p>
<p>1 Q. No. 2 Can I assume then that the reason for that was 3 everybody was happy with the arrangements that were put 4 in place, because if you were unhappy you could have 5 said so? 6 <b>A. I was certainly happy, sir, yes.</b> 7 Q. Did you hear anybody else express unhappiness with the 8 arrangements that had been put in place? 9 <b>A. No, sir.</b> 10 Q. Can we come back to this sheet then? 11 <b>A. Yes, sir.</b> 12 Q. I just want you to help me with this. You see the 13 vehicle come into the car park, yes? We can see that 14 you make an entry -- sorry, an entry is made on your 15 behalf at 18.41, do you see that: 16 "Subject vehicle on to Common Lane, Culcheth towards 17 Jackson Avenue." 18 <b>A. Yes.</b> 19 Q. We can see -- that is something that you witnessed and 20 you reported in to the loggists and also a Mr Brown, 21 correct? 22 <b>A. Yes, that's correct, sir, yes.</b> 23 Q. The next entry is what Mr Brown observes and then we 24 come back to your entry at 18.45, correct? 25 <b>A. That's correct, sir, yes.</b></p> <p style="text-align: center;">Page 102</p>	<p>1 <b>A. No, I saw the vehicle turn left into the car park off 2 Jackson Avenue, manoeuvre through the car park --</b> 3 Q. And park up? 4 <b>A. And park up.</b> 5 Q. Right. You actually see the vehicle park up, then? 6 <b>A. Yes.</b> 7 Q. Again, just so I am absolutely crystal clear on what 8 your evidence is, all of that that you say you see for 9 that seven minutes, that is from that balcony on -- 10 <b>A. Yes.</b> 11 Q. All right. 12 Then we get to 18.52, and you have already told 13 Mr Beer and to the chairman that it is at this point 14 that you become worried about your vantage point because 15 somebody might come out of the flats or you might be 16 challenged by a member of the public, or indeed you 17 thought yourself exposed standing on that balcony 18 overlooking the car park, so you decided to move. 19 <b>A. I did.</b> 20 Q. So from 18.52 until we get to 19.03, you have eyes off 21 the vehicle, correct? 22 <b>A. That's correct, sir, yes.</b> 23 Q. That is 11 minutes? 24 <b>A. Yes.</b> 25 Q. A lot can happen in 11 minutes, can't it?</p> <p style="text-align: center;">Page 104</p>

1 **A. Yes, sir.**  
 2 Q. All right. Just so we are absolutely crystal clear  
 3 about this, you have described how you came down, you  
 4 walked around, you went around the pub, you came through  
 5 the entrance of the other car park, the adjacent car  
 6 park, you came through that gap where we can see the  
 7 police car parked up between the fence -- you don't need  
 8 to -- yes?  
 9 **A. Yes.**  
 10 Q. Then you walk past the vehicle, and this is at 19.03,  
 11 and you still, at 19.03, in fact you were unable to  
 12 indicate whether there were any bodies in the car at  
 13 all?  
 14 **A. That's correct, sir, yes.**  
 15 Q. When you walked past a vehicle some 11 minutes later,  
 16 from when you last had eyes on the vehicle, there was  
 17 a possibility that the vehicle could have been empty,  
 18 correct?  
 19 **A. Yes.**  
 20 Q. Tell me this, and this comes back to the questions that  
 21 I started with. Having eyes off the subject vehicle for  
 22 11 minutes, what was the explanation for that, given the  
 23 number of colleagues that you had, who were meant to  
 24 have eyes on the vehicle? What is the explanation?  
 25 **A. I can't speak for why nobody else had got eyes on the**

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1 **vehicle.**  
 2 Q. You would agree -- in fact it is more than 11 minutes  
 3 that there is a period of time when you don't know what  
 4 is in the vehicle, because if you go to the next entry,  
 5 which is Mr Evans's entry, which is at 19.05, so between  
 6 your entry, when you took eyes off, at 18.52, to 19.05,  
 7 that is some 13 minutes when it is completely unknown  
 8 who is in the vehicle, whether anybody is in the  
 9 vehicle, et cetera, et cetera?  
 10 **A. Yes.**  
 11 Q. Agreed?  
 12 **A. Yes.**  
 13 Q. All right. I am going to come back to Mr Evans's entry  
 14 in a moment, but I just want to stick to this unknown  
 15 13-minute period, right.  
 16 One of the things that you said earlier in answer to  
 17 a question from Mr Beer, and this was, just to put you  
 18 in context, why you had to move from the balcony, you  
 19 said this, and I quote:  
 20 "There were people moving around all the time in the  
 21 area, ie lots of public around."  
 22 Do you remember telling us not less than half  
 23 an hour before we went to lunch?  
 24 **A. Yes, sir.**  
 25 Q. That is correct, isn't it, there were lots of people

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1 moving around?  
 2 **A. There wasn't a crowd but there were people coming and**  
 3 **going to the car park, yes.**  
 4 Q. You see you would not disagree with this. There may be  
 5 one witness, and I think Mr Beer alluded to this earlier  
 6 on, a 15-year old girl who had eyes on the vehicle,  
 7 noticed the vehicle, says that the engine was off and  
 8 the driver got out of the vehicle.  
 9 You were unaware of that, correct?  
 10 **A. Yes, sir.**  
 11 Q. Tell me this, had the driver got out of the vehicle and  
 12 was standing there, that would be relevant, wouldn't it?  
 13 **A. But if I didn't see it, it is not relevant --**  
 14 Q. No, no.  
 15 **A. -- or I can't comment on it.**  
 16 Q. Hang on a second, yes you can comment on it, I am not  
 17 asking you whether you saw it, that is not the question.  
 18 The question is, if, during your observations, the  
 19 driver had got out of the vehicle and was standing next  
 20 to the driver's door, empty handed, that would be  
 21 relevant, wouldn't it?  
 22 **A. Yes, I would have communicated that.**  
 23 Q. The reason why that would be relevant, because you would  
 24 pass that information on to the MASTS team, wouldn't  
 25 you?

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1 **A. Well, I would pass it out to the surveillance team.**  
 2 Q. Yes, but it would get to the MASTS team, wouldn't it?  
 3 That is the purpose, isn't it, so they know, because you  
 4 are their eyes on the subject vehicle, isn't it?  
 5 **A. Well, the surveillance team need to know that he has got**  
 6 **out of the vehicle because if he walks off, somebody**  
 7 **will need to control him but it will also be received by**  
 8 **the MASTS team, yes.**  
 9 Q. I am concentrating on the MASTS team, yes.  
 10 **A. Right.**  
 11 Q. What you see, you are eyes on the vehicle for the MASTS  
 12 team ultimately, aren't you?  
 13 **A. Not at that point, no, I am still part of the**  
 14 **surveillance team.**  
 15 Q. The fact that there are -- sorry, what time, just remind  
 16 us, was the state of Amber called? Remind us?  
 17 **A. I was told it was 19.03.**  
 18 Q. Yes. So the state of Amber was called at 19.03, at  
 19 a time when you didn't have a clue whether anybody was  
 20 in the vehicle, did you?  
 21 **A. I didn't know whether there was anybody in the vehicle**  
 22 **at all, no.**  
 23 Q. You see the significance of what I am putting to you,  
 24 the state of Amber was called when you and your team,  
 25 the surveillance team, should have had eyes on the

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1 vehicle, correct?

2 **A. Well, if we haven't got it, we haven't got it. If they**

3 **call the state of Amber, then that is not a decision**

4 **made by me.**

5 Q. I understand that, that is not my question. I am just

6 talking about what the facts were. It is 19.03, we can

7 see from the surveillance log that the last surveillance

8 officer who had eyes on the vehicle was you.

9 **A. Yes.**

10 Q. That was at 18.45. I have just been through with you

11 that there is an 11-minute period, up until 19.03, when

12 you have walked off, you don't have eyes on the vehicle

13 and you don't have a clue whether there is anybody in

14 the vehicle. We have just been through this.

15 **A. And at 19.03 I say, "The subject vehicle still remains**

16 **where it was".**

17 Q. Listen to the question. The vehicle is still there,

18 there is no dispute about that. My question is, you

19 didn't have a clue at the time the state of Amber was

20 called, whether there was anybody in the vehicle. That

21 is correct?

22 **A. That's correct, yes.**

23 Q. Did you communicate, because shortly after the state of

24 Amber, State Red is called, isn't it? We know that,

25 a strike is called?

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1 **A. Yes.**

2 Q. Right. Was there any communication -- sorry, there is

3 a question before that and the question is this. You

4 know that MASTS operations are potentially dangerous to

5 officers, to the subjects in the vehicle and to members

6 of the public. Correct?

7 **A. Yes.**

8 Q. One of the things, one of the functions you are

9 performing is you are keeping eyes on the subject

10 vehicle and you are also keeping eyes on the area and

11 you are relaying relevant information, correct?

12 **A. Yes.**

13 Q. Help me with this, Mr Wallace. Bearing in mind the

14 evidence that you have told us today about lots of

15 people moving around in the area, did you communicate

16 that back?

