

<p>1 Friday, 24 March 2017</p> <p>2 (10.37 am)</p> <p>3 THE CHAIRMAN: I apologise to everybody for the slightly</p> <p>4 late start, I had to deal with an urgent email</p> <p>5 immediately before coming in.</p> <p>6 Yes, Mr Beer.</p> <p>7 MR BEER: Thank you.</p> <p>8 MR MARK GRANBY (continued)</p> <p>9 Questions from MR BEER (continued)</p> <p>10 MR BEER: Mr Granby, can I pick up on a miscellany of issues</p> <p>11 arising from your evidence yesterday. There are five</p> <p>12 points I would like to address if I can.</p> <p>13 A. Okay.</p> <p>14 Q. The first is, could you take open the bundle at tab 11,</p> <p>15 page 405.</p> <p>16 THE CHAIRMAN: Page?</p> <p>17 MR BEER: 405, please.</p> <p>18 A. 405, I am there, sir, yes.</p> <p>19 Q. Thank you.</p> <p>20 Do you remember yesterday I asked you some questions</p> <p>21 about the range of tactical options being limited to</p> <p>22 two?</p> <p>23 A. That's right.</p> <p>24 Q. You accepted some propositions that I put to you; do you</p> <p>25 remember?</p> <p style="text-align: center;">Page 1</p>	<p>1 Q. Your first tactic was unarmed tactics, and you have</p> <p>2 written, "As per authority 75 of 12".</p> <p>3 A. Hmm.</p> <p>4 Q. Unarmed tactics is not one of his five, is it?</p> <p>5 A. It doesn't appear, does it? No, sir.</p> <p>6 Q. Why would you be writing for unarmed tactics, "See</p> <p>7 Mr Lawler's book", when Mr Lawler's book doesn't have</p> <p>8 unarmed tactics in it?</p> <p>9 A. I am at a loss to explain that, sir. I think -- from</p> <p>10 recollection, I had referred to Mr Lawler's book and</p> <p>11 certainly to the briefing PowerPoint.</p> <p>12 I am struggling to explain that, sir.</p> <p>13 Q. Yes. Even if you were looking at his list of five</p> <p>14 tactics, that wouldn't have told you anything either,</p> <p>15 would it, because Mr Lawler has written "See somebody</p> <p>16 else's book"?</p> <p>17 A. He has referred to the -- I think that will be his TAC</p> <p>18 adviser's book, I am assuming.</p> <p>19 Q. Yes, Mr Fitton.</p> <p>20 On that level as well, can you help us as to why you</p> <p>21 were writing in your tactical plan for this option, "See</p> <p>22 [somebody else's] book", when they had neither</p> <p>23 considered that tactic, and against all of the five</p> <p>24 tactics that they had considered, they themselves wrote</p> <p>25 "See [somebody else's] book."</p> <p style="text-align: center;">Page 3</p>
<p>1 A. I remember that.</p> <p>2 Q. Thank you.</p> <p>3 I also asked you how you were able to say, "As per</p> <p>4 authority 75 of 12", at a time when you had not seen</p> <p>5 Mr Lawler's book. Yes?</p> <p>6 A. That's correct, yes.</p> <p>7 Q. You said that by the time that you had written this it</p> <p>8 was the morning of 3 March, and that you were sure that</p> <p>9 Mr Lawler's book was with you by then?</p> <p>10 A. That's -- from recollection, that's correct, sir, yes.</p> <p>11 Q. Yes. That was page 106, line 6 of the transcript.</p> <p>12 Can we turn then to look at his book, Mr Lawler's</p> <p>13 book, at C/389.</p> <p>14 A. 389?</p> <p>15 Q. 389, yes, please.</p> <p>16 If you want to look at 365 first, just so you can</p> <p>17 see the front of the book. Then go forward to 389,</p> <p>18 please.</p> <p>19 A. I am just grabbing my glasses.</p> <p>20 Q. Okay, just take your time.</p> <p>21 This is Mr Lawler's book that would have been in</p> <p>22 front of you, yes. If we look at 389 to 391, you will</p> <p>23 see the tactics that he considered. There are five of</p> <p>24 them, yes?</p> <p>25 A. That's right, yes.</p> <p style="text-align: center;">Page 2</p>	<p>1 A. With the passage of time, sir, I would be really</p> <p>2 struggling to answer that. I think I noted there</p> <p>3 that -- I can only recall that I thought I had looked at</p> <p>4 the appropriate details in Mr Lawler's book and</p> <p>5 recognised that, certainly MASTS and unarmed were</p> <p>6 tactics that had been displayed. Seeing that now,</p> <p>7 I recognise that is incorrect. That is a mistake I have</p> <p>8 made.</p> <p>9 Q. The second thing I would like to ask you about if I may,</p> <p>10 please, again in relation to tactics, I think you said</p> <p>11 that when you wrote the tactics up on page 405 of your</p> <p>12 book, you had the benefit of having received advice from</p> <p>13 the TAC adviser, who at that time was Mr Allen?</p> <p>14 A. That's right, we were sat together while I was sort of</p> <p>15 working through the book.</p> <p>16 Q. We can put Mr Lawler's book away, thank you. The</p> <p>17 C bundle can go away.</p> <p>18 A. Okay.</p> <p>19 Q. If we look at Mr Allen's book, please, that is tab 17 of</p> <p>20 your binder.</p> <p>21 A. Yes, I've found it, sir.</p> <p>22 Q. The first thing is, if you can look, please, at</p> <p>23 page 483.</p> <p>24 A. Yes.</p> <p>25 Q. The first three lines are Mr Allen's writing, he has</p> <p style="text-align: center;">Page 4</p>

1 told us.
 2 **A. That's correct.**
 3 Q. Then at 489 --
 4 **A. 489, I am there, sir.**
 5 Q. The first 15 or so lines --
 6 **A. I can see his handwriting is different from that of**
 7 **Y19's, yes, sir.**
 8 Q. But nothing else in the book is.
 9 Then if you go back to 484 and 485 --
 10 **A. Yes, I am on that page, sir.**
 11 Q. -- you can see that in fact this is Y19's, the second
 12 TAC adviser, writing.
 13 **A. Indeed.**
 14 Q. At 3.15, on 485, you and Y19 have cosigned it. Yes?
 15 **A. That's right, I think that was part of the review**
 16 **process and --**
 17 Q. Before we come to the review process. If as I think you
 18 told us yesterday, you developed the tactics, with
 19 Mr Allen on the morning of the Saturday, at about
 20 5.30/5.45-ish, what decisions did you make and sign for
 21 in his book as to the conclusions that you reached?
 22 **A. I didn't sign in his book, but if you recall yesterday,**
 23 **sir, he signed in mine.**
 24 Q. Yes. Why didn't you sign in his book at 5.30/5.45 in
 25 the morning?

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1 **A. I can't recall, sir. I think it is quite a -- at that**
 2 **time quite a lot of activity sort of taking place and**
 3 **I -- I hadn't asked to see his book, if I recall we had**
 4 **sat and discussed potential tactics, I made notes in my**
 5 **book and presented my book for him to sign.**
 6 **I am not sure at that time what notes he was making**
 7 **in his policy book. I think it would be fair to say,**
 8 **looking at this, that he perhaps hadn't made notes in**
 9 **relation to the tactical options.**
 10 Q. When you met with Steve Allen on the Saturday morning,
 11 did you go through the tactical options afresh, ie he
 12 gave you independent advice on the full range of
 13 tactical options available and you made a decision as to
 14 which you wished to select?
 15 **A. That would be a summary of the conversation that we had.**
 16 **Obviously, we had discussed as far as we could the**
 17 **information and intelligence that was present. I think**
 18 **we had reviewed the decisions that had been taken the**
 19 **night before and we then started to document, or**
 20 **I started to document in my book in more detail, some**
 21 **options to consider.**
 22 Q. I'm sorry, you had explained to us yesterday that the
 23 purpose of not receiving TAC advice on the Friday night
 24 was to allow a TAC adviser to rest overnight and to
 25 allow the intelligence picture to become clearer.

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1 **A. I think, if you recall, it was not specifically about**
 2 **allowing a TAC adviser -- I think I did say a TAC**
 3 **adviser would be available 24/7, I think it was more**
 4 **about operational teams and the SIO, rather than pulling**
 5 **people together for a meeting.**
 6 Q. Right. But if you received tactical advice from
 7 Mr Allen, went through the options and he gave you
 8 independent advice on the full range of options and you
 9 made a decision, you would then know that you needed to
 10 reflect that in his book, wouldn't you, by signing for
 11 the preferred tactical option?
 12 **A. I think if I recall, the process of countersigning books**
 13 **was a relatively new one. As I say, all I can say is:**
 14 **at that time I did not ask Steve Allen to present his**
 15 **book to me to countersign. My view was that, if he was**
 16 **countersigning my book, that would be an indication of**
 17 **the conversation that we'd had.**
 18 Q. When he countersigned your book, he was countersigning
 19 that only two tactical options had been considered,
 20 unarmed tactics or full MASTS?
 21 **A. And I think -- yes, and I think it would also go into**
 22 **some of the contingencies as well, would be discussed as**
 23 **part of that process.**
 24 Q. Right.
 25 When we come to what was agreed with Y19 then. If

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1 we look at his log at 484 and 485, he has written up the
 2 suggestion that three tactics were considered by you:
 3 unarmed operation; MASTS; and then the third one, the
 4 new one, is an overt foot or vehicle strike, armed.
 5 Can you see that at the foot of the page?
 6 **A. I can see -- yes, I can see that.**
 7 Q. You don't mention that third in your book, do you, that
 8 it was ever the subject of consideration?
 9 **A. It was a subject of consideration at that review point,**
 10 **so, if you think that why --**
 11 Q. I was saying you don't in your book mention that that
 12 was the subject of consideration.
 13 **A. I didn't -- at the initial meeting I didn't do that, and**
 14 **what I then didn't do was to go back and update the**
 15 **initial -- the original tactical options in my book to**
 16 **include that as an additional tactical option.**
 17 Q. On the face of the records, there appears to be
 18 something of a disconnect between what your TAC adviser
 19 says was considered and what you say was considered.
 20 Would you agree?
 21 **A. Well, on the face of it, how I am receiving this, or how**
 22 **I read this, is that a new TAC adviser came on duty at**
 23 **3.00, had a conversation with his colleague, had**
 24 **a conversation with myself, and, as part of the review**
 25 **process that you would expect, documented his**

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1 considerations around tactical options that would be
 2 available. That went on to, I think, also talk about
 3 some of the contingencies linked to that. What he did
 4 do was to present to me, new TAC adviser now in place,
 5 "Here are some of the options that I have considered,
 6 with the preferred option continuing to be the MASTS".
 7 Q. Then the point that has not happened is you have not
 8 reflected that in any of your records?
 9 A. What I haven't done, and I think bearing in mind at that
 10 time what I perhaps could have done in the operational
 11 log part, because I didn't think it would be appropriate
 12 for me to go back and overwrite the tactical options
 13 that had been considered in the morning, what I could
 14 have done in the operational log was to put more detail
 15 in terms of additional tactical options. And I did not
 16 do that, unfortunately.
 17 Q. All you wrote in fact, I think, in the log was,
 18 "Incoming tactical adviser, Y19".
 19 A. I would have to look, I think we might have put the word
 20 "review" or -- I'm not sure --
 21 Q. I don't think you did.
 22 A. -- did I not do that?
 23 Q. 425, please, tab 11, 425.
 24 Do you see it just says --
 25 A. Yes:

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1 "Incoming TAC adviser ..."
 2 Q. "Incoming TAC adviser, Y19."
 3 You don't even reflect the fact that there was
 4 a review of some kind of the tactics, do you?
 5 A. I don't. I think the rationale for that will be that
 6 a new TAC adviser arrives, it would be custom and
 7 practice to revisit the tactics with an incoming
 8 tactical adviser. That will be the benefit of that.
 9 Q. When you say the rationale for that would be -- do you
 10 mean you now have a memory that the reason that you
 11 didn't write more is that it is so obvious that you
 12 would review tactics with a new TAC adviser that it
 13 didn't even need mentioning?
 14 A. That is what I am -- you are answering the question far
 15 succinctly than I, but that was bit for me, to go into
 16 that detail when that was something which would have
 17 taken place.
 18 Q. You are saying that that was your thought at the time:
 19 "I don't even need to mention that I have conducted
 20 a review with a new tactical adviser, he has introduced
 21 a new third option, he has identified different fores
 22 and againsts for the two previously considered options,
 23 and I can cover that with the words 'Incoming TAC
 24 adviser'.
 25 A. I suppose in my recording, that was the thought process,

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1 that is what I was -- that is what I was minded that was
 2 taking place, so that reassessment of tactical options
 3 had taken place. I think, if the circumstances had
 4 changed and the preferred option had changed, quite
 5 clearly there would have been a requirement to put more
 6 detail into that, but I think the fact that there had
 7 not been a change in the preferred tactical option,
 8 that -- I think that is my rationale for, or my
 9 decision, as to not record more detail.
 10 Q. Okay, thank you.
 11 I will move on.
 12 The fourth issue arising from yesterday's evidence.
 13 The PowerPoint briefing for the threat assessment for
 14 each of the three subjects --
 15 A. Yes.
 16 Q. -- you said yesterday that you believed that these were
 17 written on the basis of information in the subject
 18 profiles provided by the Robbery Unit, or by or with the
 19 involvement of a member of the Robbery Unit itself?
 20 A. That would be my understanding, that would be my -- the
 21 rationale for how those particular details would come
 22 about, yes.
 23 Q. Okay. I am going to suggest that it appears that no
 24 such work on the morning of the 3rd was put into those
 25 three threat assessments for the three subjects at all.

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1 Instead they were just cut and pasted from previous
 2 iterations of the PowerPoint presentation dating back to
 3 at least 26 January 2012 and had appeared in each and
 4 every PowerPoint presentation between 26 January 2012
 5 and 3 March.
 6 Just to tell you the basis on which I am making that
 7 suggestion, please, if you look at tab 18 of your
 8 bundle, the PowerPoint presentation.
 9 A. Yes, this is, yes, this was the ...
 10 Q. For 3 March, the one we are talking about, yes?
 11 A. Yes.
 12 Q. Can you turn to the threat assessments at page 1268.
 13 A. I've got that, yes, sir.
 14 Q. The first one for Mr Totton.
 15 A. Yes.
 16 Q. I am not going to go through with you, unless anyone
 17 suggests that I ought to, the previous iterations that
 18 we have of this going back to 26 January.
 19 A. Right.
 20 Q. But if I told you for example, do you see -- and I have
 21 tried to identify unique features in it, that are
 22 a little odd -- do you see the "heavy Build" in the
 23 third line, the capital "B"?
 24 A. Yes, I see that.
 25 Q. That is in every one, with a rather odd capital "B",

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<p>1 right?</p> <p>2 A. Right, yes.</p> <p>3 Q. If you go over to the next page, to Mr Rimmer's, the</p> <p>4 words in that are in every one, including, for example,</p> <p>5 in the line under "Weapons", the third line there:</p> <p>6 "Whereby he stabbed a girlfriends ex-partner ..."</p> <p>7 Without any appropriate apostrophe.</p> <p>8 A. Apostrophe is not there, no. Yes.</p> <p>9 Q. So punctuation, the use of, 'Described 5' 07" tall',</p> <p>10 using a single apostrophe and then a full apostrophe.</p> <p>11 The capitalisation of "Armed Robbery", features of</p> <p>12 typing are all the same.</p> <p>13 Then over the page to 1270, on Mr Grainger's, do you</p> <p>14 see he is described as "6'00 tall", and unlike the</p> <p>15 height descriptions for Messrs Totton and Grainger, the</p> <p>16 author --</p> <p>17 A. Double apostrophe for the inches, yes.</p> <p>18 Q. -- has not put a double apostrophe next to the "00".</p> <p>19 Again, that is a constant feature in every previous</p> <p>20 iteration. If what I am suggesting is right, and it</p> <p>21 would take us a while -- it took me about an hour to do</p> <p>22 it, if I am right in what I am suggesting, would you</p> <p>23 agree that that appears to suggest that these were just</p> <p>24 cut and pastes from previous iterations, or had there</p> <p>25 been overtyping to an existing document?</p> <p style="text-align: center;">Page 13</p>	<p>1 is that when that would start, there would be some --</p> <p>2 there would be a conversation between the officer who</p> <p>3 had presented -- who had prepared the subject profile</p> <p>4 and the officer who was preparing the PowerPoint</p> <p>5 briefing.</p> <p>6 If you recall, yesterday we had the conversation</p> <p>7 about it would seem foolhardy to have all that</p> <p>8 information available, and for the details not then to</p> <p>9 be available on that briefing.</p> <p>10 Q. Yes, it would be very foolhardy and so if Mr Grainger's</p> <p>11 was drawn up, at least by 26 January, which is the first</p> <p>12 PowerPoint that we have, and that predated the existence</p> <p>13 of the subject profile. Do you understand?</p> <p>14 A. Yes, yes.</p> <p>15 Q. Mr Grainger's subject profile came in in February,</p> <p>16 7 February, yes?</p> <p>17 A. Right.</p> <p>18 Q. This document was first drawn up by at least 26 January</p> <p>19 and was then just repeated time and time and time again,</p> <p>20 for all of the eight deployments. It was not drawn up</p> <p>21 on the basis of the profile, because it didn't exist by</p> <p>22 then.</p> <p>23 A. That would have been my expectation that that is how</p> <p>24 that was drawn up.</p> <p>25 Q. Yes.</p> <p style="text-align: center;">Page 15</p>
<p>1 A. I would not even say overtyping, I think these are cut</p> <p>2 and pastes, I think I would -- would be the assumption</p> <p>3 I would draw.</p> <p>4 Sir, obviously I have not had the opportunity to go</p> <p>5 back through all the operations. I obviously can't(?)</p> <p>6 look at the PowerPoint that accommodated Mr Lawler's</p> <p>7 briefing and I can see that they are the same. The same</p> <p>8 subjects.</p> <p>9 Q. Would it surprise you if it had been done that way?</p> <p>10 A. It wouldn't completely surprise me, in the fact that the</p> <p>11 previous convictions, the intelligence around the</p> <p>12 individuals wouldn't change.</p> <p>13 Q. I don't think this lists convictions.</p> <p>14 A. Well I am saying in terms of the background and any</p> <p>15 subject profiles of the individuals, I wouldn't have</p> <p>16 expected that to change over a period of 36 hours.</p> <p>17 So the -- I suppose the question, or what I would</p> <p>18 expect, is that the information in the, in this profile,</p> <p>19 is accurate information. And if the officer who has</p> <p>20 drawn up the briefing on my behalf has looked -- and has</p> <p>21 made the assumption that it was accurate yesterday,</p> <p>22 therefore it must be accurate today. Without speaking</p> <p>23 to the individual officer to determine the provenance of</p> <p>24 that information, I would be hard pressed to push</p> <p>25 anymore. But my understanding in this type of operation</p> <p style="text-align: center;">Page 14</p>	<p>1 To pick you up, you said you wouldn't be surprised</p> <p>2 if it had just been a repetition and that you assumed</p> <p>3 that the officer preparing the briefing would have also</p> <p>4 assumed that previous iterations had been done</p> <p>5 properly -- I think that is what it came to. You said</p> <p>6 yesterday that you believed that a member of the Robbery</p> <p>7 Unit would have been involved, either in the supply of</p> <p>8 the subject profiles, or by sitting there alongside the</p> <p>9 Firearms Unit officer doing it. If that was the basis</p> <p>10 on which you were working, why are you not surprised</p> <p>11 that we just have a succession of cuts and pastes?</p> <p>12 A. Well, my understanding of good practice and what I would</p> <p>13 expect would be the SIO or someone working for the SIO</p> <p>14 would be part of that process.</p> <p>15 I think what I am alluding to in relation to not</p> <p>16 being completely surprised is that -- and please be</p> <p>17 mindful I have not had sight of all the previous</p> <p>18 iterations --</p> <p>19 Q. Yes.</p> <p>20 A. But I would imagine that the officers who are pulling</p> <p>21 the briefing together, may well have looked and may well</p> <p>22 have spoken to an officer from the Robbery Unit and</p> <p>23 said:</p> <p>24 "Is there any change here?</p> <p>25 "No, there isn't. We will go with what we had</p> <p style="text-align: center;">Page 16</p>

1 yesterday."
 2 **And I can understand some of the rationale behind**
 3 **that. I suppose what concerns me is that there hasn't**
 4 **been a review process and I recognise the difficulties**
 5 **with that.**
 6 Q. Thank you.
 7 The fourth issue I would like to pick up on, please,
 8 was in relation to special munitions. Can we look,
 9 please, at your book in tab 11, page 405.
 10 On the tactical options, the tactic number 2 MASTS,
 11 which was the preferred one, is written up as MASTS
 12 simpliciter, ie without special munitions. Yes?
 13 **A. Yes.**
 14 Q. If MASTS was to involve special munitions, that should
 15 have been recorded there. Shouldn't it?
 16 **A. My belief was that the special munitions are there as**
 17 **a contingency to support the primary tactic.**
 18 Q. Okay. Is that why we see them at page 413?
 19 **A. Yes. Yes.**
 20 Q. Under the first line --
 21 **A. Yes, specialist munitions.**
 22 Q. "Proposed tactics and contingencies including unarmed,
 23 special munitions, tactics requiring specific
 24 authority."
 25 **A. Yes.**

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1 Q. You have put:
 2 "- special munitions. Requires authority: yes."
 3 **A. Yes.**
 4 Q. I think that is signed off at 5.45 on the morning of the
 5 3rd, the Saturday morning, yes?
 6 **A. That's correct.**
 7 Q. Had you in fact sought authority from ACC Sweeney for
 8 special munitions to be authorised in the short
 9 conversation that you had had with him the previous
 10 night?
 11 **A. I think -- again, if I could in the bundle refer to**
 12 **Mr Lawler's email, I think that formed very much the**
 13 **basis of the conversation that I had with Mr Sweeney.**
 14 **And I think that details that special munitions should**
 15 **be considered as a tactical option.**
 16 **I think Mike talks --**
 17 Q. Yes, bundle Y, page 8, please -- in fact his email is at
 18 pages 9 to 10, and it is on page 10.
 19 **A. Yes, on page 10, I have found it, he says --**
 20 Q. Mr Lawler has said that he has authorised special
 21 munitions. Yes?
 22 **A. Yes.**
 23 Q. My question was: in your short conversation with
 24 Mr Sweeney had you sought authority from him for special
 25 munitions to be authorised?