17 **A. Yes.**

18 THE CHAIRMAN: Mr Thomas, he said this earlier I have a note

19 of it, he said it in response to Mr Beer.

20 MR THOMAS: Sir, forgive me. I shall move on.

21 THE CHAIRMAN: Thank you.

22 MR THOMAS: Let me move on to 19.05. We know that at 19.05,

23 that is when Mr Evans drives into the car park, yes?

24 **A. That is what it says in the log, yes.**

25 Q. Did you see Mr -- do you know who Mr Evans is?

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1 **A. Yes, I know who he is.**

2 Q. Did you know what car he was driving?

3 **A. I would have done on the day, I don't recollect now.**

4 Q. Okay, so on the day you would have known Mr Evans's car.

5 Would I be right in thinking that at times when you and

6 your surveillance colleagues are surveying a subject you

7 might pass each other and recognise that you have passed

8 another surveillance officer?

9 **A. Yes.**

10 Q. Yes. Did you see Mr Evans coming into the car park?

11 **A. No.**

12 Q. So by the time you had walked past the vehicle at 19.03,

13 when you had done your recce as it were to see who was

14 in the vehicle and you walked out of the steel gate to

15 the entrance, you hadn't seen Mr Evans come in?

16 **A. No.**

17 Q. No. You say that you walked across the road to where

18 the four or five white bollards are, where the NHS

19 centre is, and then you came back or you came towards

20 the entrance of the car park again and doubled back on

21 yourself?

22 **A. Well, I waited in the shadows.**

23 Q. You waited in the shadows and then you ... right.

24 Just help me with this, I want you to explain to me

25 the entry at 19.09. This is some four minutes after

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1 Mr Evans's entry. Okay?

2 **A. Yes, sir.**

3 Q. When you have put there, "Arrest situation on the car

4 park", you are talking about that is when the strike

5 went in, correct?

6 **A. Yes.**

7 Q. Can I be clear on what you were radioing in at that

8 point? In fact you said you saw the strike vehicles

9 drive into the car park.

10 **A. I saw them go into the car park, yes.**

11 Q. And, you know, a matter of, what, moments afterwards you

12 heard the bangs, correct?

13 **A. Yes, a few seconds. The length of time it takes to**

14 **drive the length of the car park.**

15 Q. The length of time it takes -- so as soon as you hear

16 the bangs, that is when you are on the radio logging

17 this in, is that correct?

18 **A. Yes, excuse me, yes, that an arrest situation has took**

19 **place.**

20 Q. Right, so there was no delay?

21 **A. On my behalf?**

22 Q. On your behalf?

23 **A. No.**

24 Q. The reason why I am asking you this is because of some

25 of the evidence that we heard yesterday, and I am just

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1 going to put to you that evidence. You see, Mr Evans  
 2 says that he does his recce and parks up and radios in  
 3 at 17.05 and we can see the entry there, do you follow?  
 4 **A. 19.05.**  
 5 Q. Sorry, 19.05, yes, 19.05.  
 6 **A. Yes.**  
 7 Q. Now, to walk from the car park near where the red Audi  
 8 was, okay, across the road to where you were, or near  
 9 where you were, you are talking a matter of seconds  
 10 aren't you?  
 11 **A. No, probably a minute.**  
 12 Q. You reckon it takes a minute to walk from the car park  
 13 to where the bollards are, you think it takes a minute  
 14 do you?  
 15 **A. I walked beyond the bollards and I went and stood in the**  
 16 **doorway.**  
 17 Q. Listen to the question. To walk from the car park  
 18 across the road, yes, you know where the entrance to  
 19 where the Sainsbury's is?  
 20 **A. Yes.**  
 21 Q. Yes. It is a matter of seconds isn't it, 20/30 seconds?  
 22 **A. But I didn't remain there.**  
 23 Q. No, I am not focusing on you.  
 24 **A. Right.**  
 25 Q. Do you agree to walk from the car park across the road

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1 is a matter of seconds, 30 seconds, 40 seconds?  
 2 **A. Yes, probably.**  
 3 Q. Right. You see what I am asking you is this. Are you  
 4 sure that the strike occurred four minutes after  
 5 Mr Evans's radio call, because Mr Evans's evidence is  
 6 shortly after he leaves the car park, he puts in that  
 7 log, crosses the road, but he is going in the other  
 8 direction. You went towards the bollards and he went in  
 9 the other direction. More towards the Post Office, do  
 10 you follow?  
 11 **A. Yes.**  
 12 Q. I am suggesting that is 30, 40, perhaps 50-second  
 13 journey by foot. Are you with me so far?  
 14 **A. Yes.**  
 15 Q. He says that as he is walking there he sees what he  
 16 describes as four vehicles entering the car park and  
 17 a matter of seconds afterwards he hears the bangs, do  
 18 you follow?  
 19 **A. Yes.**  
 20 Q. That is what a minute, a minute after he makes the --  
 21 a minute or so after he makes his call. You see your  
 22 call, or your log is some four minutes afterwards and  
 23 I am just trying to get clear in my head why the delay  
 24 between and you Evans's evidence. Do you have any  
 25 explanation for that?

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1 **A. No.**  
 2 Q. Could your timings be wrong?  
 3 **A. Well, my timings are taken by the loggist. I don't look**  
 4 **at my watch as I am communicating the information, I say**  
 5 **the information, he looks at the clock and puts that**  
 6 **time down and my entry.**  
 7 Q. Okay.  
 8 **A. So the timing is governed by the loggist.**  
 9 MR THOMAS: That is all I ask, sir.  
 10 THE CHAIRMAN: Thank you, Mr Thomas.  
 11 Questions from MR WEATHERBY  
 12 MR WEATHERBY: Just a small number of matters, Mr Wallace,  
 13 and you have rather taken my first question.  
 14 I was going to ask you about the timing. The timing  
 15 on the log is determined not by you, the surveillance  
 16 officer in the field, it is determined by the loggist?  
 17 **A. Yes.**  
 18 Q. You don't read the time out?  
 19 **A. No, you just make the -- you just commentate on --**  
 20 Q. You make the observation?  
 21 **A. Yes, and they log the time and what the observation is.**  
 22 Q. You have been or you were a DSU officer for many years,  
 23 no doubt you were a loggist at times?  
 24 **A. Yes, sir.**  
 25 Q. Can you help me with the accuracy of a loggist's

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1 timings, at the beginning of the shift how would you  
 2 ensure that your timings were going to be accurate?  
 3 **A. There is a command suite with a digital clock in that is**  
 4 **on the wall, so that is there for -- that is the clock**  
 5 **that is used.**  
 6 Q. Yes. So accuracy is an important matter in terms of  
 7 getting the reference clock right, but also for the  
 8 loggists taking the observation down?  
 9 **A. Yes.**  
 10 Q. Yes.  
 11 That deals with that. The balcony, from about  
 12 18.45, can you just help me with this. Cameras, did you  
 13 in fact take your camcorder or camera with you on to  
 14 the --  
 15 **A. No.**  
 16 Q. Was there a reason for that?  
 17 **A. As I have explained, they are not particularly good**  
 18 **quality and they basically don't work in the dark.**  
 19 Q. Right. In terms of taking footage or pictures, does it  
 20 make any difference to you whether it is an ordinary  
 21 surveillance job or a surveillance job that is supported  
 22 by the TFU?  
 23 **A. No.**  
 24 Q. Can I just deal with the eyes on matter briefly with  
 25 you.

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<p>1 You said earlier that looking at the schedule, it 2 appeared to you that from the Audi starting off in 3 Boothtown, that there was eyes on by surveillance 4 officers throughout until Culcheth --</p> <p>5 <b>A. Yes.</b></p> <p>6 Q. -- as far as you could tell?</p> <p>7 <b>A. Yes.</b></p> <p>8 Q. And with the caveat that there might have been a second 9 or three here or there, is that a fair summary of your 10 evidence?</p> <p>11 <b>A. Yes.</b></p> <p>12 Q. From the car setting off to 18.52, you are reasonable 13 confident that eyes were on the car?</p> <p>14 <b>A. From reading that and from my recollection, yes.</b></p> <p>15 Q. Yes. Your confidence is because when there is 16 a handover of observations, there is not always 17 a necessity to record that?</p> <p>18 <b>A. That's correct, yes.</b></p> <p>19 Q. The absence of an entry "eyes lost" is what you are 20 making your assumption from; is that right?</p> <p>21 <b>A. Yes. Yes.</b></p> <p>22 Q. In terms of keeping eyes on, you explained to us this 23 idea of a net, so the officers on the observation 24 arrange themselves by their own initiative?</p> <p>25 <b>A. No, it is controlled by the person --</b></p> <p style="text-align: center;">Page 117</p>	<p>1 Q. I see, because on the 29th it had been seen in the car 2 park?</p> <p>3 <b>A. And also because of where it was, or where it parked in 4 the car park, it was a difficult place to observe 5 covertly.</b></p> <p>6 Q. I see.</p> <p>7 Had you already spotted the vantage point on the 8 balcony, is that you went to the balcony.</p> <p>9 <b>A. Yes, because I had been there the 29th I think it was.</b></p> <p>10 Q. You had been aware of that as a vantage point but you 11 were also aware of it being somewhat exposed?</p> <p>12 <b>A. Once I got there, I realised it was more exposed than 13 I would have liked.</b></p> <p>14 Q. Once you got there, so at that point you have eyes on 15 the continuity of observation, with the caveat you have 16 already given us, is there. You then tell us that some 17 time later the continuity is lost, it is a whole seven 18 minutes?</p> <p>19 <b>A. Yes.</b></p> <p>20 Q. Now given that once you get there, which is what you 21 have just said, you realise that it is exposed at that 22 point, why do you not say to the team leader, "I've got 23 eyes on but I am vulnerable, I am exposed", whatever 24 form of words that you might use, "Can I hand over to 25 somebody else?"</p> <p style="text-align: center;">Page 119</p>
<p>1 Q. By the team leader?</p> <p>2 <b>A. No, by the person with eyes on, you have control of the 3 surveillance at that moment in time.</b></p> <p>4 Q. If you see a manoeuvre that you have not seen coming, 5 someone suddenly turns left or right or does a U-turn or 6 whatever, then you can be reasonable confident that one 7 of the other operatives picks up the car. That is the 8 theory at least?</p> <p>9 <b>A. That is the theory.</b></p> <p>10 Q. Yes. That is why in fact you just carried on on Church 11 Lane when there was an unusual observation; is that 12 right?</p> <p>13 <b>A. Yes.</b></p> <p>14 Q. Then you get to the other side of the village green and 15 you look back and you see the car going down 16 Jackson Avenue, 18.41?</p> <p>17 <b>A. Yes.</b></p> <p>18 Q. You then decide to reposition yourself in this net; is 19 that right?</p> <p>20 <b>A. No, I had already decided that -- or I had already, 21 well, decided prior and spoken to the surveillance team 22 leader and said I would go and try and get control of 23 the car park.</b></p> <p>24 Q. Yes.</p> <p>25 <b>A. Because the vehicle had been there previously.</b></p> <p style="text-align: center;">Page 118</p>	<p>1 <b>A. I did, I requested for another surveillance officer to 2 come and get eyes on, the term you are using.</b></p> <p>3 Q. Right. So in seven minutes, it doesn't appear that that 4 has happened?</p> <p>5 <b>A. No.</b></p> <p>6 Q. It may be a difficult question, if you cannot answer it 7 please say so, but why would that be in seven minutes?</p> <p>8 <b>A. I don't know.</b></p> <p>9 <b>MR WEATHERBY: Yes, thank you very much.</b></p> <p>10 <b>THE CHAIRMAN: Thank you, Mr Weatherby.</b></p> <p>11 Anybody else, apart from Ms Whyte that is?</p> <p>12 Ms Whyte?</p> <p>13 Questions from MS WHYTE</p> <p>14 <b>MS WHYTE: I can be very brief.</b></p> <p>15 On 29 February, Mr Wallace, when you were conducting 16 your surveillance, did you see any unusual manoeuvres of 17 the Audi, ie stopping, turning round, changing direction 18 or anything of that nature?</p> <p>19 <b>A. No. Nothing.</b></p> <p>20 Q. Can I ask you, please, to look at the map again, do you 21 have it? It will be a matter for others to decide, if 22 relevant, whether or not anything is related to 23 counter-surveillance. I am not going to ask you whether 24 you think it is, but I just want to clarify one or two 25 things with you. The Church Lane location is where you</p> <p style="text-align: center;">Page 120</p>

1 observed the red Audi stopping and turning round at  
 2 18.40 on 3 March.  
 3 **A. Yes.**  
 4 Q. Within one minute, you see it going in a north-westerly  
 5 direction up Common Lane?  
 6 **A. Yes.**  
 7 Q. I think you have explained where that was, towards  
 8 Jackson Avenue.  
 9 **A. Yes.**  
 10 Q. Within a minute, it has turned round, essentially again,  
 11 in some way, to be going back in the direction it was  
 12 going at the very beginning, yes?  
 13 **A. It would appear so because time and distance, I don't**  
 14 **think it could drive round the block in that time.**  
 15 Q. It then doesn't turn left into Jackson Avenue, because  
 16 we know from your observations that it enters the car  
 17 park by turning left into the car park from  
 18 Jackson Avenue.  
 19 **A. Yes.**  
 20 Q. If it had turned into Jackson Avenue and gone into the  
 21 car park, it would have been turning right, wouldn't it?  
 22 **A. It would, yes.**  
 23 Q. It has ignored the Jackson Avenue entry, as far as it  
 24 could use it, and gone on a little further, perhaps into  
 25 Wigshaw Lane and round back on itself into

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1 Jackson Avenue, entering the car park via a loop rather  
 2 than direct via Common Lane and Jackson Avenue?  
 3 **A. Yes.**  
 4 Q. Why were you in Culcheth at 6.40 on 3 March? Why in  
 5 that particular location?  
 6 **A. 6.40 in the morning?**  
 7 Q. I am so sorry, 18.40, no, 6.40 in the evening. On  
 8 3 March, I know it sounds like a very basic question,  
 9 but why were you actually in Culcheth as opposed to  
 10 somewhere in between Boothtown and Culcheth or anywhere  
 11 else?  
 12 **A. When the vehicle had initially started moving that**  
 13 **evening, once it appeared to be going in the general**  
 14 **direction of Culcheth, excuse me, I had informed the**  
 15 **surveillance sergeant that I would go to Culcheth in**  
 16 **front of the vehicle, because it is always easier to be**  
 17 **there and to be settled rather than coming in right**  
 18 **behind the vehicle and trying to find somewhere to park**  
 19 **up covertly.**  
 20 Q. You were taking the initiative?  
 21 **A. Yes.**  
 22 MS WHYTE: Thank you very much.  
 23 Thank you, sir.  
 24 THE CHAIRMAN: Anything else, Mr Beer?  
 25 MR BEER: Sir, I have no further questions arising from

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1 those questions.  
 2 Questions from THE CHAIRMAN  
 3 THE CHAIRMAN: There is just one matter I want to make sure,  
 4 because I am not sure that I correctly understood.  
 5 I think I did. Just now in reply to Ms Whyte I think it  
 6 was the subject vehicle not having time to go round the  
 7 block, was that in reference to the minute or so after  
 8 the U-turn?  
 9 **A. Yes, sir.**  
 10 THE CHAIRMAN: So it did a U-turn in Church Lane --  
 11 **A. Yes, it came --**  
 12 THE CHAIRMAN: Sorry, go on.  
 13 **A. It came down Church Lane --**  
 14 THE CHAIRMAN: Towards the centre of the plan as we look at  
 15 it?  
 16 **A. Yes, towards the red line basically on the map, about**  
 17 **50 yards prior to that it did a U-turn in the road.**  
 18 **I went past it and then just continued on like a normal**  
 19 **motorist would and then within a minute I see it on --**  
 20 **between where the yellow and the red line join, on the**  
 21 **map, which is around about -- I describe it as**  
 22 **a roundabout on Warrington Road and Jackson Avenue,**  
 23 **I see it travelling from the roundabout towards**  
 24 **Jackson Avenue.**  
 25 THE CHAIRMAN: You were ahead of it were you?

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1 **A. Yes.**  
 2 THE CHAIRMAN: You saw it in your mirror?  
 3 **A. No, sorry, by that time I was parked on the opposite**  
 4 **side of the village green.**  
 5 THE CHAIRMAN: By Lodge Drive.  
 6 **A. Because I was going to get out of my vehicle and go --**  
 7 **so it would not have had time -- well, I am presuming it**  
 8 **would not have had time to go down Church Lane and**  
 9 **either do a left or a right and work its way through the**  
 10 **estates to get back to --**  
 11 THE CHAIRMAN: In that time it would have to have done  
 12 another U-turn, is what you are saying?  
 13 **A. Yes.**  
 14 THE CHAIRMAN: All right, thank you.  
 15 Thank you, that is the end of your evidence, you are  
 16 free to go. Thank you for helping the Inquiry.  
 17 **A. Thank you, sir.**  
 18 MR BEER: Sir, can we have Gary Mills, please.  
 19 MR GARY MILLS (sworn)  
 20 THE CHAIRMAN: You are entitled to sit down and welcome to  
 21 sit down if you would like to do so, Mr Mills.  
 22 **A. I am okay to stand at the moment, sir.**  
 23 **Questions from MR BEER**  
 24 MR BEER: Mr Mills, my name is Jason Beer and I ask  
 25 questions on behalf of the Inquiry with Ms Cartwright