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1 **A. I would have -- yes, I would have sought that because of**
 2 **the nature of the tactic and because of the nature of**
 3 **the individuals.**
 4 Q. Did you know that the GMP SOP required authority to be
 5 given by an SFC for special munitions?
 6 **A. That would be my understanding. I can't recall that**
 7 **particular document but that would be my understanding,**
 8 **it would be for the SFC to provide that authorisation.**
 9 Q. Did you know that it required you to have taken advice
 10 from a TAC adviser first, the SOP?
 11 **A. No, I wasn't aware of that.**
 12 Q. Would you like to look at the SOP to establish that?
 13 **A. I believe you will have looked at the SOP and it will**
 14 **exist there, I am -- I don't question the ...**
 15 Q. Okay.
 16 In relation to recording authority by Mr Sweeney for
 17 the grant of special munitions on the Friday, can we
 18 look at your documents to see whether it is recorded
 19 anywhere. Can we start at tab 13 of your bundle, your
 20 contemporaneous notes, yes?
 21 **A. There is no record there of the word -- in fact "MASTS"**
 22 **or the word "Specialist munitions".**
 23 Q. No. If you look at page 206, the entry at 20.45
 24 representing the telephone conference:
 25 "Telecon ACC Sweeney re Op Shire, review intel and

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1 threat. Agree to forward working strategy."
 2 Then 20.50:
 3 "Forwarded working strategy and threat assessment to
 4 ACC Sweeney."
 5 20.56:
 6 "Authorised by ACC Sweeney."
 7 Again, could I suggest to you that that on its face
 8 suggests that nothing was authorised at 20.45 in the
 9 course of the phone call. The authorisation only came
 10 at 20.56, which we know is within a minute of the email.
 11 **A. I think, sir, we discussed yesterday the length and**
 12 **timings of that phone call. I would be confident that**
 13 **during that phone call, that Mr Sweeney gave me verbal**
 14 **authority for a firearms authority and would have given**
 15 **agreement as part of that tactic to consider the**
 16 **contingency of specialist munitions.**
 17 Q. It is just not recorded here?
 18 **A. It isn't.**
 19 Q. In the email that we looked at at pages Y/8, 9 and 10,
 20 it is not mentioned there either, is it? Mr Lawler
 21 telling his ACC, "I have authorised it" is mentioned --
 22 **A. Yes.**
 23 Q. -- but in the exchange between you and your ACC --
 24 **A. I can see that there is not that specific form of words**
 25 **to say:**

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<p>1 "I am approving this authority. I am furthermore 2 approving the use of specialist munitions." 3 Yes, I can see that. 4 Q. I don't think we have a note either in the 5 contemporaneous notes here, in your book or in the 6 emails, of any discussion of the potential advantages or 7 disadvantages of the use of special munitions. 8 A. I think that is correct, sir, no, there isn't a record 9 of that. 10 Q. Although we don't have any contemporaneous record of 11 consideration of the benefits and dangers of using 12 special munitions, can I now explore your understanding 13 of them, please. 14 Just first, I think any discussion we have now will 15 necessarily be done with the benefit of you having read 16 Mr Arundale's report. Is that right? 17 A. That's correct, yes. 18 Q. Also with the benefit of having read the transcript of 19 at least some of the evidence that other GMP witnesses 20 who have given evidence and been asked similar 21 questions? 22 A. That's correct, yes. Yes, sir, I have. 23 Q. Therefore I think your current understanding of the pros 24 and cons will inevitably be coloured to some extent by 25 what you have read?</p> <p style="text-align: center;">Page 21</p>	<p>1 actually be to get out of that environment, to cover 2 their eyes, to extract themselves from that environment. 3 Which is very much exactly what the operational intent 4 for the arrest would be, to get them out of the vehicles 5 and arrest them as safely as was practicable. 6 Q. Is that a complete description of your understanding of 7 the advantages of the use of CSDC? 8 A. I think that would summarise it. It would be creating 9 an environment in the vehicle, as I have said, that 10 would, in effect, bring about compliance from the 11 subjects, so their motivations would move away from 12 directing violence or threats to the police officers, so 13 it is very much about that strategic objective of 14 maximising the safety for the tasked police officers, so 15 that they could conduct the arrest. 16 Q. Did you understand on the other side of the coin that 17 disadvantages included the fact that CS does not 18 incapacitate everyone? 19 A. I think I had a general understanding from the use of 20 CS/CS spray, that I think a very small proportion of the 21 population, you know, don't seem to succumb to the 22 effects of the gas. 23 Q. To the effects. 24 Would you have understood that also on the other 25 side of the coin was the fact that exposure to CS may</p> <p style="text-align: center;">Page 23</p>
<p>1 A. Indeed, yes, sir. 2 Q. Which I suppose is one of the reasons why 3 a contemporaneous record ought to be made? 4 A. I can see the benefits of that completely, sir. 5 Q. Yes. 6 Can we look then please at the pros. What was your 7 understanding of the advantages of the use of the 8 special munition CSDC? 9 A. So CSDC, specifically? 10 Q. Yes. 11 A. The advantage that I saw was that the -- where you had 12 police officers approaching a vehicle, giving directions 13 to the occupants of that vehicle to comply, to show 14 their hands -- 15 Q. Yes. 16 A. -- with a view to then extracting the occupants from the 17 vehicle to arrest them, if there was resistance to that, 18 if there was a demonstration that the occupants of the 19 vehicle would intend to use violence against the 20 officers -- 21 Q. Yes. 22 A. -- then the use of CSDC placed into the vehicle would 23 create an environment in that vehicle where the primary 24 objective of the people inside the vehicle would no 25 longer be to fight with the police officers, but would</p> <p style="text-align: center;">Page 22</p>	<p>1 cause reactions that include the opposite of that which 2 you wished to achieve? You would be looking for a calm 3 reaction amongst the subjects, in which they obeyed 4 commands and kept still, yes? 5 A. I think that would be -- if you are thinking about it in 6 second-by-second timeline, the issue would be around the 7 officers providing that initial challenge to the 8 subjects, making that assessment of: are the subjects 9 being compliant? A short time later there is 10 an assessment about, well actually the subjects aren't 11 being compliant -- 12 Q. By doing what? 13 A. It may well be that if there are weapons within the car 14 and they are waving weapons around, there could be 15 machetes, there could be iron bars, notwithstanding 16 firearms but it is that dynamic situation of the people 17 within this vehicle are not reacting compliantly to the 18 instructions of the police officers. 19 So, you know, we need to do something different. 20 Q. It would be that kind of display of a lack of compliance 21 that would justify the dynamic risk assessment resulting 22 in the discharge of CS, yes? 23 A. In my mind, absolutely. Because I think where you have 24 armed police officers and subjects being compliant, and 25 whilst we include in the tactical option that the</p> <p style="text-align: center;">Page 24</p>

1 **officers had less lethal options available to them,**
 2 **being able to deploy, for example a Taser into a vehicle**
 3 **with closed doors is not feasible.**
 4 **So the difficulty is then where you have got**
 5 **non-compliant subjects and an armed officer, there is**
 6 **a very limited choice in relation to what the officer**
 7 **can make. My view is that the CS creates that**
 8 **opportunity for the subjects to behave differently,**
 9 **rather than having to take that final decision.**
 10 Q. Irrespective of the timing of the discharge of CS, once
 11 it has been discharged, would you agree that it
 12 includes, amongst its effects, reactions that are the
 13 opposite of that which you wished to achieve?
 14 Overall in an operation, AFOs would wish to see
 15 a calm reaction from their subjects, in which they had
 16 obeyed commands and kept still, yes?
 17 **A. That would be the overarching hope of an AFO --**
 18 Q. Exactly.
 19 **A. -- that the subjects would be compliant, and if --**
 20 Q. And the introduction of CS in a confined space, the
 21 cabin of a car, would not achieve those objectives.
 22 **A. I think that is why I am being, I think, it terms of**
 23 **about that dynamic assessment, I would not expect CSDC**
 24 **to be deployed into a vehicle where the subjects were**
 25 **displaying compliancy.**

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1 THE CHAIRMAN: Where they were displaying compliance?
 2 **A. If the subjects were being compliant, I would not expect**
 3 **CSDC to be deployed.**
 4 THE CHAIRMAN: You would not expect?
 5 MR BEER: Even if they were in a high-powered vehicle and it
 6 was assessed that there was a risk that they may try and
 7 ram their way out, even if they were not doing that,
 8 trying to ram their way out.
 9 **A. I think there is then the issue around Hatton rounds and**
 10 **recognising that the vehicle itself can present a threat**
 11 **to the officers, and that the vehicle can be, or the**
 12 **effectiveness of the vehicle to be used as such can be**
 13 **mitigated by the use of Hatton rounds.**
 14 Q. Without CS?
 15 **A. Without CS.**
 16 Q. Thank you.
 17 The third potential disadvantage, I raise it for
 18 your comment, please, is that it requires an officer
 19 without their own personal firearm's protection to
 20 advance within touching distance of the vehicle?
 21 **A. That is a risk associated with the, with that**
 22 **contingency.**
 23 Q. That firstly puts them at some risk of action from the
 24 subjects within the vehicle, yes?
 25 **A. It does indeed, yes.**

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1 Q. And it may therefore increase the perception of risk by
 2 other AFOs providing ballistic cover?
 3 **A. I would agree with that. The MASTS tactic and with the**
 4 **contingency of CSDC is a riskier tactic, I would not**
 5 **shirk away from recognising that.**
 6 Q. Fourthly, would you agree that once deployed the CSDC
 7 clouds the cabin of the vehicle in a white fog, albeit
 8 if the doors are opened the fog may disperse or
 9 dissipate?
 10 **A. Yes, but yes, I have worked on MASTS operations where**
 11 **CSDC has been deployed historically and where CSDC**
 12 **hasn't been, albeit it has been available. I have also**
 13 **been on training exercises where CSDC was placed into**
 14 **a car and it has a very quick effect of the cabin of the**
 15 **car is fogged up quite rapidly.**
 16 Q. So the AFOs, for what might be a critical moment, cannot
 17 see what their subjects are doing?
 18 **A. And that is -- and I concede that is a risk. And**
 19 **I think it is that balance around recognising**
 20 **an environment in a vehicle where people are not being**
 21 **compliant and recognising, albeit balancing the risks,**
 22 **but that the introduction of the CSDC into the car can**
 23 **bring about some compliance. So that the mindset is**
 24 **more -- less about I am reaching for a particular**
 25 **weapon, and I am more covering my eyes and I want to get**

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1 **out of this environment. And I think that is a balance.**
 2 Q. In relation to that, I wonder whether we could show
 3 a training video that we have been provided with.
 4 Thank you.
 5 As a practical demonstration of a couple of the
 6 issues that we have been discussing. (Pause)
 7 (Video footage was played to the Inquiry)
 8 MR BEER: We are going to watch it right through from the
 9 beginning again.
 10 (Video footage was played to the Inquiry)
 11 MR BEER: And then right from the beginning.
 12 (Video footage was played to the Inquiry)
 13 MR BEER: Thank you.
 14 THE CHAIRMAN: Thank you very much indeed for your help
 15 there. Very grateful to you.
 16 MS BARTON: Sir, I think it has come up on the screen again.
 17 THE CHAIRMAN: Thank you. Is it sorted now?
 18 Thank you, Ms Barton, I hadn't spotted that.
 19 MR BEER: The video I think showed there the clouding
 20 effect, the fogging effect, and would you agree that
 21 before the doors were opened the fog did not dissipate?
 22 **A. I agree, yes.**
 23 Q. Did you also see a potential additional risk, that the
 24 officers shouting commands were all wearing respirators
 25 and therefore we heard them saying, "Mm-mm-mm".

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<p>1 A. Yes.</p> <p>2 Q. Which may mean the subjects could not understand with</p> <p>3 precision the commands that they were being asked at</p> <p>4 gunpoint to obey.</p> <p>5 A. I recognise that the subjects within the car may have</p> <p>6 had difficulty understanding the directions coming from</p> <p>7 the police officers --</p> <p>8 Q. I'm sorry, I spoke over you. That assumes that the</p> <p>9 direction is being given or only being given by somebody</p> <p>10 with a respirator on. I think in this case we know or</p> <p>11 we going to hear evidence that Q9 had decided not to</p> <p>12 wear his respirator and says that he shouted commands</p> <p>13 without the respirator on.</p> <p>14 Would you agree that an additional risk to consider</p> <p>15 is that the tactic, certainly as described in GMP's</p> <p>16 SOPs, requires all operators to wear respirators, which</p> <p>17 means that each of the AFOs either have to put them on</p> <p>18 well before the strike, or as the strike is about to</p> <p>19 take place, meaning that quite a fiddly process is being</p> <p>20 undertaken whilst they are mobile, yes?</p> <p>21 A. There are drawbacks and there are balances and I think,</p> <p>22 you know, were the officers not wearing respirators,</p> <p>23 that would expose the officers to risk. So clearly the</p> <p>24 respirators, if authorisation has been given to that</p> <p>25 tactic, and the dynamic risk assessment is that the CSDC</p> <p style="text-align: center;">Page 29</p>	<p>1 Q. Did you go through at all with Mr Sweeney any process of</p> <p>2 discussing these issues?</p> <p>3 A. Not in any great depth, because I think the background</p> <p>4 is I had worked with Mr Sweeney as an SFC on many</p> <p>5 occasions and I think we both knew that each other knew</p> <p>6 the pros and cons of those particular tactics. So there</p> <p>7 wouldn't have been a great requirement to revisit that.</p> <p>8 Q. That takes me to the fifth point I wanted to ask you</p> <p>9 about.</p> <p>10 At the conclusion of the briefing, in the morning,</p> <p>11 the Saturday morning with the firearms officers --</p> <p>12 A. Yes?</p> <p>13 Q. -- did you give any directions to the OFC in relation to</p> <p>14 rehearsals? For example, if the vehicle went again into</p> <p>15 the car park at Culcheth and parked up as it had then</p> <p>16 done on a number of previous occasions, what type of</p> <p>17 strike we are going to conduct?</p> <p>18 A. On that occasion, no, I -- the request to the OFC was to</p> <p>19 make their way to Leigh police station. I have worked</p> <p>20 on other operations where, if the tactic was going to be</p> <p>21 unusual, then I would ask the OFC to ensure, whilst they</p> <p>22 were in the grounds at Openshaw, to have a run through.</p> <p>23 My judgment was that the OFC and the teams would have</p> <p>24 been able to undertake a tactic with the vehicle in the</p> <p>25 car park.</p> <p style="text-align: center;">Page 31</p>
<p>1 needs to go into the car, then my view is quite clearly</p> <p>2 the officers do need to be wearing respirators. But</p> <p>3 I concede that that can bring some additional</p> <p>4 difficulties.</p> <p>5 Q. You will only know whether the subjects are</p> <p>6 non-compliant or compliant when you are there at the</p> <p>7 scene?</p> <p>8 A. Precisely, yes.</p> <p>9 Q. At which point it is too late to decide whether to put</p> <p>10 a respirator on, you have to put it on beforehand?</p> <p>11 A. Absolutely.</p> <p>12 Q. You have got to be -- you have to go on the basis --</p> <p>13 A. You have to be in a position --</p> <p>14 Q. -- that you are going to need to use it?</p> <p>15 A. -- to utilise the contingency, it doesn't need -- you</p> <p>16 know, as I say, I have worked on MASTS operations where</p> <p>17 CSDC has been authorised, but it has not been deployed.</p> <p>18 So it is that dynamic assessment of the situation by the</p> <p>19 officers, albeit I recognise it is fast time and that is</p> <p>20 not an easy undertaking.</p> <p>21 Q. The pros and the cons that we have identified for using</p> <p>22 the MASTS tactic, are almost standing pros and cons.</p> <p>23 You know, they won't necessarily change from one day to</p> <p>24 the next?</p> <p>25 A. No, I agree.</p> <p style="text-align: center;">Page 30</p>	<p>1 Q. Without rehearsal?</p> <p>2 A. Without rehearsal, yes.</p> <p>3 Q. Isn't a parked up vehicle in a car park one of the more</p> <p>4 unusual interventions?</p> <p>5 A. I can think of MASTS I have done historically where the</p> <p>6 subjects have been in a car park prior to moving off to</p> <p>7 do something and that is where we have moved to the</p> <p>8 arrest phase.</p> <p>9 Q. That is not necessarily an answer.</p> <p>10 A. But I suppose proportionately the greater number of</p> <p>11 MASTS operations would involve a vehicle strike where</p> <p>12 the vehicle is on the roads.</p> <p>13 MR BEER: Sir, I wonder whether we can take a break slightly</p> <p>14 early? In the light of those last two answers I need to</p> <p>15 obtain some references to some more obscure material in</p> <p>16 the Inquiry.</p> <p>17 THE CHAIRMAN: Yes, we will take a break now and --</p> <p>18 MR BEER: Thank you.</p> <p>19 THE CHAIRMAN: I'll say five minutes, but if you need</p> <p>20 a minute or two longer I understand.</p> <p>21 (11.35 am)</p> <p>22 (A short adjournment)</p> <p>23 (11.50 am)</p> <p>24 MR BEER: Thank you for the time, sir. I am sorry I was</p> <p>25 slightly longer than five minutes.</p> <p style="text-align: center;">Page 32</p>

<p>1 THE CHAIRMAN: That is all right. 2 MR BEER: I was asking whether a strike on a parked-up 3 vehicle was an unusual or non-conventional tactic, and 4 wanted to chase down a reference for that. I have now 5 done that. I wonder whether you can look, please, at 6 the general bundle for firearms officers, volume 2. 7 For everyone else it is tab 19 onwards I think. 8 THE CHAIRMAN: Yes. 9 MR BEER: It is G1/21. 10 A. Sorry, tab 19 at? 11 Q. I am looking at tab 32 now. 12 A. I've got the wrong one. 13 THE CHAIRMAN: Tab 32? 14 MR BEER: G1/21. 15 A. Tab 32? 16 Q. Yes, please, the last tab. 17 A. And the page number? Sorry, sir. 18 Q. 21 in the top right. 19 A. 21, yes. 20 Q. This appears to be, when we look at the documents that 21 follow it, a training package for MASTS delivered 22 in March 2010. If we go on to page 25 of that bundle, 23 we will see a PowerPoint. Can you see that? 24 A. I've got "MASTS, mobile armed support to surveillance", 25 right, and then it goes on a brief history.</p> <p style="text-align: center;">Page 33</p>	<p>1 PowerPoint, yes? 2 A. Yes. 3 Q. B1, B2, B3, yes? 4 A. Yes. 5 Q. Then on 47, the charlie and the delta vehicles, yes, 6 what their responsibilities are? 7 A. Yes. 8 Q. Then on page 48, under the heading "Non-conventional 9 stops". 10 A. Right, yes. 11 Q. The first bullet point, it says: 12 "During the tactic it may be necessary to perform 13 non-conventional stops, ie when it [I think that is the 14 vehicle] is facing the convoy or parked in a parking 15 bay." 16 It was this line in this rather obscure PowerPoint 17 that caused me to suggest that a vehicle parked in 18 a parking bay might be described as a "non-conventional 19 stop". 20 Is that right, that a vehicle parked up in a parking 21 bay would, in the scheme of things, be 22 a non-conventional stop? 23 A. It would be more unusual, I mean it is quite 24 interesting, on reflection, that when we would conduct 25 briefings to firearms officers historically, we would</p> <p style="text-align: center;">Page 35</p>
<p>1 Q. It tells us about a brief history, it is helpfully 2 printed one way up, then the other way up, then the 3 other way up. 4 A. Yes. 5 Q. As well as having two different page numbers. 6 I am not going to take you through the history of 7 MASTS and everything that is said about it, but if you 8 just flick through page by page so you can see roughly 9 the course content of this MASTS refresher training 10 I think to AFOs, if you go on to 27, 28, 29, 30, 31, 32, 11 an explanation of the states, right up to 34, yes? 12 A. Yes. 13 Q. Some explanation as to the use of language, striking and 14 aborting, and then post-incident procedures and then 15 weaponry, yes? 16 A. Yes. 17 Q. Who gets what. 18 Then on to 38, there are a series of diagrams of 19 vehicle strikes, whether they are an offside strike, as 20 on page 38, a nearside strike on 39, yes? 21 A. Hmm. 22 Q. Personal responsibilities on page 40 -- 23 A. Yes. 24 Q. -- 41, 42, 43. Then on 44 they go on to the 25 responsibilities of the B vehicle, the authors of this</p> <p style="text-align: center;">Page 34</p>	<p>1 actually go through -- I think probably sort of a GMP 2 version of some of those schematics of a vehicle, you 3 know, where access to all sides of the vehicle was 4 available. That practice was stopped and I think my 5 understanding was that a variety of different tactics 6 would have been practised and rehearsed with the 7 officers. 8 I think my view is the word "unconventional" or 9 "unusual" but certainly for me it was not something that 10 was unheard of by any stretch, that an arrest may need 11 to take place while the subjects were in a car in a car 12 park. 13 Q. This arose because of our discussion about rehearsals. 14 A. Yes. 15 Q. If we can put that bundle away, please, and take out the 16 policy and procedure bundle. Do you have the policy and 17 procedure bundle? 18 THE CHAIRMAN: Thank you, Mrs Shaw. 19 MR BEER: Page 415, please. 20 A. Is that red at the top? 21 Q. Yes, it is red in the top right. 22 A. Yes, sorry. Right, I've found that page, sir. 23 Q. This is part of the SOP that I was talking about earlier 24 and that I didn't show you for special munitions. In 25 the middle of the page, right in the middle of the</p> <p style="text-align: center;">Page 36</p>

<p>1 hole-punches, is the part that I was summarising earlier 2 about the need to take tactical advice before seeking 3 authority. After that it says: 4 "Any authorisation granted must be fully documented 5 in the strategic and tactical firearms policy logbooks." 6 I think you have accepted that that was not done 7 here? 8 A. That didn't take place, no. 9 Q. Then skip the next paragraph, this: 10 "The AFOs would have rehearsed the use of special 11 munitions in the preparation phase of the operation, 12 unless it was not practicable to do so due to 13 operational time constraints." 14 It is written in rather odd language, "The AFOs 15 would have rehearsed ..." In context I don't know why 16 it is written in that sense or tense, but isn't this SOP 17 saying that in relation to special munitions AFOs should 18 rehearse their use in the preparation of the operation, 19 unless it was not practicable to do so? 20 A. Yes, that is how the SOP reads, yes. 21 Q. Yes. If we can put that away then, the SOP, and go back 22 to the firearms general bundle in the first volume, at 23 tab 15. 24 A. Tab 15? 25 Q. Hold on, I think that is a rogue reference. Tab 16,</p> <p style="text-align: center;">Page 37</p>	<p>1 Q. And at 1142, I think again this is probably G1 as the 2 OFC speaking at 1142, this is a briefing on 30 January, 3 do you see in the big box of text, in the second 4 paragraph of that, about six or seven lines in, he says: 5 "Park around that Coates Heath Street area on the 6 corner then, as we discussed on Friday and as we 7 rehearsed on Friday, we will carry out the strike in 8 this area." 9 Then in the next paragraph, four or five lines in, 10 it says: 11 "Does everyone understand? We will do another 12 rehearsal after this briefing again." 13 THE CHAIRMAN: I am sorry about this, I seem to have the 14 wrong page. 15 MR BEER: 1142 in tab 14. 16 THE CHAIRMAN: Yes, I have that. 17 MR BEER: In the big box, the second paragraph of the big 18 box. 19 THE CHAIRMAN: Oh yes, sorry. I do have it now, yes. 20 MR BEER: Three or four lines from the end: 21 "As we discussed on Friday and as we rehearsed on 22 Friday ..." 23 Then in the next paragraph, the antepenultimate 24 line: 25 "We will do another rehearsal after this briefing</p> <p style="text-align: center;">Page 39</p>
<p>1 please. 2 A. 16. 3 I've got a record of interview at tab 16. 4 Q. Yes, it is a transcript of a briefing conducted on 5 1 March, so the kind of morning briefing that you were 6 party to on Saturday the 3rd, this is a different one, 7 same operation, on the 1st. 8 Yes, I am so sorry, it is F/1151. If we can look at 9 1151, please, this is I think -- 10 A. Yes, I am there. 11 Q. -- the OFC speaking, which I think on this occasion was 12 G1. On the second main paragraph he says: 13 "When we move on to the strike here, as rehearsed so 14 far, we will again do rehearsals after the briefing." 15 Do you see that? 16 A. I see that, yes. 17 Q. In this operation beforehand there were some rehearsals 18 being undertaken, was that quite a common thing? 19 A. I had certainly, as a TFC, again where I didn't feel 20 there were time constraints, would have spoken with the 21 OFC to move out into the yard and do some rehearsals, 22 yes. 23 Q. If we look for example at a different briefing at 24 tab 14. Do you have tab 14? 25 A. I have, yes, sorry, sir.</p> <p style="text-align: center;">Page 38</p>	<p>1 again to go through this scenario." 2 So he is saying we have done rehearsals before, we 3 are going to do another one after this briefing. 4 So having regard to the SOP which says that 5 effectively tactics should be rehearsed and looking at 6 these previous briefings, which make reference to having 7 done rehearsals in the past and rehearsing the proposed 8 tactics after the briefing has concluded, you said that 9 you didn't see the need for that? 10 A. No, I didn't say I saw the need for it. What I said was 11 because I wanted to get the officers out on to the -- 12 deployed to an area, because at the time of the 13 briefing, I did not have the sort of clarity of 14 understanding of when an offence may take place, my view 15 was if it was going to be taking place earlier on in the 16 day, then I wanted to get the teams up to a location 17 where they could be tasked to respond to a changing 18 intelligence. And I think -- that is the caveat, 19 I think, in the SOP. It talks about should rehearse, 20 unless there are -- and I think it is the unless there 21 are time constraints. 22 Q. Operational time -- 23 A. Yes, and I think that was the bit for me about -- 24 Q. In the 13 hours between the 6.00 briefing and the 7.00 25 strike, was there no time to conduct a rehearsal?</p> <p style="text-align: center;">Page 40</p>