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1 who sits next to me.  
 2 In the bundle you have in front of you there should  
 3 be four witness statements. If you crack it open,  
 4 please and look at page 1, you can see there a witness  
 5 statement dated 1 May 2012.  
 6 **A. Yes. Yes, sir.**  
 7 Q. It is in your name, yes?  
 8 **A. Yes.**  
 9 Q. Then at page 2, can you see a witness statement dated  
 10 24 August 2012?  
 11 **A. Yes. Yes, I can, sir.**  
 12 Q. Then at page 3 can you see a witness statement dated  
 13 10 September 2012?  
 14 **A. Yes, I can, sir.**  
 15 Q. Then at pages 8 to 11, can you see a more recent witness  
 16 statement dated 1 December last year, 2016?  
 17 **A. Yes. Yes, I can, sir.**  
 18 Q. In response to a targeted set of questions from the  
 19 Inquiry?  
 20 **A. Yes.**  
 21 Q. Thank you. Are the contents of those four witness  
 22 statements true to the best of your knowledge and  
 23 belief?  
 24 **A. Yes. Yes, they are, sir, yes.**  
 25 Q. Can I start with some background, please, can you tell

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1 us when you joined the police service?  
 2 **A. 17 September 1990.**  
 3 Q. So you had what, 21 years' experience by the time of  
 4 Operation Shire?  
 5 **A. Round around about 21 years, yes.**  
 6 Q. In 2011/2012 you were working in the force robbery unit  
 7 is that right?  
 8 **A. That's correct, sir.**  
 9 Q. What rank did you hold there?  
 10 **A. Detective Constable.**  
 11 Q. Who was your line manager?  
 12 **A. Detective Sergeant Deborah Hurst, and my inspector was**  
 13 **Detective Inspector Robert Cousen.**  
 14 Q. Were you part of a specific team on the robbery squad or  
 15 robbery unit?  
 16 **A. We were the robbery squad, but we more or less, there**  
 17 **was a number of us who dealt with the particular job.**  
 18 Q. What I meant was, within the robbery unit, was it  
 19 subdivided into teams?  
 20 **A. Yes, sir, there were two syndicates, Mr Cousen and**  
 21 **Deborah Hurst were my supervisors on our syndicate.**  
 22 Q. Your role in Operation Shire from 2011 onwards, you  
 23 became involved in the investigation called Operation  
 24 Shire, is that right?  
 25 **A. Yes, sir.**

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1 Q. Was that in October 2011?  
 2 **A. October 2011.**  
 3 Q. Your role was as exhibits officer; is that right?  
 4 **A. That's correct, sir.**  
 5 Q. What did that role entail?  
 6 **A. It entailed collating all the exhibits, we would have**  
 7 **had exhibits that would have been seized from various**  
 8 **aspects of the investigation, they would come to me.**  
 9 **Sometimes I would book them personally to the property**  
 10 **system, other times they would have been booked into the**  
 11 **property system by another officer but they would be**  
 12 **given to me and I would collate them, I would put them**  
 13 **on to a spreadsheet with various details of exhibit**  
 14 **numbers, what the exhibit was, where it was seized from,**  
 15 **who the officer was, time and date, et cetera and just**  
 16 **keep abreast of all the exhibits that would have been**  
 17 **seized in the course of the investigation.**  
 18 Q. Did you carry out any other duties on Operation Shire,  
 19 other than being the exhibits officer?  
 20 **A. Primarily -- apart from exhibits it would have been**  
 21 **observations.**  
 22 Q. That is a secondary role. Was there another secondary  
 23 role which was researching intelligence?  
 24 **A. Yes. It wasn't a designated role, the exhibits role was**  
 25 **a designated role as part of the investigation team --**

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1 Q. Yes.  
 2 **A. -- but secondary was the observations and intelligence**  
 3 **gathering.**  
 4 Q. I am going to ask you about those two things in more  
 5 detail in a moment. First, who else worked on Operation  
 6 Shire, Detective Inspector Cousen was the SIO?  
 7 **A. Detective Sergeant Deborah Hurst was the Deputy SIO.**  
 8 Q. The officer in the case was DC Talbot?  
 9 **A. DC Talbot.**  
 10 Q. Just tell us, where you have a SIO and a Deputy SIO,  
 11 what is the role of the officer in the case?  
 12 **A. The officer in the case, primarily, his job, he or she's**  
 13 **job, is updating, we have say for example an operation**  
 14 **will unfold that we may have a sequence of events or**  
 15 **a chronology that needs updating on a regular basis as**  
 16 **to what has happened on observations, things like that,**  
 17 **and the case officer primarily looks after that side of**  
 18 **the investigation but also when -- if people are**  
 19 **arrested and charged, it will be the case officer's**  
 20 **primary role to submit the prosecution file.**  
 21 Q. Build the file?  
 22 **A. To build the file, basically.**  
 23 Q. Who else was engaged on Operation Shire within the  
 24 robbery unit?  
 25 **A. There was myself, DC Clark, I think --**

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1 Q. What was DC Clark's role?  
 2 **A. Disclosure officer. I am trying to think. I have to**  
 3 **apologise, I can't at this moment remember who was doing**  
 4 **the phones officer, but I think there was a**  
 5 **DC Castley --**  
 6 THE CHAIRMAN: Sorry, DC?  
 7 MR BEER: Castley, he is the officer we see at the foot of  
 8 the amalgamated surveillance chronology.  
 9 **A. Yes, I'm sorry, I have a mental block as to who was the**  
 10 **phones officer.**  
 11 Q. How many other operations or investigations would you be  
 12 working on at the same time as Operation Shire?  
 13 **A. None as a matter of course. We would be allocated**  
 14 **a particular operation and we would dedicate most of our**  
 15 **time to that.**  
 16 Q. Okay.  
 17 **A. Very few and far -- something may crop up more pressing**  
 18 **but primarily, once we were allocated a particular**  
 19 **investigation then we work on that specifically.**  
 20 Q. Okay, so in the five months between October 2011 and  
 21 3 March 2011, I know Shire went on after that but, until  
 22 the arrest phase, in that five months, you were  
 23 dedicated to this, this was your primary function?  
 24 **A. Yes, to Operation Shire.**  
 25 Q. Can I turn then to the two supplementary functions that

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1 you mentioned, observations and researching  
 2 intelligence?  
 3 Who appointed you to the role of undertaking the  
 4 research and intelligence.  
 5 **A. It was not so much an appointment, it is just a sort of**  
 6 **standard procedure that we would do as a matter of**  
 7 **course throughout the day, so say for example we would**  
 8 **come in in the morning, one of the things we would**  
 9 **check, we would check the police OPUS system to ensure**  
 10 **that there were no updates on intelligence on our**  
 11 **subjects that had been put on by other officers**  
 12 **overnight.**  
 13 There would have been things like checking to see  
 14 whether they had been arrested over night, and it was  
 15 something that was done, it was not an allocated role,  
 16 it was something that was done as a matter of course as  
 17 part of the investigation.  
 18 Q. How did each of you know who was doing it?  
 19 **A. I don't think -- we certainly didn't speak about it in**  
 20 **the office like, "You do this or I do that", it may be**  
 21 **it might be the first person who came in would check on**  
 22 **the systems and if there were any developments they**  
 23 **would pass that on to the rest of the team, but as to --**  
 24 **we didn't come in every day and say, "You check this**  
 25 **system and I will check that system".**

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1 Q. There weren't any standing instructions given to you?  
 2 **A. Not specifically in relation to that side of the**  
 3 **investigation, it was just something that we did as**  
 4 **a matter of course on all our investigations.**  
 5 Q. What material were you given at the start of the  
 6 investigation to know what intelligence needed updating?  
 7 **A. We were given -- I don't think we were given, I can't**  
 8 **remember exactly but I am not too sure whether we were**  
 9 **given anything specifically that needed updating**  
 10 **intelligence wise.**  
 11 Q. How would you know -- if you were the first in, if you  
 12 got in at 7.00 in the morning, five minutes before  
 13 DC Castley, so you were the first to the terminal, and  
 14 you think, "Right, I have to check for updated  
 15 intelligence", this is on say 1 October, the first day  
 16 in. How do you know you do not have to go back to 1976  
 17 and look for intelligence about your targets then?  
 18 **A. Because we would -- when the operation started we would**  
 19 **have nominal profiles that had been created by the Force**  
 20 **Intelligence Bureau.**  
 21 Q. They are the base station are they from which you work?  
 22 **A. That is the sort of up-to-date intelligence prior to,**  
 23 **you know, to when the operation starts and then after**  
 24 **that we sort of research from then on, daily.**  
 25 Q. You were given the subject profiles --

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1 **A. Yes.**  
 2 Q. -- that will been prepared by the Force Intelligence  
 3 Bureau?  
 4 **A. Yes.**  
 5 Q. Did you know that it was your task to update them, that  
 6 you were not to rely on the FIB to do so?  
 7 **A. Yes, basically.**  
 8 **I mean the profile is created and then it is passed**  
 9 **on to our office but once we have got that profile and**  
 10 **we read through it and we put ourselves up to speed with**  
 11 **the subjects, and then on a day-to-day basis, we will**  
 12 **check, like I said, come in in the morning, check the**  
 13 **intelligence but we would just make sure that the rest**  
 14 **of the investigation team knew that there had been**  
 15 **an update, whether one of the subjects has been arrested**  
 16 **or whether they have been stop checked in a vehicle,**  
 17 **things like that. So the rest of the team knew about**  
 18 **it.**  
 19 Q. You were given access -- was this perhaps on the  
 20 S: drive, as it was called -- to the subject profiles?  
 21 **A. The operational folder would have been created on the**  
 22 **S: drive. Within that folder, we would have sub folders**  
 23 **for telecoms, observations, authorities, things like**  
 24 **that. It was a set format for the operational folder.**  
 25 Q. Was one of those subject profiles, one sub folder?

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1 **A. Yes, yes. We would have say a folder for crib sheets**  
 2 **and a folder for profiles, but it was a set format.**  
 3 Q. When you were updating intelligence, did you update the  
 4 profiles?  
 5 **A. It would go -- we would have a running chronology that**  
 6 **may be on an Excel spreadsheet and day to day that is**  
 7 **updated, but primarily that would be the function of the**  
 8 **case officer, to update with any intelligence updates,**  
 9 **observations, anything to do with the subjects that**  
 10 **would be relevant to the investigation would be put on**  
 11 **to the spreadsheet.**  
 12 Q. Okay, it was an Excel spreadsheet?  
 13 **A. More often than not it would be an Excel spreadsheet.**  
 14 Q. What was it called? What would you call that document?  
 15 **A. We would normally call it --**  
 16 Q. If you wanted to speak to Sergeant Hurst, you would say,  
 17 "Hey, Deborah, have you updated the ..."  
 18 **A. Master spreadsheet.**  
 19 Q. The master spreadsheet.  
 20 Was a master spreadsheet retained for Operation  
 21 Shire?  
 22 **A. Yes.**  
 23 Q. And you contributed to it and you saw it?  
 24 **A. Yes. We would view it on a daily basis or as and when**  
 25 **we needed to.**

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1 Q. If you pulled something from the PNC or from OPUS or  
 2 from FIS or from anywhere that you might get  
 3 intelligence, and you thought it was relevant enough to  
 4 tell others about it, that would go on the master --  
 5 **A. Yes, it would, sir. It would be done by word of mouth**  
 6 **to make sure people knew, but it would also be passed on**  
 7 **to the case officer who, like I said, one of his jobs**  
 8 **would be to update the spreadsheet.**  
 9 Q. Did you have access to something called the intelligence  
 10 chronology?  
 11 **A. We would have a separate intelligence folder.**  
 12 Q. That is an answer to a different question.  
 13 **A. Sorry.**  
 14 Q. Did you have access to something called the intelligence  
 15 chronology, capital I, capital C?  
 16 **A. No, no.**  
 17 Q. Do you know what kind of document I am talking about,  
 18 an intelligence chronology?  
 19 **A. It was a folder but I think, I believe, if I remember**  
 20 **rightly, it was password protected.**  
 21 Q. Do you know who was in the circle of trust?  
 22 **A. I think it would have been DC Talbot, DS Hurst and**  
 23 **DI Cousen, but I am not entirely certain about that.**  
 24 Q. It was not you?  
 25 **A. No, if I tried to access that folder it would be**

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1 **password protected.**  
 2 Q. Okay, if we just make sure that we are looking and we  
 3 will show you something that you didn't see at the time  
 4 then, if you can take out file C, please. S will do as  
 5 well apparently, it is shorter. S for Shire.  
 6 THE CHAIRMAN: It will be a very short one, like this,  
 7 a small one.  
 8 MR BEER: If you can go to page 4 in the S bundle, please.  
 9 It may not have looked exactly like this, because  
 10 firstly it may have been on a screen, and secondly it  
 11 would not have had all of these black lines through it  
 12 which are redactions.  
 13 **A. Hmm.**  
 14 Q. Just have a look through pages 4, 5 and then in  
 15 particular 11.  
 16 Can you confirm that this is the document you didn't  
 17 have access to? It sounds silly when you ask it.  
 18 **A. I can't really say, because like I said, if the**  
 19 **intelligence was put into the folder, it was passport**  
 20 **protected -- password protected, so --**  
 21 Q. I will ask it the other way round, can you confirm that  
 22 you didn't have access to this document?  
 23 **A. No.**  
 24 Q. You cannot confirm that or you can confirm it?  
 25 THE CHAIRMAN: Did you or did you not have access to it?

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1 **A. No.**  
 2 MR BEER: Thank you. Thank you very much, bundle S can go  
 3 away.  
 4 Did you hear the intelligence chronology spoken  
 5 about?  
 6 **A. Not -- it depends. It is hard ... it wasn't -- did I**  
 7 **hear somebody discussing it?**  
 8 Q. Yes.  
 9 **A. We would discuss it but it depended what intelligence.**  
 10 **If it was intelligence that had been put on to the**  
 11 **spreadsheet, then yes, but other intelligence no.**  
 12 Q. Can you look, please, at bundle W, which will be  
 13 provided to you.  
 14 Thank you.  
 15 These are the emails, the loose ones of which we  
 16 have been enjoying for the last two or three days.  
 17 THE CHAIRMAN: I see.  
 18 MR BEER: They are now expanded and in a bundle.  
 19 Page 238, please. Can you see at the bottom of the  
 20 page, there is an email from Detective Sergeant  
 21 Russell Kelly, from whom we have heard, sending to  
 22 Deborah Hurst a copy of the intelligence profile for  
 23 an Anthony Grainger on 7 February 2012. Yes?  
 24 **A. Yes.**  
 25 Q. He says that it had been decided at a meeting that

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1 morning:  
 2 "That any further work required to bring the profile  
 3 up to date would need to be completed by yourselves, and  
 4 this decision was made based on staffing levels and  
 5 current workloads and that staff in the serious crime  
 6 division have access to COPU, OPUS, FIS ..."  
 7 **A. Yes.**  
 8 Q. Then at the top of the page, can you see DS Hurst says:  
 9 "Boss, for your information, I will add profile to  
 10 S: drive. Debs."  
 11 **A. Yes.**  
 12 Q. Were you told that a new subject profile had arrived?  
 13 **A. I would have been, yes.**  
 14 Q. Would it have been amongst your responsibilities for  
 15 updating it?  
 16 **A. Not my specific responsibility. No.**  
 17 Q. Whose responsibility was it?  
 18 **A. More often than not, it would be the case officer's,**  
 19 **but --**  
 20 Q. Mr Talbot?  
 21 **A. Yes, but if he was not available then it may have been**  
 22 **allocated to somebody else.**  
 23 Q. The somebody else are not you, but other people whose  
 24 names you cannot remember?  
 25 **A. People who were working on the investigations.**

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1 Q. You said in your witness statement to the Inquiry --  
 2 I am not going to turn it up because we have folders out  
 3 already:  
 4 "My research would involve researching the GMP  
 5 intelligence systems and checking the operational  
 6 subjects to establish if there were any intelligence  
 7 updates."  
 8 Where did you check for intelligence updates?  
 9 **A. It would have been the OPUS system -- well, the OPUS**  
 10 **system really is the only intelligence system.**  
 11 Q. What about the force intelligence system, FIS, or did  
 12 you access that through OPUS?  
 13 **A. That would have been accessed, but primarily we check**  
 14 **the subjects on OPUS because any intelligence relevant**  
 15 **to them would be put on to their profiles.**  
 16 Q. You say it would be any intelligence put on to their  
 17 profiles, do you mean on to --  
 18 **A. On to their intelligence page on their OPUS -- on the**  
 19 **OPUS.**  
 20 Q. Yes, that is by whoever dealt with them, the officer on  
 21 the street or --  
 22 **A. Yes.**  
 23 Q. When you looked at it, where did you translate that  
 24 intelligence, or what did you translate that  
 25 intelligence into?

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1 **A. Well, if there was updated intelligence, it would be put**  
 2 **on to the master spreadsheet.**  
 3 Q. This master spreadsheet, this comes as news to us the  
 4 master spreadsheet, you see. This was also on the  
 5 S: drive, was it?  
 6 **A. Yes.**  
 7 Q. Did you all have equal access rights to it?  
 8 **A. Yes.**  
 9 Q. Was it subdivided in anyway, in the way that Excel can  
 10 be?  
 11 **A. Yes, it had different pages through Excel, it depends,**  
 12 **you could have a sheet for exhibits, a sheet for**  
 13 **intelligence, a chronology sheet, but all on the same**  
 14 **spreadsheet. Just different pages.**  
 15 Q. On the intelligence page, was that subdivided into  
 16 subjects?  
 17 **A. Not particularly, it would just be an entry if there was**  
 18 **another intelligence entry it may be put on.**  
 19 Q. If somebody for example wanted to brief an external team  
 20 up, whether it was surveillance or firearms, they would  
 21 presumably, amongst other documents, go back to the  
 22 master spreadsheet and see what intelligence there was  
 23 on there?  
 24 **A. Any updated intelligence to make other people aware of**  
 25 **it.**