1 **A. There would have been time to conduct a rehearsal,**
2 **I have no doubt about that. I suppose the**
3 **practicalities would be that the teams were based up at**
4 **Leigh police station and whether there will be actually**
5 **the space available to them to undertake that rehearsal.**
6 Q. Did you give any directions along these lines:
7 "Look we are using an advanced tactic here, MASTS
8 [which they are all trained for], we have authorised the
9 use of special munitions, both RAM rounds and CSDC, we
10 have got past intelligence that the subjects park up in
11 a car park [I think you knew that by then],
12 a possibility is the intervention, if it is to be made,
13 will be in that car park. Can you please practice or
14 rehearse a strike on a car in a car park."
15 **A. I didn't -- I didn't give that -- I didn't give that**
16 **indication to the OFC. And I suppose part of my**
17 **rationale at the time, bearing in mind the tipping**
18 **points were if a certain set of a criteria, in my mind,**
19 **had been met, I wouldn't have been waiting for the**
20 **subjects to have got to the car park.**
21 **So, I am mindful that that is where the operation**
22 **ended at the time of the briefing. I felt that there**
23 **may have been a number of different outcomes where the**
24 **arrests may have been taken.**
25 Q. Just to be clear on that, on tipping points, if we look

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1 at the PowerPoint at tab 18 in your bundle.
2 We can put the other one away, thank you. Clear the
3 decks other than your bundle.
4 **A. Tab 18.**
5 **I think we are on page 1273?**
6 Q. Yes, so 18. Looking at tipping points, at 1273, what
7 are you pointing to as meaning that they didn't
8 necessarily mean that a -- the intervention would take
9 place in the car park?
10 **A. Well, an example -- you know, bearing in mind the**
11 **tipping points can be applied individually or together,**
12 **there was an issue around I had identified if there were**
13 **two or more of the subjects in the stolen Audi bearing**
14 **the false plates, that potentially could be a tipping**
15 **point, taking consideration of the circumstances at the**
16 **time.**
17 Q. Just asking you about that, I think we are going to come
18 on to this later. That tipping point was satisfied when
19 the subjects were in Boothtown, wasn't it?
20 **A. Yes, it was.**
21 Q. Why wasn't an intervention made then?
22 **A. Because I felt in discussion with the SIO that that**
23 **was -- that the more appropriate tactic at the time,**
24 **bearing in mind the intention of the operation, the more**
25 **appropriate tactic was to wait.**

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1 Q. And why?
2 **A. At that time -- again you are thinking about that**
3 **working strategy, at that time evidentially there was**
4 **a potential that we would have, and I think we knew at**
5 **that time we had Mr Totton and Mr Grainger and another**
6 **person in the vehicle, potentially we may, had we**
7 **arrested them at that time, potentially we could have**
8 **been looking at an offence of theft of a motor vehicle**
9 **or allowing yourself to be carried in a stolen motor**
10 **vehicle. And if we think about that working strategy of**
11 **protecting the public for a longer period of time**
12 **against the activities of the individuals, my view would**
13 **be that a trial and sentence for such an offence --**
14 Q. Would be inadequate?
15 **A. -- would not have taken them out of ...**
16 Q. I understand all of that but these tipping points, are
17 they drawn up as tipping points when you may intervene
18 in order to protect the public?
19 **A. There is -- there is an element of discussion between**
20 **the SIO and myself as the TFC. The SIO is very much**
21 **concerned about securing of evidence, and identifying**
22 **perhaps certain incidents and certain opportunities**
23 **where evidentially I have -- I think I have met**
24 **a threshold to be able to go to the Crown Prosecution**
25 **Service and move forward with a conspiracy to commit**

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1 **robbery.**
2 Q. You are looking at a broader issue of public, subject,
3 officer protection?
4 **A. I have to balance the public safety and the officer**
5 **safety against what the SIO would like to achieve**
6 **through the investigation.**
7 Q. My question is therefore, given those two sometimes
8 conflicting purposes, whose are these tipping points,
9 are they yours or his?
10 **A. My view is ultimately they are mine. As the TFC with**
11 **responsibility for the operation, I will take advice and**
12 **I will work in consultation with the SIO and they will**
13 **influence the creation of these tipping points but,**
14 **ultimately, they are mine.**
15 Q. Tipping point 1 was satisfied when the subjects were in
16 Boothtown, yes?
17 **A. Correct, yes.**
18 Q. But you decided not to call an intervention at that
19 point?
20 **A. Yes, and if I could perhaps give an example, that at the**
21 **point in Boothtown where the subjects had alighted from**
22 **Mr Grainger's Volkswagen and had moved over to the Audi.**
23 **Had the observation seen potential weapons going into**
24 **the stolen Audi, for me that would have been enough and**
25 **I suspect for the SIO that would have been enough to**

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<p>1 say, "Okay, let's move to State Amber, let's get the</p> <p>2 subjects arrested".</p> <p>3 Q. We are going to come back to this later on in the</p> <p>4 chronology, okay. Those were the questions arising from</p> <p>5 issues that you raised yesterday.</p> <p>6 Can we turn back to where we were in the chronology,</p> <p>7 which I think was after the morning briefing, I think</p> <p>8 you undertook a review with ACC Sweeney at 8.45 in the</p> <p>9 morning. If we go to your log at tab 11, and look at</p> <p>10 the operation log part of it, which is at page 422.</p> <p>11 A. Yes, I am there, sir.</p> <p>12 Q. Can we see an entry at 8.45 in the morning, at the foot</p> <p>13 of page 422:</p> <p>14 "Update ACC Sweeney, review intelligence, threat</p> <p>15 assessment, working strategy ..."</p> <p>16 What is the next part?</p> <p>17 A. That is tactical options.</p> <p>18 Q. "Tactical options, no change."</p> <p>19 A. That says, "Cross border outlined".</p> <p>20 Q. By that time, had you received any new intelligence from</p> <p>21 Mr Cousen? 8.45, I don't think you had.</p> <p>22 A. Yes, I had received new information when I arrived at</p> <p>23 Openshaw in the morning, relating to -- if you recall,</p> <p>24 yesterday we talked about the fact that the Audi had</p> <p>25 moved again the previous evening. It had been to</p> <p style="text-align: center;">Page 45</p>	<p>1 Q. This was something new?</p> <p>2 A. This was new information to me that another sort of</p> <p>3 reconnaissance of Culcheth had taken place.</p> <p>4 Q. Okay.</p> <p>5 Turning to the review then on page 422, at 8.45 on</p> <p>6 the Saturday morning. I don't suppose you can elaborate</p> <p>7 any more on the lines that you have written there, can</p> <p>8 you?</p> <p>9 A. No. I mean that would sort of summarise the</p> <p>10 discussions, that I would have talked about the new</p> <p>11 intelligence, I think I would have again reflected on</p> <p>12 the fact that, unlike the previous evening, I was then</p> <p>13 obviously with the SIO and had earlier reviewed the</p> <p>14 situation with the benefit of having a TAC adviser with</p> <p>15 me, having Steve Allen there.</p> <p>16 I can't recall if I had said to Mr Sweeney that</p> <p>17 I had inserted the additional line in relation to</p> <p>18 minimising the threat to cash in transit custodians.</p> <p>19 I may have done, but I couldn't recall that level of</p> <p>20 detail at this time, sir.</p> <p>21 Q. If you forgive me one moment whilst I chase the</p> <p>22 reference down. (Pause)</p> <p>23 You think you told Mr Sweeney about what you</p> <p>24 regarded as new intelligence about the subjects having</p> <p>25 visited, or two of the subjects, Mr Grainger, having</p> <p style="text-align: center;">Page 47</p>
<p>1 Culcheth again and I think filled up with some petrol</p> <p>2 and then been returned to Boothtown. There was also</p> <p>3 some information --</p> <p>4 Q. Are you sure about that? That you were told on the</p> <p>5 Saturday morning that it had been to Culcheth on the</p> <p>6 Friday night, filled up with petrol and returned to</p> <p>7 Boothtown?</p> <p>8 A. Yes, that's -- and if I look at, if I can take you to</p> <p>9 page 386.</p> <p>10 Q. Yes.</p> <p>11 A. "The Stolen Audi remains in Boothtown area, Mr Grainger</p> <p>12 took it out approximately 1800 hours, visited Culcheth</p> <p>13 area ..."</p> <p>14 And it is then redacted, because there was some</p> <p>15 other information relating to one of the other subjects.</p> <p>16 Q. I am going to ask you about that but your recollection</p> <p>17 is that Mr Cousen was talking about the Friday night</p> <p>18 here?</p> <p>19 A. Yes.</p> <p>20 Q. Okay.</p> <p>21 A. Yes.</p> <p>22 Q. Not the Thursday night?</p> <p>23 A. No, because anything that had happened on the Thursday</p> <p>24 night, I was -- he had already briefed me about, I was</p> <p>25 aware of that, this was --</p> <p style="text-align: center;">Page 46</p>	<p>1 visited Culcheth?</p> <p>2 A. I think the previous night it had just been Mr Grainger</p> <p>3 who had been.</p> <p>4 Q. That is what DI Cousen told you, was it?</p> <p>5 A. And there was some other information which I also shared</p> <p>6 with Mr Sweeney.</p> <p>7 Q. Which we are going to discuss later.</p> <p>8 A. Yes.</p> <p>9 Q. You then I think, looking at page 423 in your bundle,</p> <p>10 conducted a review two hours later with Mr Sweeney</p> <p>11 again. Yes?</p> <p>12 A. Yes.</p> <p>13 Q. That reads, I think:</p> <p>14 "No new intelligence. Discuss with SIO likely</p> <p>15 targets and risk period, cash in transit predominantly</p> <p>16 11.00 to 13.00. Banks, building societies, Post Office</p> <p>17 all closed by 12.30. Agree to review again at 13.00."</p> <p>18 A. Yes.</p> <p>19 Q. Was the focus on cash in transit deliveries here because</p> <p>20 it was considered that at that stage, the subjects were</p> <p>21 probably seeking to target a cash in transit delivery?</p> <p>22 A. I think -- in my mind, there wasn't the clarity of what</p> <p>23 the likely target was going to be. So cash in transits</p> <p>24 I saw as potential targets, and I think as the day</p> <p>25 progressed it became apparent to me that that clearly</p> <p style="text-align: center;">Page 48</p>

12 (Pages 45 to 48)

1 **wasn't the case, so in effect, the scope of what were to**
 2 **be potential targets was narrowing.**
 3 Q. You said it became clear to you in the course of the day
 4 that it wasn't the case that there was a narrow band of
 5 targets. It broadened out; is that right?
 6 **A. No -- the other way.**
 7 THE CHAIRMAN: Yes.
 8 MR BEER: I see.
 9 **A. It is in effect that at 9.00 in the morning, the bank**
 10 **could be open, the Post Office would be open, the cash**
 11 **in transit -- so it was that recognition that we tasked**
 12 **the information to determine when the cash in transit**
 13 **drops were going to take place and that presented**
 14 **a window of opportunity, if you like, where cash in**
 15 **transit --**
 16 Q. Okay, we are talking at cross purposes. I am looking at
 17 it the other way round, not: did the number of targets
 18 narrow because some of them were closing?
 19 I am asking you, on the basis of the intelligence
 20 that you were in possession of at 10.45, what was
 21 considered to be the likely targets?
 22 **A. And at 10.45, in terms of the intelligence, I think**
 23 **there was no change. I think --**
 24 Q. Sorry, and therefore the likely targets were?
 25 **A. The intelligence was that the three subjects are**

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1 **committing armed robberies. I was mindful from the**
 2 **background that there had been -- reconnaissance had**
 3 **been undertaken around the Culcheth area. My view was**
 4 **that there were potentially a number of potential**
 5 **targets that could have been targeted by the subjects.**
 6 Q. So in the conversation that you had had with Mr Cousen
 7 the previous night at 7.00, and in the conversations
 8 that you had had with him before 10.45 on the Saturday,
 9 there was nothing that he said to you that highlighted
 10 a particular risk towards cash in transit vans?
 11 **A. No, did not highlight a specific risk, no. I did not**
 12 **receive any intelligence to say, "They are intending to**
 13 **target this individual", it was --**
 14 Q. Not "this individual" --
 15 **A. Or this.**
 16 Q. -- "this class of delivery".
 17 **A. This class of delivery, yes, that is right.**
 18 Q. I am going to pursue that with you in closed session.
 19 **A. Okay.**
 20 Q. The 10.45 entry, mentions the likely targets and the
 21 risk periods, so never mind what I am going to ask you
 22 by reference to closed material. Doesn't on its face
 23 this record suggest that you considered the likely
 24 targets to be cash in transit banks, building societies
 25 and Post Offices and the risk periods to be when they

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1 were open or when they were making deliveries?
 2 **A. Yes, that would sort of capture in terms of at that time**
 3 **of day, the type of establishments or the type of**
 4 **operations that were potentially at risk.**
 5 Q. No, were likely to be at risk. Ie not including late
 6 opening commercial premises.
 7 **A. Well the late opening commercial premises would have, in**
 8 **effect, been at risk throughout the period, so I**
 9 **think --**
 10 Q. But that is not what you have written.
 11 **A. I recognise that is not what I have written, and I have**
 12 **probably been focusing more on where the risk is**
 13 **reducing rather than where the risk continues to exist.**
 14 Q. The record reads:
 15 "Discuss with SIO likely targets and risk periods
 16 ..."
 17 Then you list cash in transits, financial
 18 institutions and everything is closed by 1.00.
 19 Doesn't that indicate that you regarded the likely
 20 targets to be those listed and the risk period to have
 21 ended at 1.00?
 22 **A. I think, sir, that is an inference that could be taken**
 23 **from this entry but I am mindful that, from the briefing**
 24 **pack and where we had the focus had been given to**
 25 **Sainsbury's and the recognition that that would -- and**

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1 **I think there were a couple of betting shops. I think**
 2 **there was -- I had an understanding that there would be**
 3 **other commercial premises that would be open later on in**
 4 **the afternoon. I have not extended the likely targets**
 5 **to include those when I have written this up.**
 6 Q. Didn't you know that the briefing pack on which you are
 7 now relying had been drawn up in relation to a previous
 8 operation, the focus of which was a break in at night,
 9 laying in wait for staff to arrive, not a list of eight
 10 premises which would be open during the day and there
 11 would be a daylight robbery?
 12 **A. That wasn't the inference I took from the briefing.**
 13 Q. Never mind whether you took an inference from it, did
 14 you know that --
 15 **A. No. No, I was not aware that --**
 16 Q. -- it was again a cut and paste from a previous
 17 operation?
 18 **A. It was the use of information that had previously been**
 19 **gathered around the potential areas at risk, the**
 20 **premises at risk within that geographical area.**
 21 Q. But a different risk arising in a different way, if what
 22 Mr Cousen has told us is correct, namely a night time
 23 break in, using a hacksaw, matching a previous MO of
 24 this alleged OCG, which was why he caused the firearms
 25 team to come on at 1.00 in the morning and be ready for

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<p>1 a night time break in. You have taken from the 2 existence of those two pages, the eight listed premises 3 and the aerial photograph with the arrows that those are 4 your risky premises on this day? 5 A. Indeed, yes. 6 Q. Okay. 7 Can we move forwards, please, to between 10.55 and 8 at 11.05. I think you received some further 9 intelligence from DI Cousen which is redacted there; is 10 that right? 11 A. Yes. 12 Q. Is that other than the morning briefing, the first 13 update of the day? 14 A. Yes, it would be, I think that is -- no, that is 15 incorrect. I am just looking here, one of the subjects 16 at 8.20 in the morning, there was intelligence that came 17 through around one of the subjects, Robert Rimmer, there 18 had been some movement around that individual. 19 Q. It was the first additional sensitive intelligence 20 update of the day? 21 A. Yes. 22 Q. Thank you. 23 If we look, please, at tab 1 of the bundle, at 24 page 5. 25 A. Yes, I am there, sir.</p> <p style="text-align: center;">Page 53</p>	<p>1 closed session. 2 Going back then to your log in tab 11, at 3 page 423 -- 4 A. Yes, I am there. 5 Q. -- I think at 12.45, at the foot of the page, you 6 conducted a review, I think this is the third review of 7 the day, with Mr Sweeney? 8 A. Yes. 9 Q. Is the entry in your bundle there, at 12.45, redacted so 10 that two lines are revealed? 11 Do you see the 12.45 entry? 12 A. There are two lines below that that are redacted. It is 13 like a sort of a -- it is not a black redaction, it is 14 a grey redaction on the bundle here. So I can't see 15 what it actually says. 16 Q. Can you read it out? 17 A. No. No, all I can read is: 18 "Review with ACC Sweeney, subjects ..." 19 Then it is a grey box. 20 Q. In which case, please insert that page, it has not been 21 updated. (Handed) 22 A. I will take this one out. 23 Q. Thank you. The line that has been unredacted so that 24 the full sentence reads? 25 A. "Subjects are running out of potential targets."</p> <p style="text-align: center;">Page 55</p>
<p>1 Q. In the second paragraph you say: 2 "Between 10.55 and 12.30 I received information 3 relating to the subjects Totton and Rimmer from the SIO. 4 This did not change the threat assessment." 5 A. Yes. 6 Q. You don't say what the intelligence is there, yes? 7 A. No. 8 Q. Take it from me, that is paragraph 23 of this statement, 9 if you count them up, yes? 10 A. Yes. 11 Q. If we therefore go forwards to tab 4, at page 66. 12 A. I've got it there, in paragraph 23, "I outlined ..." 13 Q. Yes, by the first hole-punch: 14 "In paragraph 23 [which is a statement we have just 15 read] I outlined that between the hours of 10.55 and 16 12.30 I received information relating to the subjects 17 Totton and Rimmer from the SIO. This information 18 primarily detailed the movements of Rimmer in his car." 19 Is that right, that the information primarily 20 detailed the movements of Rimmer in his car? There was 21 some other information as well. 22 A. There was some other information that I didn't feel 23 appropriate to put into my statement. 24 Q. Yes, I understand. 25 So the balance of those I will ask you about in</p> <p style="text-align: center;">Page 54</p>	<p>1 Q. Exactly. 2 A. Yes. 3 Q. Did you and ACC Sweeney conclude, as a result of your 4 review at 12.45, that the subjects were running out of 5 potential targets? 6 A. Yes, I think what that -- the inference to me was that 7 the target premises were more likely to be the late 8 night or the evening opening business establishments. 9 Q. Why was that the case, that you drew from the fact that 10 cash in transits had finished, that the things that were 11 described as likely targets earlier on were now 12 closed -- 13 A. Yes. 14 Q. -- that the conclusion to be drawn from that was that, 15 "Well, they cannot be the targets so these commercial 16 premises must be the targets", as opposed to, "The 17 likely targets have now closed or been and come and gone 18 safely, there is to be no robbery?" 19 A. No, that is not the conclusion I drew. 20 Q. Yes, but I am asking why. 21 A. I think that would be a conversation I would have with 22 you in the closed session, sir. 23 Q. Right. 24 You are saying it was specifically because of closed 25 session material that you concluded at 12.45 that the</p> <p style="text-align: center;">Page 56</p>

1 targets, although the likely targets had now closed or
 2 come and gone safely, the intention of the subjects was
 3 nonetheless to conduct a robbery of late-opening
 4 commercial premises?
 5 **A. That was my assessment and the conclusion I drew from**
 6 **the information, yes.**
 7 Q. Was that solely on the basis of closed material?
 8 **A. If -- how can I say this?**
 9 **The closed material was critical in the decision**
 10 **making. I think applying pragmatic knowledge in**
 11 **relation to an intent, quite clearly the other potential**
 12 **targets were no longer open, so it focused in my mind**
 13 **where the likely target was to be.**
 14 Q. What would you say to the suggestion that at this time,
 15 at about 12.45/1.00, you ought to have reviewed the
 16 tactics, in particular a tactic of MASTS, one of which
 17 sub-options was decisive action?
 18 **A. The tactics were regularly reviewed, my decision was at**
 19 **that time that MASTS remained the preferred option**
 20 **because of the set of circumstances that were presented**
 21 **to me at the time, being mindful of what I detailed as**
 22 **the tipping points and where an appropriate, or where**
 23 **a potential interdiction could -- would take place.**
 24 Q. Would you agree at this time, 12.45/1.00, given the
 25 events that had happened, it was now much less likely

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1 that a robbery was to take place?
 2 **A. No, I didn't assess the information as -- and draw that**
 3 **conclusion.**
 4 Q. Did you think that if the targets did attend Culcheth
 5 later that day, it may be that they would be attending
 6 to conduct a further recce, rather than to rob a person
 7 or premises?
 8 **A. My assessment of the information and the intelligence**
 9 **led me to believe that the subjects still intended or**
 10 **intended to carry out a robbery that evening. That is**
 11 **my assessment.**
 12 Q. Did you give any consideration to further developing the
 13 intelligence picture with a view to establishing whether
 14 the subjects intended to commit a robbery as opposed to
 15 undertaking reconnaissance?
 16 **A. Could I answer that in closed, please, because I am**
 17 **mindful of how additional information could be tasked.**
 18 Q. Yes.
 19 Was it the case that, until now, the working
 20 hypothesis had been an attack on cash in transit
 21 deliveries or financial institutions, that this was no
 22 longer the working hypothesis, but instead you just
 23 decided to wait and see what happened?
 24 **A. No, that is not an accurate assessment.**
 25 **I think, based on the intelligence, the information**

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1 **that was coming in, my view was there was not absolute**
 2 **clarity on what the target was going to be.**
 3 **As the day progressed, it became more and more**
 4 **apparent what wasn't going to be targeted.**
 5 Q. Looking at your log at page 424, please, I think at
 6 1.00, 1.30 and 1.50 you received information from the
 7 surveillance team?
 8 **A. Yes, yes, about the movements of --**
 9 Q. Mr Rimmer's vehicle, Mr Rimmer was in his vehicle or
 10 went to his vehicle in a form of grey tracksuit?
 11 **A. Yes.**
 12 Q. At 1.30 an indication that Mr Rimmer was at his
 13 girlfriend's in Droylsden and at 1.50 Mr Totton's Audi
 14 was seen in the city centre, Mr Grainger's vehicle was
 15 on the move. Was that last one from the VTD?
 16 **A. I believe it was. I can't recall if there was**
 17 **conventional surveillance or if that was purely reliant**
 18 **on the tracking device.**
 19 Q. At 2.20 pm and at 2.30 pm, you, I think, received some
 20 further information from DI Cousen. Is that right?
 21 **A. That's correct.**
 22 Q. That is the second update of the day?
 23 **A. Yes.**
 24 Q. Yes?
 25 **A. Yes.**

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1 Q. Other than the early morning briefing.
 2 Then at 2.40 you conducted a review, this I think is
 3 the third review of the day, is that right -- no, the
 4 fourth?
 5 **A. The fourth review.**
 6 THE CHAIRMAN: Yes.
 7 MR BEER: The fourth review of the day, with Mr Sweeney?
 8 **A. Yes.**
 9 Q. Can we turn to -- sorry, can you read that out, please,
 10 the 14.40 entry?
 11 **A. Yes, I put:**
 12 **"Reviewed current intelligence with ACC Sweeney and**
 13 **the ability to resource."**
 14 **The issue around that relates to the prior entry,**
 15 **where I had spoken to the operational firearms commander**
 16 **about -- bearing in mind that the teams had been at**
 17 **Leigh police station since 06.30, again I am mindful of**
 18 **some information that we will talk about in closed, that**
 19 **gave a, let's say more of a timeframe in my mind about**
 20 **activity, and that I had satisfied myself from speaking**
 21 **to the operational firearms commander that the officers**
 22 **had been rested, they were relaxed, they had been able**
 23 **to refresh themselves, so they would have -- they were**
 24 **available to deploy. And I think that is the inference**
 25 **I was making there about the ability to resource the**