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1 Q. Yes.  
 2 Can I turn to the extent of your involvement in  
 3 conducting observations.  
 4 You were not part of the dedicated surveillance  
 5 unit, were you?  
 6 **A. No, no, no.**  
 7 Q. What was the -- this may sound a silly question, given  
 8 the extent of the DSU's capabilities, what was the  
 9 purpose of you conducting surveillance?  
 10 **A. I was -- I was primarily on specific premises, maybe if**  
 11 **it was a house or a business or somewhere or in this**  
 12 **case it may be the local CCTV that have cameras at**  
 13 **various locations that might be relevant, so it is**  
 14 **usually like that.**  
 15 Q. Do you mean it might be the local CCTV, you would not  
 16 conduct surveillance on the CCTV cameras, do you mean  
 17 conduct surveillance using the CCTV cameras?  
 18 **A. Yes -- it is just watching, maybe there might be**  
 19 **something that watches a specific business premises and**  
 20 **that would be our role to watch that.**  
 21 Q. Was there any demarcation line as between when you would  
 22 conduct surveillance and when the DSU would?  
 23 **A. If, say for example, a subject went into a business**  
 24 **premises that we could watch, we would watch that**  
 25 **premises. If the subject came out, then it would be**

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<p>1 passed over to the surveillance who would carry on with 2 the surveillance.</p> <p>3 Q. I am not really following. Do you mean you are 4 co-deployed at the same time as the surveillance?</p> <p>5 <b>A. Yes, so say if a subject is driving at a location in 6 Manchester and he goes to a location that is covered by 7 the CCTV office that we may be in and there is a camera 8 that covers that premises, then we would take over the 9 observations.</b></p> <p>10 Q. Because it is inside the building?</p> <p>11 <b>A. No, the camera would cover the building. So say for 12 example the subject goes into a specific building that 13 is covered by a camera, then the person in the 14 observation point will take over the observations. If 15 the subject comes out and he gets into a car and drives 16 off, then it would be passed over to the surveillance 17 teams who would carry on with the surveillance.</b></p> <p>18 Q. Okay, I am not sure that it necessarily matters in this 19 case, so I am not going to pursue that any further.</p> <p>20 Can I look at the observations that you did conduct 21 in this case, that we have a record of. Page 1 of your 22 bundle, please.</p> <p>23 <b>A. Have I finished with the emails, this one?</b></p> <p>24 Q. Yes, you probably have.</p> <p>25 I think that you conducted some observations on</p> <p style="text-align: center;">Page 141</p>	<p>1 else.</p> <p>2 <b>A. On Thursday, 26 January?</b></p> <p>3 Q. Yes, this is within a document prepared, if you look at 4 1188, by DC Castley of surveillance evidence, but 5 reordered in date and time order. Yes? We are looking 6 at 1192, 26 January?</p> <p>7 <b>A. 26 January, yes.</b></p> <p>8 Q. Can you see item 34 in his document, he says: 9 "At 04.54 DC Mills saw a blue BMW [then the 10 registration is given] enter the M60 motorway at 11 junction 13, Worsley towards the M62 having driven from 12 Worsley Road. About 30 seconds later DC Mills saw a red 13 Audi [the registration is given] emerge from Worsley 14 Road and also enter the M60 motorway at junction 13 15 towards the M62. The driver of the Audi was wearing 16 a sleeveless fluorescent jacket and the front seat 17 passenger was a male with facial stubble."</p> <p>18 <b>A. No, that is not me.</b></p> <p>19 Q. That is a different DC Mills, is it?</p> <p>20 <b>A. That is a different DC Mills, sir.</b></p> <p>21 Q. That is a DC Mills from the DSU not from the FRU?</p> <p>22 <b>A. No.</b></p> <p>23 Q. Can we move on then to some action you took on 24 1 March 2013.</p> <p>25 Before putting that bundle away, sir -- before</p> <p style="text-align: center;">Page 143</p>
<p>1 26 January 2012. Let me just check that I cannot find 2 one beforehand. I think in fact there was one on 3 24 January 2012. If you look at page 3 of the bundle.</p> <p>4 <b>A. Page 3, 24 January?</b></p> <p>5 Q. Yes.</p> <p>6 <b>A. Right.</b></p> <p>7 Q. Can you see in paragraphs 3 and 4, and I am not sure 8 whether this is conducting observations or not, is it?</p> <p>9 <b>A. No, that is basically driving past to check.</b></p> <p>10 Q. And doing a check?</p> <p>11 <b>A. To see whether the vehicles are still in situ.</b></p> <p>12 Q. Okay then, can we look then at two days later, 13 26 January. I don't think we have this in any of your 14 witness statements, certainly as far as I can see, so 15 I think I am going to have to do it from a different 16 document, unfortunately, which is bundle F, page 1192.</p> <p>17 THE CHAIRMAN: 1192.</p> <p>18 MR BEER: 1192.</p> <p>19 THE CHAIRMAN: I think you will find there are three volumes 20 of F and it is the third.</p> <p>21 Thank you, Mrs Shaw.</p> <p>22 <b>A. Sorry, the page again is?</b></p> <p>23 MR BEER: 1192.</p> <p>24 THE CHAIRMAN: About three-quarters of the way through.</p> <p>25 MR BEER: I just want to see whether this is you or somebody</p> <p style="text-align: center;">Page 142</p>	<p>1 putting that bundle away, sir.</p> <p>2 THE CHAIRMAN: Oh sorry, I didn't hear you. Before putting 3 it away -- I thought you were telling me to put it away.</p> <p>4 MR BEER: If we look at 1199, this is the record of 5 observations for 29 February 2012, can you see?</p> <p>6 <b>A. Yes. Yes, sir.</b></p> <p>7 Q. This is a prelude to some questions I am going to ask 8 you about some action that you took on 1 March, the next 9 day.</p> <p>10 Can you see, starting at 121 on page 1200 --</p> <p>11 <b>A. Yes, sir.</b></p> <p>12 Q. -- it says at the last entry on the page: 13 "At 19.59 hours, that same day, I saw [I think that 14 means DC Connors saw] David Totton wearing a black bob 15 hat, black gloves, dark top and bottoms, walk from the 16 direction of Hazelhurst Road on to Beatrice Road and 17 towards the Audi [he gives a registration number, 18 I think we know that is Mr Totton's Audi]. He was in 19 company with a white male wearing dark clothing, I saw 20 Mr Totton walk to and open the boot of the Audi and 21 remove something which he then placed in the rear of the 22 vehicle. He also removed his bob hat before getting 23 into the driver's seat and driving off on to Broad Oak 24 Road."</p> <p>25 <b>A. Yes.</b></p> <p style="text-align: center;">Page 144</p>

1 Q. This is an observation we can see from the rest of the  
 2 document after the red stolen Audi has travelled from  
 3 Boothtown to Culcheth, spent some time in Culcheth,  
 4 returned to Boothtown?  
 5 **A. Yes.**  
 6 Q. There is a record that DC Connors saw Mr Totton take  
 7 something from the rear of the Audi and place it in  
 8 I think the boot of the Audi -- no, the rear of the --  
 9 THE CHAIRMAN: Open the boot, yes.  
 10 MR BEER: Open the boot and put it in the rear, the other  
 11 way round, thank you.  
 12 I think we can see a bit more detail about that.  
 13 I wonder whether you could open up Mr Wallace's bundle,  
 14 which the usher, Mrs Shaw, will give you to in a moment.  
 15 Mr Wallace's bundle.  
 16 At page 82, I think we can see Mr Connors's entry in  
 17 a surveillance log for that.  
 18 **A. Right.**  
 19 Q. Do you have that at 19.59, so the same time.  
 20 **A. 19.59, yes.**  
 21 Q. "Subject Wilt [we know from other evidence that that was  
 22 Mr Totton] wearing a black bob hat, dark top and dark  
 23 bottom along with a white male walk from Hazelhurst  
 24 towards the Audi A4 [with that registration number].  
 25 Subject Wilt walks to the boot of the car, removes

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1 something from the boot and removes his bob hat. The  
 2 white male wearing dark clothing gets into the front  
 3 passenger seat and Wilt gets into the driver's seat.  
 4 The vehicle will now be referred to as subject vehicle  
 5 2."  
 6 Yes?  
 7 **A. Yes.**  
 8 Q. He actually doesn't say there that there was anything  
 9 taken from the boot and put into the rear of the car,  
 10 does he?  
 11 **A. No.**  
 12 Q. But then if you look on, at page 86, there is  
 13 a supplemental entry at 21.29 which reads:  
 14 "Reference entry at 19.59 hours, Wilt was also  
 15 wearing black gloves. The item he removed from the boot  
 16 he placed into the rear of subject vehicle 2."  
 17 **A. Yes.**  
 18 Q. "Not communicated due to poor comms."  
 19 Yes?  
 20 **A. Yes.**  
 21 Q. In summary, after the stolen Audi has been taken from  
 22 Boothtown to Culcheth and back again, Mr Connors has  
 23 seen Wilt go back to his own vehicle and take something  
 24 from the boot of the car and put it into the rear of his  
 25 car?