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<p>1 operation, and then summarised: 2 "His/our view is that we can deliver the tactic 3 proportionate to threat as assessed at this time." 4 Q. Can we look, please, I think there you don't make any 5 mention of your assessment was that the likely targets 6 were now late-opening commercial premises, do you? 7 A. I don't, no. 8 Q. Can we look, please, at tab 1, page 5. 9 Do you have that? Tab 1, page 5, it has 57 at the 10 bottom, as well. 11 A. Not yet. 12 Right, yes, I am there now, sir. 13 Q. At the foot of the page, you say: 14 "At approximately 14.40 I reviewed the position 15 again with the SFC, ACC Sweeney. I outlined that the 16 firearms officers had been resting at Leigh police 17 station throughout the day." 18 I think that is consistent with those two entries we 19 have seen in your log. 20 A. Yes. 21 Q. "We agreed that we remained in a position to resource 22 the operation and deliver the tactical plan." 23 I think that is consistent with the entry we read in 24 your log, isn't it? 25 A. Yes.</p> <p style="text-align: center;">Page 61</p>	<p>1 that that was an obvious conclusion to draw. 2 Q. Can you confirm that you had no specific intelligence to 3 that effect? 4 A. No. No, I didn't. 5 Q. It was just something that you felt? 6 A. It was a feeling that I had, based on some additional 7 information. Which again we can talk about in closed. 8 Q. Can we turn to the fifth review, please, at tab 11. 9 A. 11? 10 Q. Page -- 11 A. 425? 12 Q. 425. I am not sure whether it is a review but at 17.50 13 you have an entry: 14 "VW to city centre. OFC updated, ACC Sweeney 15 updated." 16 A. Yes. 17 Q. So you updated Mr Sweeney that the Volkswagen -- was 18 that Mr Grainger's Volkswagen? 19 A. That was Mr Grainger's Volkswagen. 20 Q. Had gone to the city centre? 21 A. Yes. 22 Q. Was that the long and the short of it, what you told 23 him, Mr Grainger's Volkswagen had gone to the city 24 centre? 25 A. Very much so. I -- my sort of paraphrasing that, the</p> <p style="text-align: center;">Page 63</p>
<p>1 Q. Then you add: 2 "I shared my assessment that the subjects may be 3 intending to rob a late opening commercial premises." 4 That is not in your log, is it? 5 A. No, it isn't. 6 Q. Was this ex post facto rationalisation? 7 A. No, I think what I would say is that the -- albeit the 8 statement was taken, I had recorded the statement 9 12 days after the incident, but I think it reflected my 10 recollection of the conversation at that time. 11 Q. Wouldn't that be the important thing to have written 12 down in your log, not whether the staff at Leigh were 13 fed and watered but that you had made an assessment with 14 your ACC that the subjects were intending to rob 15 late-opening commercial premises? That is the important 16 thing, isn't it, not whether the staff were fed and 17 watered? 18 A. I would, with respect, sir, I would argue that the staff 19 being rested and being in a position to be deployed in 20 an operation, that they were fit to be deployed in 21 an operation having been on duty for a number of hours 22 was an important factor. 23 I do concede that an entry in my log about the late 24 night opening commercial premises would have been 25 useful, but I suspect in my mind, at that time, I felt</p> <p style="text-align: center;">Page 62</p>	<p>1 information of that movement, that vehicle movement 2 served as perhaps corroboration and in my mind was 3 an indication that the subjects were in the process of 4 moving forward to commit a robbery. 5 Q. Why did Mr Grainger going to the city centre mean that 6 the subjects were going forward to commit a robbery? 7 A. I would feel more comfortable talking about that in 8 closed, if I could. 9 Q. What, because it indicated that he might be picking 10 people up? 11 A. Yes. 12 Q. Why would him picking people up indicate that the 13 subjects were moving forward to commit a robbery? 14 A. Sir, could I -- I would feel more comfortable discussing 15 my thought rationalisation around this in the closed. 16 I know that that will be frustrating for people here, 17 but I am mindful of ... 18 Q. Yes. Can we go to tab 1, page 6, please. 19 We have looked at what your entry said, "ACC Sweeney 20 updated about VW city centre", yes? 21 A. Yes. 22 Q. In your statement you say, by the first hole-punch: 23 "At 17.50 I reviewed the operation with ACC Sweeney. 24 I outlined my view that the subjects were now preparing 25 to commit a robbery."</p> <p style="text-align: center;">Page 64</p>

16 (Pages 61 to 64)

<p>1 Yes?</p> <p>2 I think you can confirm in open session that you had</p> <p>3 no specific intelligence that the subjects were now</p> <p>4 preparing to commit a robbery?</p> <p>5 A. No, this was my assessment to Mr Sweeney, based on the</p> <p>6 information that I held at the time, and I was briefing</p> <p>7 him in sharing that with him.</p> <p>8 Q. That I think is paragraph 34 of this statement, yes.</p> <p>9 A. Yes.</p> <p>10 Q. If you take it from me, I have counted them up. Then if</p> <p>11 you go forward to tab 4.</p> <p>12 A. Yes, that's a statement dated 23 January.</p> <p>13 Q. Yes, and go to 66, which is the second page of the</p> <p>14 statement.</p> <p>15 A. Yes, I am there.</p> <p>16 Q. By the second hole-punch, you say:</p> <p>17 "In paragraph 34 I stated that at 17.50 I reviewed</p> <p>18 the operation with ACC Sweeney. I outlined my view that</p> <p>19 the subjects were now preparing to commit a robbery. My</p> <p>20 rationale for reaching this view was based upon</p> <p>21 intelligence I was receiving from DI Cousen, the</p> <p>22 information from the surveillance unit relating to the</p> <p>23 current movements of the subjects, Totton and Grainger,</p> <p>24 the actions of Grainger in the stolen Audi the previous</p> <p>25 evening and the unusual behaviour of Totton the previous</p> <p style="text-align: center;">Page 65</p>	<p>1 on the lack of new information, was that Rimmer,</p> <p>2 Mr Rimmer, remained at the girlfriend's.</p> <p>3 Q. Yes, so wasn't going to be a part of it?</p> <p>4 A. Yes.</p> <p>5 Q. At 6.27, if we look at tab 1, page 6.</p> <p>6 A. Yes, I am there.</p> <p>7 Q. Which is also page 58, you say:</p> <p>8 "I received information from the surveillance team</p> <p>9 which indicated what the subjects Totton, Grainger and</p> <p>10 the unknown male ..."</p> <p>11 I should have read the previous entry, that between</p> <p>12 4.55 and 6.25 you received further information from the</p> <p>13 surveillance team in relation to the subjects Totton,</p> <p>14 Grainger and a third unknown subject. Yes?</p> <p>15 A. That's correct, yes.</p> <p>16 Q. At 6.27:</p> <p>17 "I received information from the surveillance team</p> <p>18 which indicated what the subjects Totton, Grainger and</p> <p>19 the unknown male ..."</p> <p>20 Sorry, I think that means "that":</p> <p>21 "... that the subjects Totton, Grainger and the</p> <p>22 unknown male were in the advanced stages of preparing to</p> <p>23 commit a robbery."</p> <p>24 Yes?</p> <p>25 A. Yes.</p> <p style="text-align: center;">Page 67</p>
<p>1 evening."</p> <p>2 Yes?</p> <p>3 A. Yes.</p> <p>4 I perhaps put more in my statement than was</p> <p>5 appropriate.</p> <p>6 Q. At 5.50, was the current intelligence in relation to all</p> <p>7 three men coming together, Messrs Totton, Grainger and</p> <p>8 Rimmer, or had you received information that Mr Rimmer</p> <p>9 had been seen by surveillance officers housed away from</p> <p>10 the other two subjects in a place that meant he was not</p> <p>11 likely to be going to Culcheth with them?</p> <p>12 A. Yes, the information indicated that, again I will be</p> <p>13 cautious, that Rimmer was not going to participate</p> <p>14 within a short timeframe.</p> <p>15 Q. Had you received a surveillance update that in fact he</p> <p>16 had been housed away from the other two subjects in</p> <p>17 a place that meant he was not going to be going to</p> <p>18 Culcheth with them, at 5.15?</p> <p>19 A. I think the -- 1.30 was Rimmer was at girlfriend's in</p> <p>20 Droylsden --</p> <p>21 Q. I don't think it is in your log, which is why I am</p> <p>22 asking you whether you had been told about it.</p> <p>23 A. Right, no, but I think the inference would be that, had</p> <p>24 there been a change of location for Mr Rimmer, I would</p> <p>25 have been made aware of that. So my assumption, based</p> <p style="text-align: center;">Page 66</p>	<p>1 Q. So the information was from the surveillance team, that</p> <p>2 they were in the advanced stages of committing</p> <p>3 a robbery, of preparing to commit a robbery, yes?</p> <p>4 A. I think when I, bearing in mind I have had</p> <p>5 an opportunity to read transcripts, I think all the</p> <p>6 surveillance information that was coming into me,</p> <p>7 I think I had assumed was from the surveillance team</p> <p>8 themselves. I think there was an officer from the</p> <p>9 Robbery Unit who was conducting some surveillance and</p> <p>10 the information from that individual, so it was</p> <p>11 pedantic. It is surveillance information as opposed to</p> <p>12 information --</p> <p>13 Q. From the DSU?</p> <p>14 A. Purely from the DSU.</p> <p>15 Q. I am not going to pick you up on that.</p> <p>16 Had you received any evidence from anyone who was</p> <p>17 surveying that the subjects had been seen with guns?</p> <p>18 A. No. No. None whatsoever.</p> <p>19 Q. Or had otherwise been seen with any weapons or anything</p> <p>20 that might be suspected to be a weapon?</p> <p>21 A. No.</p> <p>22 No.</p> <p>23 In fact in my log on page 425, tab 11,</p> <p>24 I specifically talked about the Audi, who was --</p> <p>25 Mr Grainger was the driver, Mr Totton the front seat,</p> <p style="text-align: center;">Page 68</p>

<p>1 the unknown person in the rear. I think I noted that</p> <p>2 all were in jogging suits and specifically no one</p> <p>3 apparently carrying anything.</p> <p>4 Q. Yes.</p> <p>5 As they got into the red Audi, you had noted that</p> <p>6 the subjects were not apparently carrying anything, yes?</p> <p>7 Was that passed on at your direction to the AFOs?</p> <p>8 A. The AFOs, I think, that information was being put out</p> <p>9 over the surveillance Airwave channel.</p> <p>10 Q. Yes.</p> <p>11 A. The AFOs all had access to that channel, so with each</p> <p>12 team --</p> <p>13 Q. What does -- sorry to speak over you, but what does "had</p> <p>14 access to" mean?</p> <p>15 A. It means they were listening to the surveillance.</p> <p>16 Q. All of the AFOs could hear the broadcasts from the DSU?</p> <p>17 A. Yes. From officers engaged on surveillance, yes.</p> <p>18 Q. Well, I am going to split them between the DSU officers</p> <p>19 and the officers who were in observation posts, who were</p> <p>20 part of the Robbery Unit.</p> <p>21 A. Right.</p> <p>22 Q. You were saying that the AFO officers were listening to</p> <p>23 the DSU broadcasts, yes?</p> <p>24 A. Yes.</p> <p>25 Q. What was the mechanism by which they heard any broadcast</p> <p style="text-align: center;">Page 69</p>	<p>1 in or moved out of the car related -- we talked</p> <p>2 yesterday about the hacksaw blade. I think that would</p> <p>3 be the only --</p> <p>4 Q. Yes, and I think that was moved out rather than moved</p> <p>5 in?</p> <p>6 A. Yes, so ... yes.</p> <p>7 Q. Did Mr Cousen tell you, either at this time or earlier,</p> <p>8 that he had formed the view that Mr Grainger would</p> <p>9 likely be the driver in any offence or suspected offence</p> <p>10 that was to be committed?</p> <p>11 A. I am not sure I can recall if he said that specifically,</p> <p>12 but that was certainly my understanding, that</p> <p>13 Mr Grainger was the driver, and I think that</p> <p>14 understanding was supported by the fact that quite</p> <p>15 clearly he had been regularly the driver of that -- of</p> <p>16 the Audi.</p> <p>17 Q. Did he tell you that it was his view that Mr Grainger</p> <p>18 would be unlikely to be carrying a weapon as he wouldn't</p> <p>19 in any robbery be committing the physical act --</p> <p>20 A. He didn't say --</p> <p>21 Q. -- of committing the robbery?</p> <p>22 A. He didn't say that to me, no, sir.</p> <p>23 Q. Were you aware that Mr Grainger had been seen in the</p> <p>24 driving seat when the Audi pulled off at 6.29?</p> <p>25 Ie Mr Grainger was known to be the driver?</p> <p style="text-align: center;">Page 71</p>
<p>1 by the Robbery Unit surveying officers?</p> <p>2 A. My belief was that the Robbery Unit officers who were</p> <p>3 conducting surveillance would be operating on the same</p> <p>4 Airwave channel as the surveillance unit. I felt -- for</p> <p>5 me it was important that surveillance activity was being</p> <p>6 captured in one particular place. That was my working</p> <p>7 assumption.</p> <p>8 Q. Right. You were working on the basis that all of the</p> <p>9 AFOs would hear that when the two known and one unknown</p> <p>10 subjects had got into the Audi they were not apparently</p> <p>11 carrying anything. Yes?</p> <p>12 A. That would be my understanding.</p> <p>13 Q. Yes.</p> <p>14 I think it is the case that you knew that the Audi</p> <p>15 had been subject to relatively high level and tight</p> <p>16 surveillance right back from 29 February to 3 March,</p> <p>17 yes?</p> <p>18 A. I couldn't recall the exact timescales, but I had known</p> <p>19 that that had been -- I had known that that had been, it</p> <p>20 had been monitored for quite some time.</p> <p>21 Q. I don't think there was any intelligence as a result of</p> <p>22 that monitoring that something suspected to have been</p> <p>23 a weapon had been placed into the car?</p> <p>24 A. There was no intelligence to suggest that, no. I think</p> <p>25 the only information relating to something either moved</p> <p style="text-align: center;">Page 70</p>	<p>1 A. I think, without referring to the specifics, that was my</p> <p>2 understanding, that consistently Mr Grainger had been</p> <p>3 the driver, yes.</p> <p>4 Q. Were you aware after this time that the VTD indicated</p> <p>5 that the red Audi did not stop for any significant</p> <p>6 period on its journey to Culcheth?</p> <p>7 A. I can't recall that level of detail but I think that --</p> <p>8 no, I wouldn't be aware that there had been no stop.</p> <p>9 Q. I am talking about other than at roundabouts or at</p> <p>10 traffic lights. Ie it didn't lay up for 10 or 15</p> <p>11 minutes?</p> <p>12 A. No, I didn't have any information to say that it had</p> <p>13 stopped. I think my assessment, given the timings of</p> <p>14 where the vehicle had moved --</p> <p>15 Q. That is the kind of thing you would be told about,</p> <p>16 wouldn't it?</p> <p>17 A. My expectation is, if the vehicle had stopped somewhere,</p> <p>18 then I would be told about that. And I think supported</p> <p>19 by the fact that looking at the timescales of the length</p> <p>20 of the journey, it was -- it struck me that the vehicle</p> <p>21 clearly hadn't stopped somewhere.</p> <p>22 Q. I don't think there was any indication broadcast to you</p> <p>23 that any surveillance officers had lost sight of the</p> <p>24 vehicle, eyes had been lost on the vehicle, before its</p> <p>25 arrival in Culcheth?</p> <p style="text-align: center;">Page 72</p>

1 **A. No, my understanding was that there had been a fairly**
 2 **consistent observations on the vehicle.**
 3 Q. Therefore no indication that before the vehicle arrived
 4 in Culcheth Mr Grainger had got out of the driver's seat
 5 or had ceased to be the driver?
 6 **A. No, that information was not made available to me.**
 7 Q. To your knowledge, were the AFOs aware that Mr Grainger
 8 was therefore assessed to be in the driver's seat of the
 9 Audi?
 10 **A. I think they would have -- they would have been picking**
 11 **up the same information that I was picking up, and**
 12 **I think, during -- just looking at the time that**
 13 **I updated the OFC ... (Pause)**
 14 **No, I think I updated the OFC at 18.25 but of course**
 15 **at that stage Mr Grainger wouldn't have taken on his --**
 16 **taken over possession of the Audi and started driving**
 17 **it.**
 18 **I think at 18.50, when I spoke to the OFC, I think**
 19 **that would have been clarified and, as I say, the OFC at**
 20 **that stage would have been aware from the surveillance**
 21 **broadcasts of who was driving the vehicle.**
 22 Q. Right.
 23 I think at this time you say that you knew that all
 24 three were wearing bland jogging suits; is that right?
 25 **A. That was, I think at this time there is quite a lot of**

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1 **radio traffic that is taking place. I think I have made**
 2 **a note there around the clothing, I think that is my**
 3 **sort of indication of what the clothing that the three**
 4 **people were wearing at that time.**
 5 Q. If we just look at your log, please, at tab 11,
 6 page 425, can you see that, two lines from the bottom,
 7 "All in jogging suits"?
 8 **A. Yes.**
 9 Q. Then if we just go back to tab 4, page 66.
 10 **A. Yes, I am there, sir.**
 11 Q. The last two lines:
 12 "The three were wearing bland jogging suits."
 13 Do you have that?
 14 **A. Yes.**
 15 Q. Why did you introduce the word "bland", can you see
 16 that, the last line on page 66?
 17 **A. Yes.**
 18 **I suppose it is in my mind's eye, having written the**
 19 **phrase "jogging suits", my sort of -- the prior**
 20 **knowledge that I had had of people on their way to**
 21 **commit offences was they tended to wear nondescript**
 22 **clothing, so I think that is my assessment --**
 23 Q. Isn't there a bit of reverse logic going on there? In
 24 fact quite a lot of reverse logic.
 25 Here you are trying to describe in this statement

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1 why you concluded that these men were in the advanced
 2 stages of preparing to commit a robbery. You say:
 3 "The three were wearing bland jogging suits."
 4 I am asking you why you concluded they were wearing
 5 bland jogging suits and you have said because they were
 6 on their way to commit a robbery.
 7 Was it broadcast to you that these men were wearing
 8 bland jogging suits?
 9 **A. I think "bland" is the word that I have used in my**
 10 **statement, and I say I think that is probably more based**
 11 **on hindsight and my perception of what they were wearing**
 12 **rather than, clearly, me actually seeing what they were**
 13 **wearing.**
 14 Q. Isn't it to try and fortify a case that these three men
 15 were robbers, to suggest that they were wearing bland
 16 jogging suits, ie without identifying features, so that
 17 they couldn't be identified, for example, on
 18 an identification parade by eyewitnesses or
 19 forensically?
 20 **A. I think that, bearing in mind, I don't think my**
 21 **statement was going to be used in terms of the**
 22 **prosecution of the offenders but I certainly felt that**
 23 **that was how I believed it to be at that time.**
 24 Q. It was not going to be used to prosecute offenders. It
 25 was being used to justify your decision making, wasn't

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1 it?
 2 **A. And what I have been referring to there is what**
 3 **I considered the situation to be.**
 4 MR BEER: Thank you, sir.
 5 I don't know whether that is an appropriate moment?
 6 THE CHAIRMAN: Yes.
 7 Mr Beer, I know these things are very difficult to
 8 predict, but in terms of today's timetable.
 9 MR BEER: We are going to finish today.
 10 THE CHAIRMAN: Comfortably? Reasonably comfortably I mean?
 11 Is 2.10 giving too long a break?
 12 MR BEER: No, it is not.
 13 THE CHAIRMAN: 2.10. Thank you.
 14 (1.03 pm)
 15 (The Luncheon Adjournment)
 16 (2.15 pm)
 17 THE CHAIRMAN: Yes, Mr Beer.
 18 MR BEER: Thank you very much.
 19 Can we look, please, at tab 4, page 66.
 20 **A. Yes, sir.**
 21 Q. In fact, before we go there -- it is entirely my
 22 mistake -- can we look at tab 1, page 6.
 23 It's the penultimate paragraph, at 18.27, and we
 24 have examined some of the things that you have said
 25 there. The three subjects in the Audi, it was stolen,

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<p>1 all three subjects were wearing gloves. You reviewed 2 the situation with the SIO, and you felt that at that 3 stage the tipping points to arrest the subjects had not 4 been reached, yes?</p> <p>5 A. Yes.</p> <p>6 Q. At the beginning part of that paragraph, you say: 7 "At 18.27 I received information from the 8 surveillance team which indicated that the subjects were 9 in the advanced stages of preparing to commit 10 a robbery."</p> <p>11 If it was your assessment that the subjects were in 12 the advanced stages of preparing to commit a robbery, 13 why was the tipping point not reached? Within the same 14 paragraph there is both a statement that they were 15 advanced in their preparations and a statement that the 16 tipping point had not been reached. Can you help as to 17 that, please?</p> <p>18 A. I think what I was trying to describe there was my view 19 at that stage that that is what I felt they were doing, 20 but perhaps evidentially there wasn't enough there at 21 that stage. So it was my assumption as opposed to 22 evidentially what the situation was.</p> <p>23 Q. Right.</p> <p>24 On this day, we are now up to 6.30 in the evening, 25 did you have any other responsibilities as a TFC?</p> <p style="text-align: center;">Page 77</p>	<p>1 A. I was not aware of the Crown Court, but that would be, 2 yes.</p> <p>3 Q. There had been a demonstration about those men by the 4 National Front; is that right?</p> <p>5 A. Yes, I think that had been sort of ongoing, if I recall.</p> <p>6 Q. Yes, do you remember whether that came to a head on the 7 3rd with quite a very significant public order incident, 8 in the court of which police officers were attacked and 9 missiles thrown and the like?</p> <p>10 A. I can't recall that, sir, to be honest. I was aware 11 there was a backdrop of other issues and I was mindful 12 that certainly, as the SFC, Mr Sweeney had other 13 responsibilities relating to that, to that day, that the 14 detail and whether that was the final sort of event of 15 that sort of disorder and unrest, I can't recall, sir.</p> <p>16 Q. In any event, you are saying to the chairman that none 17 of that had any impact on what you were doing here, you 18 were 100 per cent concentrated on this?</p> <p>19 A. Absolutely, yes.</p> <p>20 Q. The subjects were I think reported to be moving towards 21 Culcheth, yes?</p> <p>22 A. Yes.</p> <p>23 Q. And I think you contacted X7 and requested the teams to 24 move closer to the town centre?</p> <p>25 A. Yes, I think there was -- I think a phased, if I go to</p> <p style="text-align: center;">Page 79</p>
<p>1 le were you the TFC for another operation?</p> <p>2 A. No. It was just sole responsibility for this operation, 3 yes.</p> <p>4 Q. Did you have any other responsibilities as part of your 5 normal job, as a borough commander or a divisional 6 commander?</p> <p>7 A. No, there were no other sort of calls on my attention 8 from the day job, as it were, no.</p> <p>9 Q. I think we know that, on that day, 3 March, there was 10 a very significant demonstration by the National Front 11 in Heywood, was that your patch, Heywood?</p> <p>12 A. No, Heywood came under the Rochdale division, it was 13 a neighbouring division, albeit next door to Bury, so -- 14 but I wasn't involved in the policing of that operation.</p> <p>15 Q. Just by way of background, is it right that earlier, 16 I think at the end of February, there had been a very 17 significant protest in Rochdale. Do you remember that?</p> <p>18 A. At that time, I think there were issues that were taking 19 place around investigations relating to child sexual 20 exploitation and certain political groups were seeking 21 to capitalise upon those to create some unrest. So that 22 was the sort of context of what was happening.</p> <p>23 Q. I think more specifically I think there was a trial 24 going on of 11 Asian men, does that ring a bell? In 25 fact in this court centre I think in an adjacent court?</p> <p style="text-align: center;">Page 78</p>	<p>1 my logbook --</p> <p>2 Q. Yes, tab 11.</p> <p>3 A. -- if I may, yes, tab 11.</p> <p>4 Q. Bottom of 425, top of 426?</p> <p>5 A. Yes, I think at 18.25, what I have -- I have asked for 6 the OFC to basically get the officers sort of out of the 7 police station and into the vehicles.</p> <p>8 Q. You say 18.25.</p> <p>9 A. That is when it is recorded in my book, so it is -- that 10 is at that time.</p> <p>11 Q. I don't see that, sorry.</p> <p>12 A. It is 18.25:</p> <p>13 "VW into vicinity of stolen Audi making apparent 14 recce in area. OFC updated, teams in vehicles and ready 15 for off."</p> <p>16 Q. I see, thank you.</p> <p>17 Then I was talking more at page 426, I had moved 18 forward a bit to 6.40, if you can read that entry, 19 please?</p> <p>20 A. Yes, it says:</p> <p>21 "Subjects in car to Culcheth centre." 22 I have used the words, "Several reciprocals", it is 23 in fact I think a couple of U-turns but that is the 24 phraseology I have used: 25 "... and back streets. Audi parked off</p> <p style="text-align: center;">Page 80</p>

1 **Jackson Avenue. Seeking identification if all three**
 2 **..."**
 3 Q. Is that "identification" or "clarification"?
 4 **A. Ah, it is "clarification", yes, thank you.**
 5 Q. "... if all three leave vehicle."
 6 **A. "... all three leave vehicle."**
 7 Q. I think by now then you knew that the subjects were
 8 believed to be parked up in the car park off
 9 Jackson Avenue, between Jackson Avenue and
 10 Thompson Avenue in Culcheth?
 11 **A. That's right, yes.**
 12 Q. We have heard some evidence, from DC Wallace, one of the
 13 surveillance officers, that he observed it going on to
 14 the car park.
 15 **A. Right.**
 16 Q. That he could not see who was in the vehicle, the number
 17 of people in the vehicle or the gender of the driver.
 18 That he maintained observations until 6.52 pm, when he
 19 had to move away from his observation post for fear of
 20 compromise.
 21 **A. Okay.**
 22 Q. Was that broadcast to you, that at 6.52 DC Wallace had
 23 to cease observations on the vehicle?
 24 **A. I cannot recall that specifically. I think there was**
 25 **quite a lot of radio traffic at the time, around the**

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1 **sort of movements of the vehicle and what was taking**
 2 **place, so that the subtleties of that I didn't pick up.**
 3 Q. Do you remember at least there coming a time when there
 4 was an imperative to try and get eyes back on the
 5 vehicle?
 6 **A. Yes, what I was mindful of is that we knew from the**
 7 **technical source where the vehicle was.**
 8 **What I wanted to ensure was that I had physical**
 9 **corroboration that the three subjects were still in the**
 10 **vehicle, because quite clearly, if they had left the**
 11 **vehicle, that would require a consideration of another**
 12 **tactic, another option, and I think I made reference to**
 13 **that in the logbook, about ...**
 14 Q. DC Wallace has told the chairman that the command
 15 team -- I think that would include or be you -- wanted
 16 to know, as he put it, the occupancy of the vehicle.
 17 That sounds about right on what you are saying?
 18 **A. Yes, I was -- I didn't feel it was necessary that**
 19 **I knew -- that I wanted sort of descriptions. I was**
 20 **quite satisfied from what I had picked up earlier who,**
 21 **or certainly I knew that Mr Totton and Mr Grainger were**
 22 **in the vehicle, at that stage the third occupant of the**
 23 **vehicle was --**
 24 Q. Was unknown to you?
 25 **A. Yes, there was an indication of a potential first name**

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1 **but -- again, perhaps we will talk about that more in**
 2 **closed.**
 3 Q. Mr Wallace described this as an imperative to know the
 4 occupancy of the vehicle and that it was a point of
 5 concern for the command team; is that right?
 6 **A. Absolutely, because if the individuals had left the**
 7 **vehicle, that would create a different dynamic,**
 8 **requiring a different tactical consideration. So**
 9 **I think it was paramount to me that I had that**
 10 **information available to me.**
 11 Q. Do you recall that a surveillance officer, we know it to
 12 be DC Wallace, tried to get eyes on the vehicle at 7.03,
 13 but could not see into the vehicle? So there was
 14 a failed attempt to do so, was that broadcast to you?
 15 **A. I think all that I can recall was, I think, picking up**
 16 **information that the three subjects were in the vehicle.**
 17 **The mechanics of that, I am not too sure about.**
 18 Q. You see, are you saying that there did come a time when
 19 you were told that the three subjects were in the
 20 vehicle?
 21 **A. I am pretty sure that that was, that that information**
 22 **was relayed to me so that I was aware at the time that**
 23 **the three were still inside the car, yes.**
 24 Q. We have heard evidence from DC Wallace to say that he
 25 tried to get eyes on the vehicle at 7.03 on foot but he

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1 could not see into the vehicle.
 2 **A. Right.**
 3 Q. And therefore at 7.05, a DC Evans, who we have heard
 4 evidence from, drove on to the car park, but was only
 5 able to observe that there were people in the car and
 6 not who they were.
 7 **A. Hmm.**
 8 Q. Yes?
 9 **A. And that would have been in effect the clarification**
 10 **that I would have required, that the individuals were in**
 11 **the car.**
 12 Q. Well, he said he was not able to confirm that there were
 13 three people in the vehicle.
 14 **A. Right.**
 15 Q. He said that he was able to say that there were
 16 occupants in the vehicle.
 17 **A. Well, I think that -- I have interpreted the message**
 18 **over the airwaves as the three people were still in the**
 19 **vehicle.**
 20 Q. You have that down I think at 19.03, have you? On
 21 page 426.
 22 **A. Yes.**
 23 Q. "Three on board stolen Audi."
 24 Yes?
 25 **A. Yes.**

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1 Q. You say:
 2 "With SIO, agree tipping point."
 3 **A. Yes.**
 4 Q. At this stage, I think, using the chronology that we
 5 have just discussed, eyes have been lost on the vehicle
 6 for, on the chronology I have put to you, some
 7 13 minutes, 6.52 when DC Wallace's observations ended
 8 and 7.05 when DC Evans's began, yes?
 9 **A. From the chronology, that wasn't apparent to me that we**
 10 **had had that loss of physical surveillance for that**
 11 **period of time.**
 12 **I think I was aware that there had been a breakdown**
 13 **and hence my urgent request to get someone there to**
 14 **confirm. The length of time, it didn't seem about that**
 15 **length of time, I have to be honest, but I think, sir,**
 16 **at that time of the operation, there was quite a lot**
 17 **happening and I think time perhaps did pass quicker than**
 18 **I realised it was going -- it was passing.**
 19 Q. Did you know by this time that the vehicle, the stolen
 20 Audi, had quite significantly blacked-out windows on its
 21 side?
 22 **A. I was not aware of that, no.**
 23 Q. If you had have been aware of it, what impact would it
 24 have had on your decision making, if any?
 25 **A. It would certainly be something that I would have**

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1 **brought to the attention of the OFC, because that would**
 2 **have -- be of interest, certainly to the firearms**
 3 **officers who were going to deploy to the vehicle,**
 4 **because that would clearly impede or compromise their**
 5 **vision of what was taking place in the rear of the**
 6 **vehicle.**
 7 Q. So applying a descriptor to it, "Relatively significant
 8 information for an OFC to have"?
 9 **A. That would be my taking of it, yes, that would be**
 10 **useful -- certainly very useful for him to know.**
 11 Q. Looking at your reasoning as to why the tipping point
 12 was now reached, can we look at tab 1, please, at
 13 page 7.
 14 **A. I am there, sir.**
 15 Q. In the top paragraph:
 16 "At about 19.03, having consulted with the SIO and
 17 assessed the information that was available to me,
 18 I considered the tipping point had now been reached and
 19 that the subjects could now be arrested for conspiracy
 20 to commit robbery.
 21 "I formed this opinion, that the three subjects were
 22 in a stolen motor vehicle, in an area where I understood
 23 them to have undertaken previous reconnaissance, were
 24 wearing gloves and now appear to be ready to leave the
 25 vehicle."

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1 Yes?
 2 **A. Yes.**
 3 Q. Can you see you give four reasons there for the tipping
 4 point being reached?
 5 **A. Yes.**
 6 Q. Yes?
 7 **A. Yes.**
 8 Q. Can I look at each of them.
 9 You formed the opinion because the three subjects
 10 were in a stolen motor vehicle. It was undoubtedly the
 11 case that this was a stolen motor vehicle and you knew
 12 about it?
 13 **A. Yes.**
 14 Q. You say that the three subjects, you knew that the three
 15 subjects were in the vehicle?
 16 **A. Yes, I think, really drilling into the detail, I was**
 17 **aware that Mr Totton and Mr Grainger was in the -- were**
 18 **in the vehicle.**
 19 Q. Not Mr Rimmer?
 20 **A. Mr Rimmer was clearly elsewhere.**
 21 Q. Yes.
 22 **A. We were aware that another person, a third person, had**
 23 **been picked up and was in the rear of the vehicle. So**
 24 **perhaps that word "the three subjects" could be**
 25 **construed to be --**

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1 Q. Yes, I mean in fairness to you, it might be a reference
 2 back to earlier in the statement where you had referred
 3 to two of the subjects and an unknown male and you may
 4 have adopted the phraseology "subjects" as a reference
 5 to them.
 6 Secondly, "In an area where I understood them to
 7 have undertaken previous reconnaissance", that is
 8 obvious and is I think established that they had at
 9 least parked up there previously.
 10 Now you say, "Were wearing gloves" and we have seen
 11 in another statement that you said that you had been
 12 told that all three of them were wearing gloves.
 13 Who told you that?
 14 **A. I think I picked that up from over the airwaves.**
 15 **I think that came from the officer at the time that the**
 16 **Volkswagen was left and the Audi was being boarded,**
 17 **I made a note, "No one apparently carrying anything" and**
 18 **I put, "Thinks all wearing gloves".**
 19 Q. Who was that who thinks all wearing gloves?
 20 **A. At the time I had assumed it was a surveillance officer.**
 21 **I think it was actually one of Mr Cousen's officers from**
 22 **the Robbery Unit.**
 23 Q. If we can look then, please, at bundle R.
 24 It is okay, I will try and do it blind. Bundle R,
 25 page 118, please. 139.

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1 **A. I've got the page from -- it looks like an observation**
 2 **log.**
 3 Q. Yes, thank you. Can you see an entry at 18.29?
 4 **A. Yes, "Black Golf ..."**
 5 Q. If we just read this together:
 6 "Black Golf from Sandringham/Leigh Road direction,
 7 pulls up first to the ..."
 8 **A. "... the side of the ..."**
 9 **I am assuming that is "subject vehicle 1".**
 10 Q. Yes, that is the red Audi:
 11 "Subject Gloucester ..."
 12 That is Mr Grainger.
 13 **A. Right:**
 14 **"... into front driver's seat. Subject Wilt ..."**
 15 **I am assuming that is Mr Totton.**
 16 Q. Yes.
 17 **A. "... into front passenger, unknown male into rear seat.**
 18 **Driver's side ..."**
 19 **Hang on:**
 20 **"... all three wearing sports clothing."**
 21 Q. Yes.
 22 **A. Right:**
 23 **"Gloucester wearing gloves."**
 24 Q. Yes, and Mr Clark has told us that that is what he would
 25 have broadcast, namely that it was Mr Grainger and

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1 Mr Grainger alone that he observed wearing gloves.
 2 We have also heard from DC Wallace, another
 3 surveillance officer, that he did not hear it broadcast,
 4 at 7.03 or otherwise, that all three men were wearing
 5 gloves.
 6 And also from DC Wallace that at 7.03, when you were
 7 making this decision about tipping points, he was unable
 8 to see if any of the occupants of the vehicle were
 9 wearing gloves and that to his knowledge, no other
 10 officer was in a position to say if all people in the
 11 car were wearing gloves.
 12 So, in those circumstances, how is it that you have
 13 recorded in your witness statement that one reason that
 14 you reached the conclusion that the tipping points were
 15 reached was that all three subjects were wearing gloves?
 16 **A. Sir, I think I have drawn that from my note of I think**
 17 **what I believed that I had heard. I have paraphrased**
 18 **all in jogging suits, so I think that says "sports**
 19 **clothing", I think my -- perhaps I have noted as jogging**
 20 **suits rather than sports clothing.**
 21 Q. I am concentrating on the gloves rather than the
 22 clothing.
 23 **A. "Thinks all wearing gloves."**
 24 **That was my recollection of what had been relayed.**
 25 Q. You are saying that, based on your note, you believed it

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1 to have been broadcast that all three men were wearing
 2 gloves?
 3 **A. Yes, and I think with Mr Cousen, I think that was also**
 4 **something that -- I think his recollection of the**
 5 **situation, that all three were wearing gloves.**
 6 Q. You know that by reading his evidence?
 7 **A. Yes, I have now -- well, I have had an opportunity,**
 8 **I think in the bundle that was provided to me, there**
 9 **were the sort of notes that he had taken in his daybook.**
 10 Q. Yes.
 11 The next reason you give on page 59, the fourth
 12 reason, is that they now appeared to be ready to leave
 13 the vehicle, yes?
 14 The chairman has heard evidence from DC Wallace and
 15 DC Evans, who have both said that they were not in
 16 a position to say that, that they did not hear that
 17 broadcast and that, at that time, no one was in
 18 a position to say that. In those circumstances, on what
 19 factual basis did you draw the conclusion that the
 20 subjects now appeared to be ready to leave the vehicle?
 21 **A. I think the inference I took was that the vehicle had**
 22 **been driving round, it had driven from Boothtown into**
 23 **Culcheth, had moved round the area and had now parked up**
 24 **and was stationary. Which then afforded the occupants**
 25 **the opportunity to leave the vehicle.**

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1 Q. That is not what you have written. I will examine
 2 whether it is logical in a moment.
 3 You haven't said that because they were sitting in
 4 a car, it was open to them to leave the vehicle. You
 5 have written they now appeared ready to leave it.
 6 **A. I think that is my interpretation of the set of**
 7 **circumstances.**
 8 Q. But how were you able to interpret the circumstances
 9 that they were ready to leave it, if there wasn't
 10 a factual foundation for it?
 11 **A. I can only, sir, that -- my sort of judgment, based on,**
 12 **you know, the set of circumstances at the time, that the**
 13 **vehicle was stationary --**
 14 Q. But it had been stationary since at least 6.45. Yes, 18
 15 minutes by then?
 16 **A. 18 minutes, okay. Well perhaps I was not aware of the**
 17 **complete length of time that the vehicle had remained**
 18 **stationary. That is the inference, that was the**
 19 **conclusion I drew from the set of circumstances.**
 20 Q. Can we turn, please, to tab 4 at page 67, please. In
 21 the bottom half of the page you say, in a previous
 22 statement:
 23 "At 7.03, having consulted with DI Cousen and
 24 assessed the information available to me I considered
 25 that the tipping point had now been reached and the

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1 subjects could now be arrested for conspiracy to commit
 2 robbery. To add clarification, my rationale for
 3 arriving at this decision was as follows ..."
 4 You give seven reasons now for reaching that
 5 conclusion.
 6 One is the prior intelligence relating to the
 7 offending of the subjects. We have dealt with a lot of
 8 that previously.
 9 The fact that all three subjects were in the Audi.
 10 **A. Hmm.**
 11 Q. Again you knew that one of the subjects, Mr Rimmer, was
 12 not. Yes?
 13 **A. Yes, I think I ...**
 14 Q. As well as that being a misdescription of the position,
 15 you I think had received intelligence that the subjects,
 16 meaning Mr Totton, Mr Grainger and Mr Rimmer, intended
 17 to commit the robbery together. Hadn't you?
 18 **A. I think the intelligence indicated that those three**
 19 **named individuals were committing robberies, armed**
 20 **robberies in the north-west of England. That I think**
 21 **was the COPU.**
 22 Q. The way it had been described to the AFOs in the
 23 PowerPoint briefing is that their intention, their joint
 24 intention, was to commit robberies, wasn't it?
 25 **A. Yes, that's right.**

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1 Q. Did the fact that one of them was plainly not in the
 2 vehicle and therefore not in a position to commit
 3 robbery in fact point away from a robbery being
 4 committed that night, it is a factor that is turning the
 5 compass away from this being a robbery, isn't it?
 6 **A. My view of that was no, it doesn't, I --**
 7 Q. Did you think about that then?
 8 **A. I think from picking up the information that another**
 9 **individual was going to be involved, albeit I didn't**
 10 **know the identity of that individual. That did not**
 11 **completely surprise me, because I am aware from previous**
 12 **operations that I have been involved with, where what**
 13 **starts off as a specific group, that someone else can be**
 14 **drafted in at short notice to participate in an offence.**
 15 **And my view was that that was what was happening here.**
 16 Q. Okay.
 17 The fourth point was that the three subjects had
 18 spent several minutes driving round the centre of
 19 Culcheth -- sorry, I have skipped one.
 20 That all three subjects were wearing jogging suits
 21 and gloves. We have dealt with the gloves point
 22 already, and to an extent we have dealt with the jogging
 23 suits. Why would the fact that people were wearing
 24 jogging suits mean that they were they were about to
 25 commit a robbery?

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1 **A. Again, this was based on previous operations that I have**
 2 **worked on, that -- and I know we talked about the word**
 3 **"bland", but my previous experience was that people**
 4 **would wear nondescript clothing.**
 5 Q. But you did not have anything to suggest that the
 6 jogging suits they were wearing were nondescript, had
 7 you? One of them might have been fluorescent pink?
 8 **A. My expectation would be that if someone was wearing**
 9 **a fluorescent pink suit, that the surveillance teams**
 10 **would have picked that up and put it out there.**
 11 Q. But all that had been broadcast on the records we have
 12 is that the three of them were wearing sports clothing?
 13 **A. Yes, and I think that was -- I had interpreted that that**
 14 **way. Knowing what I know now, "Sports clothing" would**
 15 **have been perhaps the right thing to write in my book**
 16 **but I -- my interpretation and my recall at the time was**
 17 **that is how I have interpreted it and that is how I have**
 18 **logged it.**
 19 Q. The fourth thing is:
 20 "The fact that the subjects had spent several
 21 minutes driving round the centre of Culcheth, carrying
 22 out what I considered to be counter-surveillance
 23 measures."
 24 Did anyone tell you that they had been conducting
 25 counter-surveillance measures?

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1 **A. No one used that form of words, no and --**
 2 Q. That was your own interpretation?
 3 **A. That was my interpretation on the fact that clearly the**
 4 **situation was that, certainly Mr Grainger and in some**
 5 **cases Mr Totton, had visited that particular place on**
 6 **a number of occasions. If the intention was just to go**
 7 **to a car park, you would drive straight to that car**
 8 **park. The fact that there had been a drive round the**
 9 **area and a number of U-turns and going round back**
 10 **streets, I interpreted that as, "Let's see what is**
 11 **happening".**
 12 Q. You say next, a similar point, that Mr Grainger had been
 13 there -- I think this is the information you were
 14 working off from what Mr Cousen told you that morning,
 15 I think -- had been to Culcheth the previous evening?
 16 **A. That's right.**
 17 Q. Sixth, that the Audi had been parked in a car park close
 18 to a small number of commercial premises, including
 19 a Sainsbury's supermarket.
 20 And lastly:
 21 "At this time of day there would have been
 22 considerable amounts of money in the commercial
 23 premises, as a result of having a full day's trading in
 24 a prosperous Cheshire town."
 25 This witness statement is made nine months after the

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1 event in January 2013?
 2 **A. That's right, yes.**
 3 Q. Were all of these things very much in your mind on the
 4 night?
 5 **A. Yes, I think we talked before about paragraph 38 where**
 6 **I talked about the four themes. The request was,**
 7 **I think, can you please be -- provide more of your**
 8 **thought process, drill into your memory a little bit**
 9 **more about your considerations. And that is what the**
 10 **bullet points there really draw out, my thought process**
 11 **at that time.**
 12 Q. The best evidence that these were in your mind at the
 13 time would have been a note in your log, wouldn't it?
 14 **A. That would have been the best evidence, yes.**
 15 Q. I think you subsequently heard that there had been
 16 a discharge of a firearm and eventually were told
 17 I think that it was Mr Grainger that had been shot?
 18 **A. That's correct, sir, yes.**
 19 Q. What part did you play in a post-incident procedure?
 20 **A. I think the -- my initial priority at that time, upon**
 21 **hearing that information, and sort of reflecting on the**
 22 **transmission of the information now and a great deal of**
 23 **uncertainty that someone had received a firearm wound,**
 24 **not clear who had been injured. The priority for me was**
 25 **just ensuring that we were getting paramedics to the**

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1 scene to support the firearms officers.
 2 **I think it has probably already been explored that**
 3 **the firearms officers who were on the MASTS team are**
 4 **trauma trained, they are in fact trauma technicians, but**
 5 **nonetheless I wanted to ensure that we were getting**
 6 **medical support to them ASAP.**
 7 Q. I was fast forwarding quite a lot to the post-incident
 8 procedure.
 9 **A. Right.**
 10 Q. What part did you play in the post-incident procedure,
 11 the formal PIP?
 12 **A. I was present at the Claytonbrook, it was the firearms**
 13 **training room. So the decision was made, I think there**
 14 **had been some discussion around an appropriately trained**
 15 **post-incident manager. In the end I think Greater**
 16 **Manchester had identified an individual and the venue**
 17 **for the post-incident procedures was identified at**
 18 **Claytonbrook and I made my way there.**
 19 Q. What happened when you arrived at Claytonbrook?
 20 **A. Forgive me, it is a little bit of a fog now, sir, but**
 21 **I was mindful that there were other members of the**
 22 **firearms team arriving, I think we were clarifying**
 23 **that --**
 24 Q. To stop you, did you speak with them?
 25 **A. I don't think -- no, I can't recall. I remember seeing**

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1 **people being around.**
 2 Q. Was X7, the OFC, housed with you?
 3 **A. No, I don't think he was. I think I -- it ended up with**
 4 **the -- as part of the process, the Police Federation had**
 5 **turned out one of their people to be with the firearms**
 6 **officers. We had had a colleague from the**
 7 **Superintendents' Association who turned out to support**
 8 **me. Mindful that Mr Sweeney, you know, through ACPO,**
 9 **didn't have that support mechanism, so that colleague**
 10 **supported the both of us. And I think the tactical**
 11 **adviser waited with me as well, so I think there were**
 12 **the three of us sort of came together at the firearms**
 13 **training base.**
 14 Q. In the course of any of that was what is known I think
 15 in the trade as a no conferring warning delivered to
 16 you?
 17 **A. I can't recall a no conferring warning being given, but**
 18 **I think I would have recognised that going through**
 19 **a debrief with colleagues would not have been the right**
 20 **thing to do.**
 21 Q. Who was in the room whilst you were waiting?
 22 **A. It is hard to recall. I think if I -- I think there was**
 23 **a Chief Inspector Simpson was the PIM. I am not sure if**
 24 **there was an Inspector Hughes present. I think having**
 25 **heard the sad news about what had happened in the car**

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1 **park, my memory is a little vague around who was**
 2 **actually there. It does seem -- it did seem a little**
 3 **bit surreal.**
 4 Q. Did you give consideration to making an account that
 5 night?
 6 **A. No. No, I didn't. If I recall, I think there was**
 7 **a delay and some discussion as to whether or not someone**
 8 **from the IPCC would speak to me at that time.**
 9 Q. Yes.
 10 **A. I lose track of time, forgive me, sir, at that time.**
 11 Q. Hmm.
 12 **A. I think the decision was taken that that conversation**
 13 **would not take place -- I say that evening, it was**
 14 **probably getting into the small hours of the morning by**
 15 **then, and that I was allowed to go home.**
 16 Q. Who told you that you did not need to make an account,
 17 if anyone?
 18 **A. I think that might have been the post-incident manager.**
 19 **But I can't recall, sir.**
 20 Q. You cannot remember which one?
 21 **A. I can't, sir, no.**
 22 Q. In the course of the post-incident procedure, did you
 23 receive an account either directly or indirectly as to
 24 what had happened at the scene?
 25 **A. I think not -- I don't think at the post-incident**