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1 **A. Yes, sir, yes.**  
 2 Q. Of his own car?  
 3 **A. Yes.**  
 4 Q. Can we look, please in your bundle at paragraph 10 of  
 5 your witness statement, at page 9. You say in  
 6 paragraph 10:  
 7 "On returning to the Worsley area he [that is  
 8 David Totton you are referring to] was seen to place  
 9 what appeared to be a hacksaw in the boot of his silver  
 10 Audi [with that registration number] that was parked on  
 11 Beatrice Road."  
 12 **A. Yes, sir.**  
 13 Q. You have got it that you were told it was a hacksaw  
 14 rather than a something?  
 15 **A. What appeared to be a hacksaw.**  
 16 Q. Yes. Who told you that?  
 17 **A. I can't recollect.**  
 18 Q. How were you told?  
 19 **A. Well, I did see the footage.**  
 20 Q. When did you see the footage?  
 21 **A. That morning. That was 1 March.**  
 22 Q. 1 March?  
 23 **A. 1 March, but I can't remember who showed me the footage,**  
 24 **sorry.**  
 25 Q. Was it somebody from the DSU?

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1 **A. The footage would have been obtained by somebody from**  
 2 **the DSU, but it was not somebody from the DSU -- the**  
 3 **footage would have come back to our office but, like**  
 4 **I said, I can't recollect.**  
 5 Q. Okay, and can you remember whether it was you that drew  
 6 the conclusion that it was a hacksaw or whether that  
 7 conclusion had already been drawn?  
 8 **A. It may have been a general conclusion from people who**  
 9 **saw the footage.**  
 10 Q. Who else saw the footage?  
 11 **A. I can't remember exactly.**  
 12 Q. Because you see on the basis of the contemporaneous  
 13 surveillance evidence, it was a "thing", a "something"  
 14 but you saw some footage the next day, did you, on  
 15 1 March, that led you to believe it was a hacksaw?  
 16 **A. It appeared to be a hacksaw, yes.**  
 17 Q. Yes.  
 18 I think on that morning, 1 March, you made DI Cousen  
 19 aware of an incident back in 2005 in Preston --  
 20 **A. Yes.**  
 21 Q. -- is that right?  
 22 **A. Yes, that is correct, sir.**  
 23 Q. You had accessed the document, taking it in short order,  
 24 that had been prepared by a DC Mulverhill in relation to  
 25 Operation Ascot?

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<p>1 <b>A. Yes, that's correct.</b></p> <p>2 Q. Can we go then, please, to page 18 of your bundle.</p> <p>3 It is a long, or quite a long, document. 18 pages</p> <p>4 long, between pages 18 and 35.</p> <p>5 Is that the report that you accessed? You see it is</p> <p>6 blacked out because it has lots of other details</p> <p>7 concerning Operation Ascot that do not concern us. Do</p> <p>8 you think this is the document that you would have</p> <p>9 accessed -- if it helps you to identify it, the part</p> <p>10 that concerns us is on page 24.</p> <p>11 Do that help you to identify it.</p> <p>12 <b>A. Yes, it does.</b></p> <p>13 Q. The passage that we are concerned with?</p> <p>14 <b>A. Yes.</b></p> <p>15 Q. We can see from page 18 that DC Mulverhill had prepared</p> <p>16 the document on -- it is dated at least</p> <p>17 25 November 2005, so about seven and a bit years before</p> <p>18 you were looking at it.</p> <p>19 Where did you find this?</p> <p>20 <b>A. In the operational Ascot folder.</b></p> <p>21 Q. How did you know about Operation Ascot?</p> <p>22 <b>A. Because I worked on Operation Ascot.</b></p> <p>23 Q. How long were you on Ascot for?</p> <p>24 <b>A. About five months, just short of five months.</b></p> <p>25 Q. What made you think, "I know, I need to go off and look</p> <p style="text-align: center;">Page 149</p>	<p>1 on windows, gaining access to the toilets, and this was</p> <p>2 at 3.25 in the morning. That they were then said to</p> <p>3 have hidden in the toilets and awaited the arrival of</p> <p>4 the bank staff. It was said that two members of the</p> <p>5 bank staff arrived, entered the bank, conducted security</p> <p>6 checks it is then said that two offenders confronted the</p> <p>7 staff and threatened them with a firearm, they demanded</p> <p>8 the keys for the secure vault, the staff then were</p> <p>9 searched and then photographs and addresses revealing</p> <p>10 the identities are commented on by the robbers. The</p> <p>11 staff were then said to be tied up with plastic ties.</p> <p>12 Further members of the staff were then admitted and</p> <p>13 imprisoned by the robbers. It was said that robbers</p> <p>14 communicated by way of hands-free mobile phones or</p> <p>15 walkie-talkies. The keys for the vault were said to be</p> <p>16 obtained and a substantial amount of cash was stolen.</p> <p>17 CCTV recordings were stolen and the offenders, it is</p> <p>18 said, made good their escape in a stolen Vauxhall Vectra</p> <p>19 which was on false plates, yes?</p> <p>20 <b>A. Yes.</b></p> <p>21 Q. Mr Cullen's mobile was cell sited in Blackpool at</p> <p>22 4.00 pm and remained there until Saturday, 27 August.</p> <p>23 <b>A. Yes.</b></p> <p>24 Q. Then it is recorded, by way of gist, that the Greater</p> <p>25 Manchester Police held information to suggest that</p> <p style="text-align: center;">Page 151</p>
<p>1 at something about Operation Ascot"?</p> <p>2 <b>A. Because I recollect -- because I worked on the operation</b></p> <p>3 <b>when I saw about the hacksaw.</b></p> <p>4 MR BEER: Just wait a moment.</p> <p>5 THE CHAIRMAN: Could you start that answer again?</p> <p>6 <b>A. Okay.</b></p> <p>7 MR BEER: Yes.</p> <p>8 <b>A. Because I had spent five months working on Operation</b></p> <p>9 <b>Ascot, I -- Operation Ascot had been running for</b></p> <p>10 <b>a number of months when I first came into the office</b></p> <p>11 <b>in October 2005, but when I came in the office it was</b></p> <p>12 <b>our syndicate that were working on Ascot, so one of the</b></p> <p>13 <b>first things I did was to bring myself up to speed with</b></p> <p>14 <b>everything that had gone on from the start of Ascot up</b></p> <p>15 <b>until I came into the office, and amongst obviously the</b></p> <p>16 <b>robbery in Kirkham back in August I was aware of that</b></p> <p>17 <b>job and I was aware of the MO in relation to the bars of</b></p> <p>18 <b>the bank being sawed off.</b></p> <p>19 Q. If we just look at the MO then, at page 24, as</p> <p>20 DC Mulverhill recorded it.</p> <p>21 <b>A. Yes.</b></p> <p>22 Q. You can see it records that on Friday, 26 August 2005,</p> <p>23 there was a robbery at Lloyds TSB in Polton Street,</p> <p>24 Kirkham near Preston when the offenders were alleged to</p> <p>25 have attacked the bank from the rear, cutting the bars</p> <p style="text-align: center;">Page 150</p>	<p>1 David Cullen and David Totton had been out celebrating</p> <p>2 with other individuals where a substantial amount of</p> <p>3 money was being spent?</p> <p>4 <b>A. Yes.</b></p> <p>5 Q. Did you send the whole of that report on to DI Cousen?</p> <p>6 <b>A. Just that section and the intelligence, the three-line</b></p> <p>7 <b>intelligence.</b></p> <p>8 Q. Sorry?</p> <p>9 <b>A. A copy of that particular COPU, as it is worded there.</b></p> <p>10 Q. Okay. I don't think you probably sent it as it is</p> <p>11 worded there, you probably sent it as it originally said</p> <p>12 underneath the black, yes? That is a summary of it that</p> <p>13 GMP in the last month or two has provided to the</p> <p>14 Inquiry. So that what is underneath the black, don't</p> <p>15 tell us what it is, is something that is more detailed?</p> <p>16 <b>A. No, no. I don't think so, no.</b></p> <p>17 Q. Okay.</p> <p>18 You cut part of it into an email then, which we see</p> <p>19 on page 14.</p> <p>20 <b>A. Yes.</b></p> <p>21 Q. We can see I think that it is an email that you sent at</p> <p>22 7.14 in the morning, from the top right, from you to</p> <p>23 DI Cousen, DS Hurst and DC Talbot?</p> <p>24 <b>A. Yes, sir.</b></p> <p>25 Q. You say:</p> <p style="text-align: center;">Page 152</p>

1 "Sir, Debs, Andy see below from Ascot chronology  
 2 ..."  
 3 You have cut in what we have just read on page 24,  
 4 yes?  
 5 **A. Yes, sir.**  
 6 Q. Albeit I think the words under the black were the words  
 7 that were actually used in the original rather than that  
 8 gist, which is what now appears there?  
 9 **A. Those words there were the ones I lifted from the**  
 10 **chronology.**  
 11 Q. Okay.  
 12 What was the purpose of sending it?  
 13 **A. The purpose was because, going back to the footage of**  
 14 **David Totton placing the item into the boot of the Audi**  
 15 **that we thought what appeared to be a hacksaw --**  
 16 Q. Just stopping there, you saw it that way round, did you?  
 17 From the rear of the vehicle into the boot, rather than  
 18 what had been described by the surveillance officer  
 19 which was the boot into the rear of the vehicle?  
 20 **A. It was into the boot of the vehicle.**  
 21 Q. Okay.  
 22 **A. Well, because it was, it appeared to be a hacksaw, and**  
 23 **the fact that I had worked on Ascot and I knew about the**  
 24 **previous offences, it rang a bell about the Kirkham job,**  
 25 **which is why I would have told people and then emailed**

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1 **the -- emailed these excerpts from the Ascot chronology**  
 2 **to the boss to make them aware of them.**  
 3 Q. Okay.  
 4 The suggestion that Mr Totton was involved in the  
 5 Kirkham robbery was that he was subsequently seen with  
 6 David Cullen celebrating with other individuals and  
 7 spending a substantial amount of money.  
 8 **A. Yes.**  
 9 Q. Was there any suggestion that Mr Grainger was involved  
 10 in that robbery at all?  
 11 **A. No, not that I was aware of.**  
 12 Q. And Mr Rimmer?  
 13 **A. No. No, not Mr Rimmer.**  
 14 Q. Thank you.  
 15 Were you on duty on 3 March 2012?  
 16 **A. No, I wasn't, sir.**  
 17 Q. When was the last time that you were on duty before  
 18 3 March?  
 19 **A. I would have to think, but I think it was the 2nd.**  
 20 Q. The Friday?  
 21 THE CHAIRMAN: The 2nd March?  
 22 **A. The Friday.**  
 23 MR BEER: Did you have any role in -- obviously the firearms  
 24 deployment itself, you are not a firearms officer, but  
 25 were you involved in the firearms deployment in any way?