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<p>1 procedure, I think in the control room there were pieces 2 of information that were coming through over the 3 Airwave. I think I was -- at one stage I was having 4 a telephone conversation with the Cheshire force 5 incident manager, making him aware that someone had 6 received an injury and it was at that time that I was -- 7 I became aware that it had been a fatal wound. 8 Q. The Inquiry has received some expert evidence which, 9 amongst other things, suggests that the contingencies 10 and tactical parameters for this operation should have 11 been far more focused on minimising risk. Do you agree 12 or disagree with that suggestion? 13 A. I think the tactical plan that I put together, the 14 working strategy that had been agreed did work towards 15 that objective about minimising risk. 16 Q. The evidence suggests that the plan set for 17 Operation Shire should have been more focused on setting 18 parameters to direct and command the tactical operation, 19 with a particular emphasis on the risks associated with 20 the use of specialist munitions. Do you agree or 21 disagree with that criticism? 22 A. I think I would -- I'd disagree. I think that the issue 23 is about, was about the recording of the risks and 24 benefits, for want of a better phrase, of using that 25 particular option.</p> <p style="text-align: center;">Page 101</p>	<p>1 review of arrest tactics should have taken place once 2 you knew that the subjects were on the car park, that 3 that, at that time, time could have been created in 4 order to consider other options, for example uniformed 5 resources, including the four Cheshire ARVs, to flood 6 the area and to disrupt any impending criminal activity. 7 Do you accept that that fast time review of arrest 8 tactics did not take place? 9 A. I am sort of -- I was interested in the phrase that more 10 time could have been created. And I am not sure, 11 knowing what I knew then, albeit what I know now is 12 different, but knowing what I knew then, that to delay 13 further could have actually exposed public, 14 particularly, to a greater degree of risk. So I am hard 15 pressed to accept that that was a viable step for me to 16 take. 17 Q. Alternatively, if it had been expressly planned for as 18 a contingency it could have been immediately deployed. 19 A. I think, again, the use of overt resources brings with 20 it additional risks. One of the risks that the use of 21 an overt resource brings is the potential someone in 22 a vehicle can say, "Right, let's get out of here" and 23 drive quickly and drive irresponsibly and expose people 24 to a greater risk. That is a factor. 25 MR BEER: Yes, thank you very much.</p> <p style="text-align: center;">Page 103</p>
<p>1 Q. It has been suggested that, disruption and/or 2 consideration of delaying the arrests to a safer time 3 and place should have been considered. 4 Do you agree that it was not considered and that you 5 ought to have considered it? 6 A. Disruption was something that could have been used. 7 Through Cheshire -- Cheshire had some armed response 8 vehicles on standby, and that was an option that we 9 could have deployed overtly the armed response vehicles. 10 My view was, due to the surveillance control on the 11 subjects, the tactic that was in place and the skills of 12 the officers involved, that that MASTS tactic remained 13 the most appropriate tactic. 14 Q. It has been suggested that the fact that your records 15 suggest that only one armed tactic was considered was 16 neither appropriate nor acceptable, do you accept that 17 criticism? 18 A. I accept the criticism that I should have recorded 19 a greater number of options. I am mindful that within 20 the MASTS capability it actually does provide some 21 additional tactical options as part of the methodology. 22 So I am -- I wouldn't accept that criticism fully, sir, 23 no. 24 Q. Lastly, it is suggested that on the assumption that 25 there was no imminent threat to life, that a fast time</p> <p style="text-align: center;">Page 102</p>	<p>1 Those are the questions I ask. 2 A. Thank you. 3 Questions from MR THOMAS 4 MR THOMAS: Mr Granby, my name is Mr Thomas and I am 5 representing the family of Mr Grainger. There are four 6 key areas that I would like to explore with you, okay. 7 Firstly, can I come back to the briefing, the 8 PowerPoint briefing. You agree, do you not, that the 9 PowerPoint mentions three subjects only, Totton, 10 Grainger, Rimmer? 11 A. That's correct sir, yes. 12 Q. Were the AFOs told about any other subjects? 13 A. No, they weren't, sir. 14 Q. No? So -- 15 A. At the briefing? Forgive me, sir, at the briefing were 16 they told about any other subjects? 17 Q. That is what we are talking about, the briefing. 18 A. No, they were not told about any other subjects. 19 Q. Those were the three subjects they were focusing on, 20 correct? 21 A. That's correct. 22 Q. Did you bring about any research into any other 23 potential subject overnight on 2 or 3 March? 24 A. No, I didn't. 25 Q. Mr Granby, a moment ago you were telling us that there</p> <p style="text-align: center;">Page 104</p>

1 was a potential for a further subject. Why no
 2 enquiries?
 3 **A. I think what I had attempted to explain was that my –**
 4 **my working knowledge of the way that organised crime**
 5 **groups would work, is that it would not be unusual for**
 6 **another person to join. That my view was there was no**
 7 **specific intelligence available at that time that could**
 8 **be developed to identify that, so it was an issue but it**
 9 **wasn't an issue that I felt could be developed through**
 10 **the development of further information.**
 11 Q. Mr Granby, I don't mean to be unkind about this but the
 12 reality is this, this is the truth: you were focusing on
 13 three subjects and three subjects alone?
 14 **A. As part of this operation, yes. Yes.**
 15 Q. The suggestion which you are making now in relation to
 16 a potential further subject was not going through your
 17 mind at the time, was it? That is why the AFOs were not
 18 even told about a potential another subject. That is
 19 the reality, isn't it?
 20 **A. The AFOs were briefed on the subject, on the information**
 21 **that we had.**
 22 Q. Three subjects?
 23 **A. Three subjects.**
 24 **To attempt to brief AFOs around other individuals**
 25 **who at that time were unknown, I am not sure how I could**

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1 **have achieved that.**
 2 Q. Forgive me. Let me be clear on what I am putting to
 3 you. I am suggesting, very clearly, that the suggestion
 4 you are making now, you are not telling the truth. Do
 5 you follow? In relation that, "Oh we had in our mind
 6 another subject, another potential subject".
 7 **A. That is not what I have said.**
 8 **With respect, sir, the briefing was based on**
 9 **intelligence around those, the three individuals. What**
 10 **developed during the course of the day is that one of**
 11 **the subjects was clearly doing something else. That**
 12 **developed during the course of the day. I was not in**
 13 **a position at that opening briefing, at the opening**
 14 **briefing, to tell officers about unknown subjects**
 15 **because I wouldn't have known who they were. I am not**
 16 **seeking to mislead the chairman when I say that.**
 17 Q. Mr Cousen says that he told you that David Totton,
 18 Anthony Grainger and Robert Rimmer were going to commit
 19 a robbery on 3 March, or, if not then, on 5 March. Do
 20 you agree that you were told this?
 21 **A. Yes, I agree.**
 22 Q. The question was binary, wasn't it, the robbery would
 23 either be on the Saturday or the Monday?
 24 **A. I am mindful that there may be some additional**
 25 **information, but that was certainly Mr Cousen's**

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1 **explanation to me.**
 2 Q. The robbery would either be on Saturday or the following
 3 Monday?
 4 **A. Yes.**
 5 Q. It would be very important for the Tactical Firearms
 6 Unit to decide which was more likely, the Saturday or
 7 the Monday?
 8 **A. Indeed.**
 9 Q. The reason for that is, if they made the arrest on the
 10 Saturday but the robbery was on the Monday, they would
 11 blow the whole operation. Do you follow?
 12 **A. I understand that, yes.**
 13 Q. The purpose was to obtain evidence that the men were
 14 about to commit a robbery, which would lead to long
 15 prison sentences, correct?
 16 **A. I think that was the purpose of the SIO.**
 17 Q. If your team arrested prematurely, when it was just
 18 a recce, then you wouldn't have achieved that purpose.
 19 Correct?
 20 **A. And I think, sir, that ties in with the rub of the**
 21 **tipping points around the SIO's objective and against my**
 22 **objective, which was actually about seeking to minimise**
 23 **harm.**
 24 Q. In addition, Mr Granby, a MASTS vehicle intervention is
 25 high risk. Isn't it?

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1 **A. Yes, it is.**
 2 Q. Those risks would obviously not be justified if this was
 3 just a recce; would you agree?
 4 **A. I would agree with that, yes.**
 5 Q. For this additional reason, it was of the greatest
 6 importance to decide whether the Saturday or the Monday
 7 was the most likely for the robbery. Agreed?
 8 **A. I agree with you, yes.**
 9 Q. By 6.00 on Saturday, the 3rd, all of the likely targets,
 10 the cash in transit deliveries, and/or the financial
 11 premises, were gone or closed?
 12 **A. That's correct, it left I think two or three late at**
 13 **night premises that were available as targets.**
 14 Q. Can I move on to a second theme.
 15 You agree, do you not, that it was your duty to
 16 minimise risk to the greatest possible extent in
 17 accordance with your article 2 duties?
 18 **A. I agree.**
 19 Q. Mr Granby, I just want to be clear on this, I am not
 20 repeating or going over what Mr Beer has already been
 21 with you, this is slightly nuanced and different.
 22 Did you ask for advice in relation to the risks on
 23 the tactical options that you were considering putting
 24 into place?
 25 **A. That would be part of the process that would be**

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<p>1 discussed with the tactical adviser --</p> <p>2 Q. Is the answer yes?</p> <p>3 A. Yes, yes, that is the answer.</p> <p>4 Q. That was the responsibility and duty that you had; do</p> <p>5 you agree?</p> <p>6 A. Yes, I would agree.</p> <p>7 Q. Would you also agree that when the AFOs went into their</p> <p>8 strike mode -- you understand what I mean by strike</p> <p>9 mode?</p> <p>10 A. I do, sir, yes.</p> <p>11 Q. Not only should they be identifiable, visible, but they</p> <p>12 would call out and identify they was, shouting things</p> <p>13 like "Stop, police", "Keep your hands where we can see</p> <p>14 them", that sort of thing?</p> <p>15 A. That would be the standard tactic that would be used by</p> <p>16 the officers, yes.</p> <p>17 Q. The reason why identifying themselves either visibly</p> <p>18 and/or audibly was important was to indicate to the</p> <p>19 subjects that if they didn't comply they were at risk of</p> <p>20 being shot. Agreed?</p> <p>21 A. That would be the -- yes, that would be the conclusion</p> <p>22 you would draw from that.</p> <p>23 Q. Because you knew, or should have been aware, that sudden</p> <p>24 and unpredictable movements put lives at risk. Agreed?</p> <p>25 A. I would agree that in a dynamic situation like that,</p> <p style="text-align: center;">Page 109</p>	<p>1 A. That is correct, and I think we have responded to</p> <p>2 Mr Beer's questions around the balance of those risks.</p> <p>3 Q. I want to reverse it. I want it look at it from the</p> <p>4 subjects' point of view.</p> <p>5 If the vehicle is fogged, it would also impede the</p> <p>6 subjects' ability to know who is approaching them. It</p> <p>7 must work both ways. Do you follow?</p> <p>8 A. I think there would be -- as I think we saw from the</p> <p>9 video, there is a rapid time response for which the</p> <p>10 occupants of the car would determine what is happening</p> <p>11 here, what is taking place.</p> <p>12 Q. Really? If the vehicle is fogged?</p> <p>13 A. I think in terms of the timeline that the vehicle goes</p> <p>14 in front of the Audi, there is an indication that there</p> <p>15 are police officers present before the CSDC was deployed</p> <p>16 into the car. That would be my understanding.</p> <p>17 Q. Mr Granby, that is on the assumption that the occupants</p> <p>18 in the vehicle are looking out and observing what is</p> <p>19 going on outside, as opposed to speaking to one another</p> <p>20 in the vehicle. Isn't it?</p> <p>21 A. I think it is also -- it is an assumption that we form,</p> <p>22 also based on the fact that when the police officers</p> <p>23 deploy, as you have outlined yourself, there are a lot</p> <p>24 of shouts about "Police", "Put your ..." You know, the</p> <p>25 notification to the subjects that this is, these are</p> <p style="text-align: center;">Page 111</p>
<p>1 that movements that are unpredictable could alert an AFO</p> <p>2 to think that there is a risk here, yes.</p> <p>3 Q. This is a risk that any reasonable AFO would be aware of</p> <p>4 before this operation; do you agree?</p> <p>5 A. Yes, I would agree.</p> <p>6 Q. These are all important matters to have in mind in terms</p> <p>7 of risk assessment, and in terms of the tactics that you</p> <p>8 authorised should be deployed, do you agree?</p> <p>9 A. Yes, I agree.</p> <p>10 Q. Let me come back then to one of the tactical options</p> <p>11 that you authorised to be used, the use of the special</p> <p>12 munitions. We have already seen the video today, the</p> <p>13 one that fogged the inside of the vehicle.</p> <p>14 You would agree with this. One of the things that</p> <p>15 your AFOs would need to do is to keep their eyes on the</p> <p>16 subject as they approached during the strike mode. That</p> <p>17 would be very important, wouldn't it?</p> <p>18 A. You would -- I am not an AFO, but I would assess that</p> <p>19 understanding the behaviour, the movements, the</p> <p>20 compliance of the subjects would be of paramount</p> <p>21 importance.</p> <p>22 Q. You need to have eyes on, don't you?</p> <p>23 A. Absolutely, yes.</p> <p>24 Q. Eyes on the subject would be lost if the vehicle is</p> <p>25 fogged, wouldn't it?</p> <p style="text-align: center;">Page 110</p>	<p>1 police officers. So my view would be they would hear</p> <p>2 that before their vision would be lost by the CSDC going</p> <p>3 into the car.</p> <p>4 Q. Mr Granby, only if the police officers are shouting</p> <p>5 their warnings in a clear, unrestricted manner, and I am</p> <p>6 not going to repeat and do the demonstration that</p> <p>7 Mr Beer demonstrated for us this morning. I am sure you</p> <p>8 remember it.</p> <p>9 A. I remember that. I think I also remember him saying</p> <p>10 that Q9 was not wearing the respirator. Therefore his</p> <p>11 voice could be heard clearly.</p> <p>12 Q. Mr Granby, these --</p> <p>13 MR BEER: I don't think I said that. I said that his</p> <p>14 voice --</p> <p>15 THE CHAIRMAN: You said nothing about his voice, I think you</p> <p>16 did say that he was not wearing a respirator.</p> <p>17 MR BEER: Correct.</p> <p>18 A. Right. Sorry, forgive me, that was my interpretation --</p> <p>19 THE CHAIRMAN: That was your interpretation.</p> <p>20 A. -- of what I was told. But certainly there was</p> <p>21 an officer whose voice was not impeded by wearing</p> <p>22 a respirator.</p> <p>23 MR THOMAS: You see all of these things have to be factored</p> <p>24 in to minimise the risk when you authorise this tactic;</p> <p>25 would you agree?</p> <p style="text-align: center;">Page 112</p>

1 **A. I agree.**
 2 Q. Just help the chairman with this.
 3 Right, so I have gone through and I have not
 4 finished but I want to be quick on this. The risks that
 5 is Mr Beer outlined, the risks that I am outlining now,
 6 you agree that these are risks, you agree that you had
 7 this article 2 duty to the greatest possible extent to
 8 minimise the risk, particularly where lethal force may
 9 be deployed, yes?
 10 **A. Absolutely, the working strategy talks about a number of**
 11 **risks that I was seeking to manage.**
 12 Q. All right. Question, do you agree, nowhere is any of
 13 this documented?
 14 **A. In relation to the --**
 15 Q. The risks.
 16 **A. -- documentation of those risks and -- I ...**
 17 **unfortunately, it is not documented in my policy book.**
 18 Q. No.
 19 **A. I agree with that.**
 20 Q. Not documented. I suggest not considered. Is that
 21 fair?
 22 **A. I don't think that is fair.**
 23 Q. All right.
 24 **A. The risks were considered, but they were not documented.**
 25 Q. You say these risks were considered. When were they

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1 considered? When?
 2 **A. I think, again, I have explained a number of times today**
 3 **that the tactical options were reviewed, reviewed in the**
 4 **morning, reviewed when a new TAC adviser arrived, so --**
 5 Q. Hang on, can I just jump in there --
 6 THE CHAIRMAN: Well, two things, two observations Mr Thomas.
 7 The first is that at the moment this does seem to
 8 involve a lot of repetition of what he has already been
 9 asked.
 10 The second thing is if you ask him a question,
 11 I think you should allow him to answer it before jumping
 12 in.
 13 Do you want to complete what you were about to say?
 14 **A. What I was saying, sir, was that the risk was being**
 15 **reviewed on a number of occasions throughout the day.**
 16 **I did not start off with a, "This is what we are going**
 17 **to do" and forget all about it. There was a regular**
 18 **review of this is what we have, are the tactics -- do**
 19 **they remain proportionate?**
 20 MR THOMAS: Did you discuss these risks with the firearms
 21 officers?
 22 **A. As part of the briefing?**
 23 Q. At all.
 24 **A. Not to that level, no, that is -- that was not discussed**
 25 **with the firearms officers.**

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1 Q. How do you know then -- if you had these risks in mind
 2 and you say you were regularly reviewing them, the
 3 people who you are meant to be regularly reviewing these
 4 risks with are the people who are going to be deployed,
 5 isn't it?
 6 **A. No, the risks are reviewed with the tactical adviser.**
 7 **And if there are any changes, if the risks were to**
 8 **change, any change in that -- any change in the**
 9 **assessment of that risk would then be shared with the**
 10 **operational firearms commander, who could then brief the**
 11 **firearms officers. The firearms officers are obviously**
 12 **out at a police station.**
 13 Q. All risk assessments and your processes should be logged
 14 in your log, yes?
 15 **A. And I concede that where I have used the word "review",**
 16 **that has unfortunately summarised my risk assessment**
 17 **process.**
 18 Q. I am going to ask you this question and I would like you
 19 to see if you can answer it. Did you or did you not --
 20 the risks that I have been outlining, and there are
 21 several, I am not going to repeat them, about difficulty
 22 in seeing, difficulty in hearing, movements. Did you
 23 discuss those risks with the men on the ground?
 24 **A. As part of this operation, no, I did not.**
 25 Q. Those are the very individuals who, if you are seeking

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1 to minimise the risk to life, need to be informed,
 2 aren't they?
 3 **A. I think my response would be those are the individuals**
 4 **who undertake significant amounts of training to deliver**
 5 **the tactic. And, as part of that tactic, they will be**
 6 **aware of the risks associated with that tactic.**
 7 Q. Mr Granby, how long would it have taken for you,
 8 ensuring your duty, because you are the one with the
 9 responsibility to ensure that the risk to life is
 10 minimised to the greatest possible extent, how long
 11 would it have taken to have run through these risks?
 12 **A. I would have to speculate that, I --**
 13 Q. How long has it taken us? I have been on my feet for
 14 about five minutes.
 15 **A. My view would be that I would be telling the firearms**
 16 **officers something that they already knew, as part of my**
 17 **briefing I had detailed the working strategy around**
 18 **minimisation of risk and as part of X7's -- when X7 took**
 19 **up the operational briefing, again, I think the risks**
 20 **are outlined.**
 21 **So I don't feel that the firearms -- operational**
 22 **firearms officers were going out on the ground unaware**
 23 **of the potential risks of the approved tactic.**
 24 Q. You didn't satisfy yourself, did you? You didn't ask,
 25 did you?

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1 **A. I didn't ask, and I -- perhaps the word would be I made**
 2 **the assumption that the officers would be aware of those**
 3 **risks.**
 4 Q. I am going to suggest that that assumption was in
 5 dereliction of your own duty, because you were the one
 6 in charge.
 7 **A. Indeed.**
 8 Q. Let me move on to my final topic, if I may.
 9 The MASTS option was a primary tactic on 3 March,
 10 correct?
 11 **A. Correct.**
 12 Q. When MASTS decisive action is conducted on a subject
 13 vehicle, the aim is to box in the subject vehicle,
 14 correct?
 15 **A. Correct.**
 16 Q. The MASTS vehicles will try to ensure that there were
 17 obstructions on all four sides of the vehicle, in other
 18 words so that the subject vehicle cannot escape or be
 19 used as a weapon?
 20 **A. Correct.**
 21 Q. Which is why one of the cars went across the front of
 22 the Audi?
 23 **A. Correct.**
 24 Q. If Anthony Grainger's vehicle was boxed in, as was the
 25 aim, you would agree that his car could not pose

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1 a serious risk to anyone, certainly not enough to
 2 justify shooting him. Would you agree?
 3 And I am thinking about using the car as a weapon,
 4 do you follow?
 5 **A. I follow.**
 6 **The situation at the scene, and if there was a gap**
 7 **between the boxed-in car and the Audi, and the**
 8 **opportunity to then move forward in a powerful vehicle,**
 9 **I am not aware of what that situation, the situation**
 10 **was.**
 11 Q. But this is something you had planned for?
 12 **A. We put a tactic in place --**
 13 Q. To box the car in?
 14 **A. That's right.**
 15 Q. And that is what happened.
 16 **A. And what I would say, in terms of perhaps every MASTS**
 17 **operation that takes place, that boxing may be slightly**
 18 **different, a few inches here, a foot there, it is about**
 19 **the effectiveness of being able to put the subject**
 20 **vehicle in a position where it cannot move forward.**
 21 Q. This was slightly easier, as it were, because this was
 22 a vehicle that was parked up and had been parked up for
 23 some time?
 24 **A. That's correct, yes.**
 25 Q. That had been communicated to the strike team, hadn't

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1 it?
 2 **A. They were aware of that, yes.**
 3 Q. Would you agree that you knew and had been informed that
 4 Mr Grainger was going to be the driver? You knew that?
 5 **A. That was my assumption based on everything that had gone**
 6 **before. He consistently was the person who was driving**
 7 **the Audi, correct.**
 8 Q. Did Mr Cousen tell you that it was his view that
 9 Mr Grainger would not probably be carrying a weapon,
 10 because he would not be doing the actual offence?
 11 **A. I don't recall Mr Cousen saying that to me and I think**
 12 **there were -- if I recall, we are talking about**
 13 **intelligence, there was no intelligence, hard**
 14 **intelligence available to say that at that time anyone**
 15 **was going to be in possession of a firearm or a weapon.**
 16 Q. You knew that Mr Grainger had been seen in the driving
 17 seat when the Audi pulled off at 18.29 on the 3rd?
 18 **A. Correct.**
 19 Q. And there was no indication from any surveillance
 20 officer that eyes had been lost on the vehicle or
 21 Anthony Grainger had got out of the vehicle?
 22 **A. No.**
 23 Q. So this reinforced your conclusion that Anthony Grainger
 24 was in the driving seat?
 25 **A. That would have been my expectation at the time, yes.**

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1 Q. Were the AFOs made aware of that?
 2 **A. The AFOs would have been aware through the conversations**
 3 **I had had with the OFC who could then brief them on the**
 4 **ground -- plus I think you would recall we heard about**
 5 **the surveillance commentary that was available to the**
 6 **AFOs as well.**
 7 Q. Were the AFOs made aware that Anthony Grainger, (a)
 8 being the driver, his threat was a lot lower than
 9 Totton?
 10 **A. They weren't made specifically aware of that as part of**
 11 **the briefing, no.**
 12 Q. That is an important consideration in the AFO's
 13 decisions as to whether or not one of the subjects posed
 14 a threat, isn't it?
 15 **A. It is a consideration to take, and it is a very dynamic**
 16 **consideration that an AFO needs to take.**
 17 Q. Finally this, let me ask you this. Were you aware of
 18 Operation Samana and the theft of the memory stick?
 19 **A. No.**
 20 **I am subsequently aware of it, as a result of --**
 21 Q. No, I am talking about at the time.
 22 **A. No.**
 23 MR THOMAS: That is all I ask.
 24 THE CHAIRMAN: Mr Weatherby, do you have questions?
 25 MR WEATHERBY: I do.