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1 **A. No. No.**  
 2 Q. On the 3rd were you involved in any way in the firearms  
 3 deployment?  
 4 **A. No, I wasn't, sir.**  
 5 Q. Were you contacted about it beforehand?  
 6 **A. No, I wasn't, sir.**  
 7 Q. Did you know it was going to take place?  
 8 **A. No, I wasn't.**  
 9 Q. Thank you very much, if you wait there there may be some  
 10 questions.  
 11 Questions from MR STRAW  
 12 MR STRAW: Sir, if I may one brief area.  
 13 DC Mills, at the very end of your bundle, could you  
 14 turn and look to a document that is there, please. It  
 15 should be the CLIO management system from Operation  
 16 Shire.  
 17 **A. Do you have the page number, please?**  
 18 Q. I am afraid my index does not have pages, but at the  
 19 bottom right of the document, if you turn to the very  
 20 last page of that bundle.  
 21 THE CHAIRMAN: The very last page of his witness bundle?  
 22 MR STRAW: Yes.  
 23 THE CHAIRMAN: That is page 77 of his statement.  
 24 MR STRAW: Okay, we will do it another way. If you look  
 25 behind you to your left, please, there are some

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1 bundles -- could you look please at the bundles with G1  
 2 on them. I am looking within G1 to page 1997.  
 3 **A. Sorry?**  
 4 Q. 1997.  
 5 THE CHAIRMAN: 1997?  
 6 MR STRAW: 1997, please.  
 7 **A. Right, got that.**  
 8 Q. This is the CLIO management system from Operation Shire.  
 9 Do you see there should be at the top of the page  
 10 a message from Gary Mills?  
 11 **A. Yes.**  
 12 Q. Is that from you?  
 13 **A. Yes.**  
 14 Q. Created 15 March 2012?  
 15 **A. Yes.**  
 16 Q. Just to read it out:  
 17 "Regarding the yellow black-handled sledgehammer,  
 18 exhibit PB/1/09/03/12, recovered from [then there is  
 19 an address listed] ..."  
 20 Pausing there, can you help us, what is the context,  
 21 what relevance does the sledgehammer have to Operation  
 22 Shire?  
 23 **A. I believe that the blue BMW, that was displaying the**  
 24 **plates YA06 ZDT, when that -- I think it must have been**  
 25 **26/1, I believe DC Dann, a surveillance operative, had**

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1 walked past the vehicle when it was parked up and had  
 2 seen what appeared to be a sledgehammer in the back of  
 3 the car.  
 4 Q. Okay, and so at this stage then, after the shooting,  
 5 some time just before 15 March, did you ask PC Dann or  
 6 DC Dann about that sledgehammer?  
 7 A. Yes, I did.  
 8 Q. What did you ask him?  
 9 A. It was basically for him to have a look at the  
 10 sledgehammer to see if he recognised it as being  
 11 identical or similar to the one that he had seen in the  
 12 back of the BMW.  
 13 Q. He is comparing the one that has been found at this  
 14 address after the event and it is an address, is it  
 15 right, that Mr Grainger sometimes slept at?  
 16 A. Yes, I believe so.  
 17 Q. He is comparing the sledgehammer that was found there  
 18 with the sledgehammer that was seen right back on  
 19 26 January in the BMW?  
 20 A. Yes.  
 21 Q. What did he say about that?  
 22 A. It would be as my write up, that he could not be sure,  
 23 he didn't -- he was unable to provide a positive  
 24 identification. So basically he could not say whether  
 25 it was the same sledgehammer.

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1 MR STRAW: Okay.  
 2 That is all, thank you very much.  
 3 Questions from MR WEATHERBY  
 4 MR WEATHERBY: Very briefly, Mr Mills as the exhibits  
 5 officer, you I think took the contents of the stolen  
 6 Audi to its owner?  
 7 A. Yes.  
 8 Q. He identified all of the various items that were taken  
 9 out of the car?  
 10 A. Yes. What items that I was able to take back to him.  
 11 Q. Yes, that's right.  
 12 The other thing, amongst other tests, you did  
 13 fingerprint tests on the Audi.  
 14 A. That wasn't -- I believe that was down to Cheshire  
 15 Constabulary, who had primacy.  
 16 Q. As the exhibits officer you were aware that that was  
 17 done?  
 18 A. Yes.  
 19 Q. And no fingerprints of any of the suspects were there?  
 20 A. No, I mean I know that Cheshire did a full forensic  
 21 investigation on the car.  
 22 Q. Of course that would be no surprise to you that there  
 23 were no positive matches of fingerprints, as this was  
 24 a stolen car and the suspects would be wearing gloves?  
 25 A. It didn't surprise me, no.

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1 MR WEATHERBY: No surprise.  
 2 Thank you very much.  
 3 THE CHAIRMAN: Ms Barton?  
 4 Ms Whyte?  
 5 Questions from MS WHYTE  
 6 MS WHYTE: One matter, it is bundle W, could the witness be  
 7 provided with bundle W, the emails bundle.  
 8 THE CHAIRMAN: The latest one?  
 9 MS WHYTE: It is about two inches thick.  
 10 Do you have that, Mr Mills?  
 11 A. Yes.  
 12 Q. Thank you. Could you please go to page 270. The  
 13 sighting by Officer Connors of potentially Mr Totton  
 14 putting something into the boot of the car was at  
 15 8.00 pm, 7.59 on 29 February. If you could just  
 16 explain -- because you are the exhibits officer, that is  
 17 why I am asking you, okay. We can see at 270 an email  
 18 from Andrew Talbot to Rob Cousen, and it is dated  
 19 29 February 2012 at 22.48, do you have that?  
 20 A. Yes.  
 21 Q. I appreciate it is not your communication.  
 22 A. Okay.  
 23 Q. It appears to attach a 5x5.  
 24 A. Yes.  
 25 Q. If we look at the 5x5 on the following page, 271, that

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1 is a report that is dated 29 February --  
 2 A. Yes.  
 3 Q. -- is that right, and it is Mr Talbot's document. It  
 4 says, if you can see, in the central box, three lines up  
 5 from the bottom of that box:  
 6 "It observed to place a large hacksaw into the boot  
 7 of his car, Totton drives away."  
 8 Do you see that?  
 9 A. Yes.  
 10 Q. By 10.45 at night on 29 February, there appears to be  
 11 an assertion in a rated intelligence document of the  
 12 hacksaw being put into the boot of the car?  
 13 A. It would appear so from this, yes.  
 14 Q. As the exhibits officer, are you able to explain to us  
 15 how quickly at times it is possible for your team to  
 16 receive and then watch footage that comes from the  
 17 surveillance team?  
 18 A. Well the -- after the surveillance stand down, there  
 19 will be a debrief and then any footage that is taken by  
 20 the operatives will be copied and passed on to whoever  
 21 goes on the debrief, and then it will be brought back to  
 22 the office.  
 23 Q. And treated as an exhibit?  
 24 A. As an exhibit. But primarily, the -- if the rest of the  
 25 team has gone home or I have gone home and whoever has

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1       **gone to the debrief gets back later, then it will be**  
2       **handed over to me the following morning.**  
3       Q. It depends on timing and availability of staff?  
4       **A. It is timing, yes.**  
5       MS WHYTE: Thank you very much indeed.  
6       Thank you, sir.  
7       MR BEER: Sir, I do not have any questions arising from  
8       those questions.  
9       THE CHAIRMAN: No. Thank you.  
10       Thank you very much, that is the end of your  
11       evidence, you are free to go. Thank you for helping us.  
12       MR BEER: Sir, that is the evidence for today.  
13       THE CHAIRMAN: Thank you.  
14       We will resume at 10.30 tomorrow?  
15       MR BEER: Yes, please.  
16       (3.50 pm)  
17       (The Inquiry adjourned until 10.30 am the following day)  
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