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1 Questions from MR WEATHERBY
 2 MR WEATHERBY: I represent Gail Hadfield-Grainger,
 3 Anthony's partner --
 4 THE CHAIRMAN: Mr Weatherby, I do apologise, it is probably
 5 better that I jump in now rather than halfway through
 6 your second question.
 7 We have been going for well over an hour and it
 8 rather depends on how long you are likely to be.
 9 I would normally give the witness and everybody else,
 10 and particularly the shorthand writer and stenographer,
 11 a break.
 12 MR WEATHERBY: I am entirely in your hands. It may be
 13 better to have the break now. I am not going to be very
 14 long, no more than about 15 minutes.
 15 THE CHAIRMAN: It is a little overdue already. If you don't
 16 mind I would prefer to take it now.
 17 (3.27 pm)
 18 (A short adjournment)
 19 (3.35 pm)
 20 THE CHAIRMAN: Yes, Mr Weatherby.
 21 MR WEATHERBY: Thank you.
 22 Mr Granby, I represent Gail Hadfield-Grainger,
 23 Anthony's partner, and I just have a few questions for
 24 you.
 25 Could I ask you to look at tab 11 again. It is the

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1 log that you have already looked at, page 426, it is
 2 your operation log. It is the period up to --
 3 **A. I am there now, sir, yes.**
 4 Q. Thanks.
 5 Can I just confirm with you, this operation log,
 6 this was made at the time, wasn't it?
 7 **A. Yes, that is correct, it is a --**
 8 Q. Yes, it is a --
 9 **A. -- contemporaneous note of things that were happening**
 10 **and notes I was taking.**
 11 Q. 18.40, that happened, so you wrote it down?
 12 **A. Yes, that's right.**
 13 Q. Can I ask you, it is a simple question but it is quite
 14 an important one, how do you get the timings?
 15 **A. By referring to my wrist watch.**
 16 Q. Right.
 17 **A. So I am mindful there is not one single clock that**
 18 **everyone is working from.**
 19 Q. Okay. But it is your wrist watch, being a police
 20 officer, an important role here, you keep your wrist
 21 watch accurate?
 22 **A. Within a couple of minutes, yes. Yes, it would -- yes.**
 23 Q. You are reasonable confident that your timings here are
 24 accurate?
 25 **A. I think it is one of the things I have looked at,**

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1 **because I think there is one of the transcripts from**
 2 **a call that I made to, or a call I received from the**
 3 **force incident manager at Cheshire, and the time of the**
 4 **transcript reads across and corresponds with the time of**
 5 **the note I put in my logbook, so I think --**
 6 Q. That helps.
 7 **A. -- I am kind of not far away from it, yes.**
 8 Q. That corroborates and give us an anchor point on your
 9 timing. Good, thank you very much.
 10 During this period, from the start of this page and
 11 just before, this is where the subjects are active and
 12 things are beginning to happen. I think you said before
 13 it was a busy time?
 14 **A. There was a lot of information, a lot of things**
 15 **happening, yes.**
 16 Q. Yes.
 17 Coming up to 7.00 and then the period after 7.00, up
 18 to maybe 7.10, you are in the command room. Is that
 19 right?
 20 **A. That's correct, yes.**
 21 Q. You are there, and you are with Mr Cousen?
 22 **A. Yes. I think, if I recall, there are sort of a couple**
 23 **of rows of seats. I am sat down, the TAC adviser is to**
 24 **my right-hand side, and Mr Cousen was I think**
 25 **immediately behind me.**

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1 Q. Right, so you have your TAC adviser, you have Mr Cousen,
 2 you have got a feed from the --
 3 **A. There is a sound feed coming through from the**
 4 **surveillance unit.**
 5 Q. -- surveillance team?
 6 **A. And the TAC adviser also has the Airwave transmissions**
 7 **from the firearms officers.**
 8 Q. Right, and beyond that you are trying to keep everything
 9 else out of your way?
 10 **A. At that time, I am mindful that conversations that I was**
 11 **having with the operational firearms commander were over**
 12 **the telephone, so of course there are certain times**
 13 **where you are making telephone calls that you might not**
 14 **be picking up everything --**
 15 Q. It may just be me but I had not picked that up.
 16 So the communication you are having with the
 17 operations --
 18 **A. With the operational firearms commander, yes.**
 19 Q. So X7?
 20 **A. X7, yes.**
 21 Q. That is over the telephone, that is not over the radio
 22 system. Why is that?
 23 **A. I think that just -- that tended to be practice.**
 24 **I think with the radio system, it is stop/start, whereas**
 25 **with the telephone there can be freer conversation**

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1 **rather than stop/start.**
 2 Q. Right.
 3 I am sorry, would you just give me a moment, that is
 4 an answer that has slightly thrown me.
 5 THE CHAIRMAN: Yes, of course.
 6 MR WEATHERBY: Can you help me clarify something, could you
 7 look at bundle T, and it is in fact T/1 and then we are
 8 going to look at T/3. Do you have that?
 9 **A. I've got that, yes.**
 10 Q. If you look at T/1, please, it is a reply by DI Foulkes
 11 from Operation Idris, 12 January of this year, it is
 12 a reply to an enquiry by the Inquiry team. It is about
 13 telecommunications, now just the first paragraph:
 14 "Enquiries have been made with GMP's operational
 15 communications branch, OCB."
 16 Do you know what that is? If you don't just say.
 17 **A. I used to be a superintendent in the OCB, so it is the**
 18 **part of Greater Manchester Police that oversees the**
 19 **calls coming in from the public but also provides the**
 20 **command and control service. So the radio services**
 21 **going out, broadly to the operational officers out on**
 22 **divisions, but there will be some specialist channels.**
 23 **So they are sort of the telephone and radio experts, for**
 24 **want of a better phrase.**
 25 Q. Right, so if you were to phone the X7, the OFC, would

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1 that go through the operational's communication --
 2 **A. No, it wouldn't, so this would be a mobile-to-mobile**
 3 **communication.**
 4 Q. I see, so am I right that this covers phone calls in and
 5 out --
 6 **A. There would be, yes.**
 7 Q. -- of the police system?
 8 **A. Yes, so there would be -- a call coming into the police**
 9 **system, there used to be sort of hard tape, the tape --**
 10 **they are now sort of digitally recorded so ... more so**
 11 **it is for specifically calls coming in from members of**
 12 **the bundle, 999 calls. Ordinarily a call from**
 13 **an extension to an extension would not be recorded.**
 14 Q. So if I as a member of the public phoned into you as
 15 a police officer in your office.
 16 **A. Yes, that would not be recorded. I think there would be**
 17 **a log, I think you would probably be able to find there**
 18 **would be a log of the time that the call came in, but**
 19 **there wouldn't be --**
 20 Q. That is all I am interested in at the moment. I am not
 21 interested in a recording of it.
 22 **A. Fine.**
 23 Q. If I phoned you in your office in the police HQ or
 24 whenever --
 25 **A. Yes, it would give a date and a time that that call came**

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1 **in.**
 2 Q. Yes, and if you phoned me from there, that would also
 3 log a call to me?
 4 **A. An outgoing call going out, yes.**
 5 Q. Outside.
 6 But your mobile to the OFC would not be --
 7 **A. It wouldn't be picked up by -- through that system, so**
 8 **you would have to rely then on the records from the**
 9 **mobile service provider because you could get an audit**
 10 **of those calls.**
 11 Q. I am with you, okay.
 12 Can you look at the bottom line of page 2. This is
 13 where Mr Foulkes is -- he has dealt with Mr Sweeney's
 14 phones and he is now moving on to you.
 15 **A. Right.**
 16 Q. "There were three calls from Superintendent Granby's
 17 mobile number into the OCB ..."
 18 That is you on your mobile phoning into the police
 19 landline, to put it --
 20 **A. Yes, I think that would refer -- looking at the time**
 21 **there, I think that might refer to me.**
 22 Q. If there is a record of a call from you on your mobile,
 23 that is a call from you from your mobile into a police
 24 landline site. Is that right?
 25 **A. Yes, that's correct and I am looking at the time there,**

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1 **I suspect what I was doing --**
 2 Q. We will move on to that in a second. I am just trying
 3 to establish the basis here.
 4 **A. All right.**
 5 Q. Mr Foulkes goes on:
 6 "These were timed and dated as follows ..."
 7 Then there is one -- we are dealing with the
 8 relevant days, 2 and 3 March here, 3 March 7.38 in the
 9 morning. Not worried about that.
 10 Then 7.42.
 11 Then this, 19.02.37 on 3 March, two minutes and four
 12 seconds.
 13 **A. Yes.**
 14 Q. That is a call from your mobile to another police
 15 landline number on your evidence.
 16 **A. Yes.**
 17 Q. At more or less precisely the time that you have
 18 recorded that you are dealing with Mr Cousen, discussing
 19 with Mr Cousen about tipping points.
 20 **A. Yes I think that -- I am just looking because I know**
 21 **that I will have -- I called, post incident, the Greater**
 22 **Manchester force duty officer. I am trying to find the**
 23 **record.**
 24 Q. Never mind for the time being post incident, we can come
 25 to that if you want in a minute.

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1 **A. I think the point that might be pertinent is that the**
 2 **recording system takes no recognition of British Summer**
 3 **Time, so the 7.38 recorded here may have actually been**
 4 **6.38 real-time on 3 March.**
 5 THE CHAIRMAN: That would be if the system was on British
 6 Summer Time, not if it was on standard time.
 7 **A. Forgive me, sir, from experience working in the branch**
 8 **I recognise that the logger didn't recalibrate itself**
 9 **when there was a change in the time, I think I would be**
 10 **right in saying that.**
 11 MR WEATHERBY: We are not talking about 37 minutes past, we
 12 are talking about 2 minutes past.
 13 **A. I think what I am alluding to --**
 14 Q. You are saying it is an hour out?
 15 **A. That call may be 8.00. I am just looking on my log here**
 16 **as to why I would have --**
 17 THE CHAIRMAN: I can understand why it might be at 6.00, but
 18 it wouldn't be 8.00 would it because if it shows the
 19 actual time, in early March it would be correct. If it
 20 is showing Summer Time, it would be showing an hour
 21 late, not an hour early.
 22 **A. Right, I think I have established the call now. Forgive**
 23 **me, and I have -- I am being unkind on GMP's system. On**
 24 **page 426 of my log --**
 25 MR WEATHERBY: Yes.

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1 **A. -- at 19.10, it says:**
 2 **"Confirmed one male in vehicle has been shot ..."**
 3 Q. Yes.
 4 **A. "... FDO aware."**
 5 Q. Yes. What does that mean?
 6 **A. That is making reference to the GMP force duty officer**
 7 **that, from GMP's perspective, there is an incident here.**
 8 **I think from some of the Airwave traffic, there was**
 9 **a frustration around getting paramedics to the scene and**
 10 **knowing that that would be a good route to chivvy along**
 11 **the North-west Ambulance Service.**
 12 Q. So you called the police system to --
 13 **A. To say, "Can we just move this forward".**
 14 Q. The problem with that, Mr Granby, help me, please. The
 15 problem with that is that no one, as far as I am aware,
 16 had been shot at 19.02.
 17 **A. And that may be a differential in the system, but the**
 18 **log there would tie in with why I would have been**
 19 **putting a call into GMP at that time, that would be the**
 20 **explanation.**
 21 Q. Well the call from the police to the ambulance is timed
 22 at 19.13.50 seconds, and I will be corrected if I am
 23 wrong about that, but certainly by --
 24 THE CHAIRMAN: Is that on the same system? That is recorded
 25 on a different system?

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1 MR WEATHERBY: It is the ambulance system that we have the
 2 timing from, but the timing we are talking about with
 3 the mobile phone record is way before that, isn't it?
 4 It is 11 minutes before that.
 5 **A. The record is saying here it is 19.02.37 on the 3rd.**
 6 Q. Yes.
 7 **A. Now, as you quite rightly say, at that critical time**
 8 **I am in discussions with the SIO and then speaking to**
 9 **the operational firearms commander at 19.03 and noted**
 10 **that at 19.05. All that I can say is recording on my**
 11 **watch at 19.10, I have put a line about the FDO. So**
 12 **that is the only explanation I can give to a call from**
 13 **my mobile going to a GMP landline.**
 14 Q. Maybe we can make some other enquiries about that
 15 another way, but would you agree with me that is a large
 16 time difference between 19.02 and 19.10?
 17 **A. There is indeed, and I am at a loss to explain that**
 18 **difference.**
 19 Q. Before we move on, let me ask you. This was a call,
 20 apparently an associated call, that lasted for two
 21 minutes and four seconds.
 22 This is a train of events which I fully appreciate
 23 that you were busy but you might remember a call of two
 24 minutes and four seconds. Can you help us with that?
 25 **A. I think what -- because there will be an issue, there**

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1 **will be an element of ring time, because the way that**
 2 **I think the system works, when the connection goes**
 3 **through, the clock starts ticking, there may have been**
 4 **a pick up time. I think what I was seeking to do was,**
 5 **from the FDO, was to chivvy along the ambulance service**
 6 **and to start making other people in Greater Manchester**
 7 **Police aware that there was a potential critical -- that**
 8 **there was a critical incident here.**
 9 **So that is why that was --**
 10 Q. Was it really you that called through to the ambulance,
 11 to the FDO, to get the ambulance or was that something
 12 else?
 13 **A. That was ...**
 14 **Well, my --**
 15 Q. Can you not recall?
 16 **A. My assumption is I think I remember making a call, that**
 17 **it was --**
 18 Q. You remember making the call about --
 19 **A. I remember putting a call in to sort of chivvy things --**
 20 **chivvy things along. I think we'd then, a short time**
 21 **later, had been in contact with Cheshire Police. Again**
 22 **struggling to get through to them but trying to ensure**
 23 **that things were being put into place at their end.**
 24 **But I think what is very clear is these calls were**
 25 **being made after the incident, after the time of the**

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1 **shooting.**
 2 Q. That is your evidence, is it, that whatever this call
 3 is, it is after you heard that Anthony Grainger was
 4 shot?
 5 **A. Absolutely, yes. Yes.**
 6 Q. Please just clarify, do you actually recall making the
 7 call to the FDO asking them to call the ambulance? Was
 8 that you or was it somebody else?
 9 **A. I think, as I said to Mr Beer, the impact immediately**
 10 **after we got that information, you know, things were**
 11 **tense to say the least and frantic to say the least --**
 12 Q. You cannot remember?
 13 **A. I can't remember. My feeling is that that is something**
 14 **I would have sought to achieve.**
 15 Q. Yes, well as I say, we can perhaps progress that in
 16 a different way.
 17 Can I move on to another topic. Mr Beer asked you
 18 about the fact that Anthony had been described on the
 19 PowerPoint briefing as a Group 1 offender, do you recall
 20 that?
 21 **A. I remember that conversation, yes.**
 22 Q. You confirmed to Mr Beer that that indicated that he had
 23 been designated by GMP as a threat to the public?
 24 **A. That is my assessment of a Group 1 offender.**
 25 Q. A dangerous violent offender?

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1 **A. That is my assessment of what a Group 1 offender is.**
 2 Q. The purpose of putting it on a briefing PowerPoint like
 3 this, it is a form of shorthand, isn't it, to tell the
 4 AFOs?
 5 **A. It would indicate to -- I think because it is on the GMP**
 6 **system, it would indicate to any individual that, you**
 7 **know, that --**
 8 Q. "Watch out, he's a risk"?
 9 **A. -- here is someone who could have the potential to be**
 10 **violent.**
 11 Q. I think you have also told us that in fact Mr Totton was
 12 the real risk target?
 13 **A. In my mind, that was where the significant risk of**
 14 **violence was coming from.**
 15 Q. Could I ask you briefly to turn up tab 18, please.
 16 First of all 1270, please.
 17 **A. 1270. 1270, yes I am there, sir.**
 18 Q. That is the threat assessment for Anthony, yes?
 19 **A. Yes.**
 20 Q. On that you can see "Group 1 offender", as Mr Beer took
 21 you to?
 22 **A. Yes.**
 23 Q. Can you just go back a page, that is the threat
 24 assessment for Mr Rimmer?
 25 **A. That's correct, yes.**

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1 Q. He is not down as a Group 1 offender, is he?
 2 **A. No, he isn't.**
 3 Q. Back a page to Mr Totton. He is not a Group 1 offender
 4 either, is he?
 5 **A. No.**
 6 Q. The AFOs here are being briefed where the main person
 7 you assessed as the main risk, he is not given this
 8 shorthand dangerous offender marking but
 9 Anthony Grainger is?
 10 **A. And I think, for context, I think what the AFOs would**
 11 **probably take more notice of the actual warnings, the**
 12 **issue of someone -- because as I say, a Group 1 offender**
 13 **would perhaps mean other things, I think they would take**
 14 **more cognisance of warnings around firearms, weapons and**
 15 **violence.**
 16 Q. It could refer to somebody being a sex offender, but we
 17 are not in that territory here are we?
 18 **A. It could. No.**
 19 Q. A Group 1 offender is clearly here to indicate that he
 20 was a potential danger?
 21 **A. A potential risk to the public.**
 22 Q. Dangerous violent offender?
 23 **A. Yes. But I think, sir, the point that am also making is**
 24 **that the, for Mr Totton, the warnings there are**
 25 **firearms, weapons and violence --**

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1 Q. Yes, I am not disputing that. Mr Beer has been through
 2 that. I am not going to go over it again.
 3 The point I am putting to you is that there is
 4 a point to putting "Group 1 offender" on a PowerPoint
 5 briefing, because otherwise you wouldn't put it there?
 6 **A. Yes.**
 7 Q. It is effectively here against the wrong offender?
 8 **A. I would have to look at the -- which I as a retired**
 9 **police officer I would no longer be entitled to do, but**
 10 **if you were to look at the records, I think what has**
 11 **been put on there is that Mr Grainger was identified on**
 12 **the GMP system as being a Group 1 offender. It may well**
 13 **have been that Mr Totton and Mr Rimmer were not.**
 14 Q. I am going to move on in a moment but let me just push
 15 that a little bit further. If there is a point at all
 16 to putting Group 1 offender on this PowerPoint briefing,
 17 it is to give the men and women that you are sending out
 18 with guns to a high risk situation, potentially,
 19 a threat assessment. Here you have got three offenders
 20 and one of them has this Group 1 offender marking and
 21 the other two don't. They are being effectively misled
 22 there, aren't they?
 23 **A. I think they are just being given information that is**
 24 **available on the system. And I suspect a firearms**
 25 **officer present at the briefing would take more**

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1 **cognisance of the firearms, take more notice of**
 2 **a firearms warning than they would do in relation to**
 3 **perhaps other warnings.**
 4 Q. I have made the point, I am going to move on.
 5 Can I talk about CROPS, please, we know from
 6 Mr Lawler that he had briefed and had ready for
 7 deployment CROPS officers on the operation on 2 March.
 8 Why did you not consider and deploy CROPS officers
 9 on 3 March?
 10 **A. I think my view was that -- CROPS, is a covert rural**
 11 **observation point?**
 12 Q. Yes.
 13 **A. I suppose my concern about trying to put in place**
 14 **a CROPS officer, first and foremost, would be you are**
 15 **assuming at that stage that you know the place where you**
 16 **are likely to try and make the arrest, because the issue**
 17 **is around providing those observations.**
 18 Q. Yes, the CROPS deployment would be to aid surveillance
 19 in a place rather than following subjects?
 20 **A. In a specific place, and I think my view in terms of the**
 21 **preparation for this operation was that it may not**
 22 **necessarily come to a conclusion in Culcheth, that there**
 23 **may have been an opportunity, and I think probably more**
 24 **so an element of putting someone into an observation**
 25 **point, and the difficulties of achieving that on a busy**

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1 **Saturday morning/afternoon as opposed to overnight, that**
 2 **there would be different logistical issues around that.**
 3 **So it was not something that I felt was right.**
 4 Q. Was it something you considered at all?
 5 **A. I really, thinking about what, in my mind was the way**
 6 **that the operation may run, it really wasn't**
 7 **a consideration.**
 8 Q. The problem with that, though, of course, is that
 9 Mr Lawler's operation, his plan, was that the subjects
 10 were not going to get to Culcheth at all, and the
 11 potential CROPS deployment was there in case they did.
 12 **A. Yes, I can see that.**
 13 Q. Your operation was the reverse of that, so --
 14 **A. Yes.**
 15 Q. -- doesn't it follow that there would be more reason to
 16 consider a CROPS deployment if you were thinking it
 17 likely that the subjects would end up in Culcheth, as
 18 indeed they did?
 19 **A. That wasn't my thinking about that, I was perhaps**
 20 **thinking more about conventional surveillance.**
 21 Q. Can I just ask you a few questions about role. Again,
 22 Mr Beer has dealt with most of this but I just want to
 23 make sure there is one further area that we are clear
 24 about.
 25 You as the TFC are in command of the tactics on the

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1 deployment. The MASTS was a resource, yes? It was
 2 deploying armed officers in support of covert
 3 surveillance?
 4 **A. Of surveillance, that's right, yes.**
 5 Q. Your tactic, on this deployment, your tactical plan was
 6 a decisive action strike, vehicle strike, to arrest the
 7 subjects once tipping points had been reached. That was
 8 what you determined the plan?
 9 **A. And the MASTS is the mechanism by which you can deploy**
 10 **the officers to deliver the arrest tactic, yes.**
 11 Q. Yes.
 12 Within that plan, of course, there would be a range
 13 of places where that decisive action could take place.
 14 Yes?
 15 **A. Absolutely.**
 16 Q. Although there comes and came a point where there is
 17 a handover from you, as the TFC, to X7 as the OFC,
 18 because it was his or her job to carry out that tactical
 19 plan --
 20 **A. Correct, yes.**
 21 Q. -- it was for you, wasn't it, to determine where that
 22 decisive action should take place?
 23 **A. That is not strictly correct. What my role is -- my**
 24 **role is to tell the OFC -- and if you -- a slightly**
 25 **different set of circumstances here where you have**

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1 **a static vehicle. If vehicles were moving and I gave**
 2 **the OFC the authority to move to the arrest phase, it**
 3 **would be for the OFC to consider where would be the most**
 4 **appropriate and safest place to make the strike.**
 5 Q. If you had deployed not having any idea where the
 6 subjects were going to end up, then that would have
 7 a logic to it. But here you always assumed, it was the
 8 working assumption, if you like, that the subjects were
 9 going to meet at the Audi and the Audi was going to
 10 travel to Culcheth, where you say that there was going
 11 to be an offence committed. Yes?
 12 **A. No, if I could take you back to that. I think a key**
 13 **point in that would be the offenders, referring to the**
 14 **tipping points, the offenders getting into the Audi. If**
 15 **there were additional factors present at that time, and**
 16 **you may recall me talking about that if officers had**
 17 **observed weapons being placed into the Audi at that**
 18 **time, then my direction to the operational firearms**
 19 **commander is, "Let's move forward now because**
 20 **evidentially we have got -- there is good information,**
 21 **good evidence there".**
 22 Q. So on your plan, the potential strike point starts at
 23 Boothtown --
 24 **A. And then can move.**
 25 Q. -- and is likely to end up in Culcheth?

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1 **A. Yes, there is a potential to end up there.**
 2 Q. I fully accept there is more than one way from Boothtown
 3 to Culcheth, but it is part of your job as the TFC,
 4 isn't it, to work out where the likely place is for
 5 a strike to take place so that you can plan it.
 6 **A. Again, it is a fluid situation, so I am -- the planning**
 7 **takes place recognising that there is, that there could**
 8 **be some fluidity in it. At the time that I give Amber**
 9 **authority to the OFC, quite clearly the vehicle is then**
 10 **stationary in Culcheth. That was by no means --**
 11 Q. I will try and deal with this quickly. You were
 12 expecting the subjects to meet up in Boothtown and
 13 travel to Culcheth and commit an offence?
 14 **A. My view was that is what I anticipated that their**
 15 **intent, that is what I anticipated that is what they**
 16 **would do, yes.**
 17 Q. Yes, and that is what the deployment was about?
 18 **A. Yes, the deployment was about seeking the most, on**
 19 **balance, the right time to arrest.**
 20 Q. Yes, but within those confines, a trip from Boothtown to
 21 Culcheth which takes a matter of 10 or 15 minutes --
 22 **A. 15 minutes or so, yes.**
 23 Q. A limited number of routes?
 24 **A. Yes.**
 25 Q. Very much a likely single route, and a likely

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1 destination, the car park.
 2 **A. Hmm.**
 3 Q. What I am getting at is did you sit down with X7 with
 4 a map and say, "Well, those traffic lights there" or,
 5 "That stretch of road there is where we should do the
 6 strike if the tipping point is reached on the way"?
 7 **A. No, I wouldn't have gone into that level of detail with**
 8 **X7.**
 9 Q. Or, "If we end up allowing them to go to the car park,
 10 we will do it there". Did you not have that
 11 conversation with X7?
 12 **A. You wouldn't go -- the practice would not be to go into**
 13 **that level of detail.**
 14 Q. We have heard about rehearsals, and how it was
 15 commonplace for the team --
 16 **A. Yes.**
 17 Q. -- the operational team, on a deployment, if it is
 18 practicable, to conduct rehearsals.
 19 If you have one or three or however many likely
 20 scenarios, then they can do that, can't they?
 21 **A. Yes, that will be available to them, yes.**
 22 Q. Would it not be sensible for you as the commander to
 23 work out with X7 where the likely strike points would be
 24 so that he or she could do the rehearsal?
 25 **A. I would say that would not be the normal practice of**

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1 **a TFC and an OFC. And I think from recall, from the**
 2 **transcript of the briefing, I think X7 makes reference**
 3 **to a number of different routes that previously the Audi**
 4 **has taken, so to try and presuppose a route and**
 5 **an appropriate stopping point, I think, you know, would**
 6 **be --**
 7 Q. Again, I am going to move on but can I just finish on
 8 this point, with the fact that it was always on your
 9 plan likely that the strike would happen in the car
 10 park?
 11 **A. No.**
 12 Q. No?
 13 **A. No.**
 14 Q. Would you just give me one moment, please. (Pause)
 15 Finally, could I ask you to go back to the T bundle,
 16 I just want to take you to another phone call.
 17 **A. Yes.**
 18 Q. It is page 9.
 19 Ms Murphy has just alerted me to this. It says
 20 "record of interview", but it is a record of a telephone
 21 call.
 22 **A. Yes.**
 23 Q. Help me with it, please, 19.25, this is on the police
 24 system, and this is the call that you have been
 25 mentioning, isn't it?

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1 **A. Ah right, yes.**
 2 Q. So this is you --
 3 **A. Yes.**
 4 Q. -- calling Sergeant Blood --
 5 **A. Yes, he says "Duty officer's line", so that would be me**
 6 **attempting to speak to the force duty officer.**
 7 Q. Yes:
 8 "Hello boss, how are you doing, do you want the
 9 boss?
 10 "Yes.
 11 "Just hang on.
 12 "I am chasing up an ETA for this ambulance for
 13 Culcheth.
 14 "No problem, I will put you on hold for a second.
 15 Just hang on."
 16 That is a call of 18 seconds.
 17 **A. Right.**
 18 Q. Right.
 19 Does that help you with anything?
 20 **A. What it ...**
 21 **It confirms that I put a call in, it was definitely**
 22 **me that put the call into the force duty officer at that**
 23 **time.**
 24 Q. You definitely put a call in.
 25 **A. But that was at 19.25. But I am struggling, the first**

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1 **time I have seen the detail of the times of calls, to**
 2 **try and --**
 3 Q. If it doesn't jog your memory about the earlier call
 4 then I will take it no further and we will try another
 5 way.
 6 **A. Yes, I am hard pressed to think what that would be. At**
 7 **the forefront of my mind at that time would be speaking**
 8 **to the force duty officers to chase up an ambulance.**
 9 **That would be my main issue.**
 10 **MR WEATHERBY: Yes, thank you very much.**
 11 THE CHAIRMAN: Ms Barton, do you have any questions?
 12 MS BARTON: No thank you, sir.
 13 THE CHAIRMAN: Ms Collins, any questions?
 14 MS COLLINS: No thank you, sir.
 15 MS WHYTE: Sir, I am --
 16 THE CHAIRMAN: Are you able to finish by 4.30, do you think?
 17 MS WHYTE: Easily.
 18 THE CHAIRMAN: Thank you.
 19 MS WHYTE: Thank you.
 20 Questions from MS WHYTE
 21 MS WHYTE: First of all, Mr Granby, in relation to the
 22 necessity to plan operations so as to minimise to the
 23 greatest extent possible any recourse to the use of
 24 lethal force. Could I take you to the log at tab 11 in
 25 your bundle. Before we look at individual parts of

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1 that, can you confirm that as a tactical firearms
 2 commander you would have been aware of that duty to
 3 consider minimising force to the greatest extent
 4 possible and particularly lethal force?
 5 **A. That's correct, yes.**
 6 Q. Thank you.
 7 By March 2012, I presume you were familiar with the
 8 layout of these logs and in particular the notes that
 9 are inserted into them to assist commanders in relation
 10 to what they should remember to use as part of the
 11 structure of their decision making?
 12 **A. Yes.**
 13 Q. Does that include, for example, tab 11, page 383, in
 14 relation to the conflict management model, a reminder
 15 about the European Convention on Human Rights and the
 16 need to be proportionate, legal, accountable, necessary
 17 and least intrusive in your decision making so far as
 18 the human rights and use of force element is concerned
 19 and the need to protect life?
 20 **A. Indeed, yes.**
 21 Q. If we look at the bottom left-hand part of that page, in
 22 relation to powers and policy, quite another matter
 23 whether you read this every time but there is a reminder
 24 there about considering the ECHR implications, the
 25 legitimate aims that you are seeking to achieve, whether

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1 they are lawful, whether they can be achieved or
 2 delivered in a proportionate way, in a justified way,
 3 least intrusive and least damaging to the rights of
 4 individuals. Were you aware these rights were there if
 5 you needed to refresh your memory as to your duties and
 6 obligations as far as human rights were concerned?
 7 **A. I was familiar with this, with the book, yes.**
 8 Q. These reminders, just so we can all be clear, crop up do
 9 they throughout the book? For example page 400, when
 10 you are considering your working strategy, you need to
 11 remind yourself and you have the book available to you
 12 at that point, you are given reminders to ask yourself:
 13 "Is what I am doing proportionate?"
 14 "Is there a less intrusive method?"
 15 "Can the objective be achieved in other ways?"
 16 So there are sort of headline news reminders for you
 17 if you choose to avail yourself of them?
 18 **A. Those are there, yes.**
 19 Q. Over the page again, please, to page 420.
 20 Is that another example of a reminder about bearing
 21 in mind the implications of the Human Rights Act and
 22 indeed other legislation?
 23 **A. It is indeed, and I think this -- although it may be not**
 24 **the exact form of words, but this appears in the**
 25 **briefing that is delivered to the officers as well.**

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1 Q. Yes, and I will ask other officers about that, thank
 2 you.
 3 You have been asked questions about the Northern
 4 Ireland Police Service joint services course that you
 5 attended --
 6 **A. Hmm.**
 7 Q. -- in 2011.
 8 At a very general level, please, how do the
 9 competencies involved in this type of pre-planned MASTS
 10 operation that we have been studying with you now over
 11 the last couple of days compare to the application of
 12 those competencies in the type of exercises you were
 13 undertaking about coordinating multidisciplinary
 14 intelligence with firearms and investigative specialist
 15 assets?
 16 **A. The specialist firearms commanders' course is focused**
 17 **about working with individuals from Security Services,**
 18 **from military personnel, so there is a more complex**
 19 **layer of interoperability, of different agencies feeding**
 20 **information into a firearms commander.**
 21 Q. I don't want you to say anything inappropriate in terms
 22 of sensitive issues, but in terms of the type of
 23 intelligence you are dealing with in this type of
 24 pre-planned operation concerning Mr Grainger, how does
 25 that compare, in very, very general levels without

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1 effect(?) being given to it, to the different types of
 2 multidisciplinary intelligence you are working with in
 3 your exercises on that course?
 4 **A. I think the -- I think the difference I would say is in**
 5 **terms of some of the multidisciplinary issues, there may**
 6 **be a greater opportunity to task out than perhaps was**
 7 **available for me. If that answers that question.**
 8 Q. You attended command NPIA refresher training within GMP
 9 on 26 January 2012, which you passed, and the materials
 10 for that, if anyone needs them, are at bundle I/721.
 11 How were you tested broadly speaking in that course
 12 on issues such as recognition of threat and risk using
 13 the conflict management model?
 14 **A. The way that it would -- that you would be given**
 15 **a scenario, a feed of information coming in, and you**
 16 **would develop a working strategy and tactical options.**
 17 **You would be assessed in the way that you responded to**
 18 **that developing information and the risks associated**
 19 **with that.**
 20 Q. Within the national police firearms training curriculum
 21 modules that you were tested on, we can see that you
 22 passed the recognition of threat and risk, the knowledge
 23 of law and procedure, of roles, development and
 24 coordination of tactical plans, provision of tactical
 25 advice, maintenance of professional standards and so on

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1 and so forth. In relation to, amongst other things, the
 2 application of that model. Is that right?
 3 **A. Yes, that's correct.**
 4 Q. Were you given any indication or impression by those who
 5 had tutored you on the Northern Ireland course or who
 6 were responsible with providing you with feedback that
 7 your performance on that course should have caused
 8 anyone to consider your fitness to carry on as a TFC?
 9 **A. No, and if you recall I specifically asked would my**
 10 **performance on the course create such an issue and the**
 11 **response from the feedback was no, that it would not.**
 12 Q. Can I move on to a completely different topic. That is
 13 the question of your previous operational experience, if
 14 any, of Mr Grainger himself.
 15 Did you have any operational experience of him?
 16 **A. I think at the time of Operation Shire Mr Grainger's**
 17 **name did not have any resonance with me. Subsequent to**
 18 **the incident and obviously as investigations moved on**
 19 **and information around involvement developed, as I say,**
 20 **I was reminded that Mr Grainger had been one of the**
 21 **subjects in an earlier operation, Operation Ascot, that**
 22 **I had played a role as a tactical firearms commander.**
 23 **I think more critical to me that the name of**
 24 **David Totton was a name that I did recall. And I think**
 25 **I would be right in saying that whilst Mr Grainger was**

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1 **one of the associated people to that operation, he was**
 2 **not arrested or charged in relation to that operation.**
 3 Q. You have told us that you had some operational
 4 involvement in Ascot as a TFC, I think; is that right?
 5 **A. Yes.**
 6 Q. You referred in one of your statements to operational
 7 knowledge of Mr Totton because you had been TFC on
 8 previous firearms deployments relating to him, was that
 9 just Ascot or were you referring to something in
 10 addition?
 11 **A. The two are sort of related. I think in March of the**
 12 **year of Ascot, Mr Totton was shot and wounded at the**
 13 **Brass Handles pub in Salford.**
 14 Q. Yes.
 15 **A. My subsequent involvement in that was the arrest of**
 16 **an individual, Ian McLeod, who was one of the offenders**
 17 **who was involved in the planning for the shooting of**
 18 **Mr Totton and also then involved in an operation around**
 19 **the planning to try and arrest an offender by the name**
 20 **of Robert Spiers, Bobby Spiers, who I think was believed**
 21 **to be the person who had actually commissioned the**
 22 **shooting of Mr Totton.**
 23 **So as part of the intelligence gathering and threat**
 24 **assessment around that, the name of David Totton**
 25 **obviously had some resonance. I think particularly**

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1 **going back in relation to Operation Ascot I recall**
 2 **David Totton not just purely around the issues of his**
 3 **capability, but the fact that at the timing of the**
 4 **planning of that operation, Mr Totton was recuperating**
 5 **from the shooting injury. So that I think, those**
 6 **factors caused me to remember his name far more than**
 7 **others.**
 8 Q. Forgive me if I am reading too much into that answer.
 9 Are you saying that you considered it to be of
 10 significant interest with your, to use the colloquial,
 11 copper's nose on, that he was pretty active or was
 12 suspected of being pretty active in serious crime,
 13 notwithstanding the fact he was still recovering from
 14 some serious injuries caused by a profoundly violent
 15 event?
 16 **A. That was my assessment at the time.**
 17 Q. I would like to turn to the question of threat
 18 assessment, please. Before I do, we now know, and you
 19 didn't know at the time, that Joseph Travers was a rear
 20 seat passenger in the red Audi. According to GMPics,
 21 and it is P/353 if people need the reference, he had
 22 warnings for violence, drugs and weapons and according
 23 to OPUS was a Group 1 offender. We have his police
 24 national computer antecedents. He was convicted when he
 25 was 18 of robbery and received a three-year young

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<p>1 offenders' institute sentence. He was then convicted 2 in October 2004 of a section 18, so he was 19 at the 3 time, and received two-year young offenders' institute 4 sentences. 5 At the same time was convicted of a further robbery 6 committed on the same day as the section 18 offence, for 7 which he received consecutively a 54-month prison 8 sentence. 9 I don't think that is in dispute. I think that 10 a matter of public record. 11 That being so, would that have affected, in any 12 different way, your threat assessment, if you had known 13 that Mr Grainger, Mr Totton and Mr Travers had been in 14 the car rather than Mr Rimmer? 15 A. No, it would not. 16 Q. The threat posed by suspects and their assumed 17 capability might be based on demonstrable offending, so 18 convictions, cautions, and is it fair to say that it 19 might also be based on suspected offending, both past 20 and present? 21 A. Yes, that's correct. 22 Q. You have been asked about how you approach a situation 23 where there is a disparity of risk posed by those that 24 you think might be in the process of committing 25 an offence.</p> <p style="text-align: center;">Page 153</p>	<p>1 are in close proximity to another displace the 2 collective threat? 3 A. My approach would be that it would be the collective 4 threat and potentially the threat posed by the 5 individual who posed the greatest risk that you would 6 have to plan for and take cognisance of. 7 Q. Here we know that, in terms of capability, as far as 8 Mr Grainger was concerned, on paper certainly, because 9 of his lack of relevant convictions or lack of the same 10 amount of intelligence, he theoretically posed less risk 11 than say Mr Totton. You would agree with that, I think, 12 as a proposition? 13 A. Yes, I would. 14 Q. When you were asked about this yesterday, particularly 15 in the context of Mr Grainger suspected of being the 16 driver, you said, it is page 151 of yesterday's 17 transcript. Not the sole threat that he would have 18 posed using the car as a weapon, you would also have to 19 look at their backgrounds: 20 "... Mr Totton, the overarching intent and it would 21 therefore be reasonable to assume potential access to 22 firearms." 23 Do you remember saying that in answer to a question 24 I think from Mr Beer? 25 A. Yes.</p> <p style="text-align: center;">Page 155</p>
<p>1 The disparity of course might be wide, it might be 2 somebody who has no convictions sitting next to somebody 3 who has been previously convicted of attempted murder, 4 or it might be narrow. 5 Is it right to say that the way in which disparity 6 of risk is managed will depend on a number of factors. 7 I am going to mention some and see if you agree. 8 It might depend on the number and type of suspects 9 coming together? 10 A. Yes. 11 Q. It might depend on the location, where they are? How 12 you judge the disparity of risk between them, so if you 13 have one that is 300 metres away from another, that 14 might be different in terms of judging the disparity of 15 risk they pose from a situation when they are all 16 standing next to each other in a confined place. Is 17 that fair? 18 A. That is fair. 19 Q. It might depend on whether they are in a building, a car 20 or an open ground for example. 21 Would the way in which the disparity is managed also 22 depend on the nature of the crime that you suspect they 23 are potentially about to commit? 24 A. That would have to be a consideration, yes. 25 Q. Does the individual threat posed by somebody when they</p> <p style="text-align: center;">Page 154</p>	<p>1 Q. You were aware, were you not, at the time you were 2 involved, that Mr Grainger appeared to have 3 a long-standing association with Mr Totton, going back 4 to, at the very least, the mid 1990s? 5 A. That would be true, yes. 6 Q. Can you tell us whether it would be assumed, rightly or 7 wrongly, that Mr Grainger therefore would have some 8 understanding of the threat that Mr Totton might pose, 9 ie he would be aware of Mr Totton's capability? 10 A. I think that Mr Totton's reputation would have been well 11 known by his associates. 12 Q. That if Mr Grainger was conspiring with Mr Totton, would 13 it be your assumption that he was consenting to the 14 capability of Mr Totton? 15 A. That would be a reasonable assumption to make, yes. 16 Q. If you understand that question. 17 Therefore, does Mr Grainger's voluntary association 18 with someone like Mr Totton inform your view as 19 a tactical firearms commander of the individual threat 20 that Mr Grainger poses and the collective threat, when 21 with others? 22 A. That would be a -- yes, a logical assessment. 23 Q. You have been asked why there wasn't an intervention in 24 Boothtown and I would just like to ask you a small 25 number of questions about that.</p> <p style="text-align: center;">Page 156</p>

<p>1 Leaving aside any issue of evidential or TFC style 2 tipping points, the officers were in Leigh. Is that 3 correct?</p> <p>4 A. That's correct, yes.</p> <p>5 Q. Not very far from Boothtown?</p> <p>6 A. About five minutes' drive, yes.</p> <p>7 Q. As far as we know from the Audi download, which is at 8 K/1057 if anyone needs it, it was stationary on 9 Sandringham Road at 18.28, it then moved on to 10 Leigh Road for less than a minute. Chaddock Lane for 11 just over a minute. It was on the East Lincs for three 12 minutes doing speeds varying between 33 miles per hour 13 and 81 miles per hour and then on Warrington Road for 14 five minutes at speeds varying between 15 and 41. Are 15 you familiar with those roads?</p> <p>16 A. Yes, broadly -- I have a rough idea, I am not from that 17 area.</p> <p>18 Q. If it is to be suggested that the movement of these 19 suspects should have been disrupted between those roads 20 that I have indicated, what would you say? Given what 21 you know about how long they were on them and the speeds 22 being used?</p> <p>23 A. That would make it difficult to get to them very 24 quickly.</p> <p>25 Q. There might be the suggestion, rather than explicitly</p> <p style="text-align: center;">Page 157</p>	<p>1 MS WHYTE: Thank you very much.</p> <p>2 Thank you, sir.</p> <p>3 MR BEER: Sir, nothing arising at the moment. If you have 4 any open questions now, sir, then --</p> <p>5 THE CHAIRMAN: This may well be my only opportunity. 6 I should say this, there is one matter I did briefly 7 want to ask about.</p> <p>8 The other point I want to raise is this, in view of 9 the questioning by Ms Whyte about the specific aspects 10 in which this witness was assessed as being up to 11 standard on the PSNI course, it may become necessary for 12 me to know the specific respects in which he was not so 13 assessed. Is everyone content for me to do that by 14 reference to the available documentation or is that 15 a matter which needs to be explored with the witness.</p> <p>16 MR BEER: Probably it is best to be explored with the 17 witness, sir, and I can do that on your behalf as it 18 were. We have the materials.</p> <p>19 THE CHAIRMAN: You will need to look at them.</p> <p>20 MR BEER: I could do it now or on Tuesday morning before we 21 start the closed.</p> <p>22 THE CHAIRMAN: Is that going to cause inconvenience for 23 anybody? You would have to be here at any rate on 24 Tuesday morning.</p> <p>25 I think we are getting quite late.</p> <p style="text-align: center;">Page 159</p>
<p>1 put, which I wish to put, that rather than calling State 2 Amber, it would have been a proper consideration to 3 flood or even slightly populate the area of the car park 4 with non-intervening overt officers. What, if any, 5 scope for volatility did you think that tactical plan 6 might involve?</p> <p>7 A. I think, well, there are two issues for me around that 8 in relation to the potential alerting of the subjects 9 that there was a police investigation ongoing around 10 them, so that -- there was a risk around that.</p> <p>11 I think the other risk associated with that is any 12 form of approach to a vehicle, the subjects in that 13 vehicle would have a very early view of police attention 14 and an opportunity to embark on an escape and a pursuit.</p> <p>15 Q. Were you aware, finally, on 3 March that there had been 16 a suspicion amongst the investigation team that on 17 26 January, when suspects had travelled to Stoke, it was 18 thought that they might have been spooked out of their 19 criminal enterprise on that day by some unknown factor 20 or even possibly awareness, rightly or wrongly, of 21 an aeroplane?</p> <p>22 A. I cannot recall that information precisely, but I think 23 my experience would suggest that teams of offenders 24 would tend to be very, very observant and very, very 25 sort of cynical about anything that seemed out of place.</p> <p style="text-align: center;">Page 158</p>	<p>1 I will just raise the one point I wanted to and 2 perhaps you can consider that and --</p> <p>3 MR BEER: Sir, I have the materials to hand now and marked 4 up and ready to ask questions about them.</p> <p>5 THE CHAIRMAN: It is up to you. 6 It depends how long it might take.</p> <p>7 MR BEER: I would say less than 10 minutes.</p> <p>8 THE CHAIRMAN: All right. 9 Further questions from MR BEER</p> <p>10 MR BEER: Could you take out your bundle, please, at tab 34. 11 Can you see on page 1313 --</p> <p>12 A. Yes, I am there, sir.</p> <p>13 Q. -- there appears to be a record of a final tutorial, 14 signed off by, I think you and the programme director on 15 15 April 2011, yes?</p> <p>16 A. 1314, yes.</p> <p>17 Q. On to 1314, yes?</p> <p>18 A. Yes.</p> <p>19 Q. Then behind that we can see a series of records of 20 achievement or non-achievement on the days that preceded 21 that?</p> <p>22 A. That's right.</p> <p>23 Q. Can we go to those first, and then work to the 24 conclusion?</p> <p>25 A. Yes.</p> <p style="text-align: center;">Page 160</p>

<p>1 Q. I think they are arranged, sort of Eurovision Song 2 Contest order, so if we go to 1326, please. Can you see 3 that that tutorial is dated on its face 4 at 11 April 2011? 5 A. Yes. 6 Q. Then if you go over the page to the document itself, it 7 is in fact dated 13 April 2011. Can you see that in the 8 top? 9 A. I can, yes. 10 Q. Is this a record of what the tutor went through with 11 you? It appears to be. 12 A. Yes, so at the conclusion of this particular exercise, 13 there was a debrief given by the tutors -- I can't 14 recall whether there was one or two tutors, but 15 certainly there was a lead assessor and that sort of 16 captures their notes. 17 Q. Okay and the four issues discussed on 1327 are: 18 "Use of the conflict management model." 19 A. Yes. 20 Q. "Tactical options and use of specialist assets." 21 A. Yes. 22 Q. "Decision making and communication." 23 A. Yes. 24 Q. And: 25 "Assessment of intelligence and assets."</p> <p style="text-align: center;">Page 161</p>	<p>1 assessment of intelligence, yes? 2 A. Yes, that sort of -- I think that sort of summarised the 3 issues and then obviously from that below are the areas 4 that I would need to take away during the course and 5 consider. 6 Q. Yes. 7 A. If it would help, the course comprised of a number of 8 scenarios leading up to a final scenario, which I think 9 took place on 14 April, which in effect was the pass and 10 fail. So there was opportunities to show your 11 development in the earlier -- 12 Q. If we go to that one then, I think that is the one at 13 1319 on to 1320, do you have 1319? 14 A. It is sticking on the arch. 15 1319, yes. 16 Q. I think it says: 17 "J18 [that presumably said 'Mark' or 'Mr Granby's', 18 'Superintendent Granby's'] use of the conflict 19 management model throughout this exercise was 20 inconsistent and at times elements were completely 21 overlooked. This led to difficulties when it came to 22 establishing the levels of threat, application of the 23 working strategy, and then implementing the appropriate 24 operational action. This situation was highlighted 25 during the executive action phase, where failure to</p> <p style="text-align: center;">Page 163</p>
<p>1 I think. 2 A. Or "action", I think that might be "action". 3 Q. The action or development plan noted is: 4 "Ensure the model [that is the conflict management 5 model] is effectively used at each stage, reviewing and 6 assessing the need for further action ..." 7 A. Yes. 8 Q. "... based on the information received, ensure all 9 decisions are clear, and when specialist assets are used 10 the appropriate advice is sought to ensure understanding 11 of their role and capability ..." 12 A. Hmm. 13 Q. "... on receipt of new information or intelligence, 14 assess its impact or ..." 15 THE CHAIRMAN: "Not". 16 MR BEER: "... not [thank you] on the operation, including 17 the action incrementally." 18 Yes? 19 A. I think that seems to be the ... 20 Q. In the context of a specialist course, the issues being 21 raised with you requiring development were the use of 22 the conflict management model, the tactical options that 23 you had selected, I think? 24 A. Yes. 25 Q. Your decision making and communication and the</p> <p style="text-align: center;">Page 162</p>	<p>1 exercise appropriately the elements in the conflict 2 management model led to long periods of indecision. 3 During this phase [you] were continually prompted but 4 appeared to lack in depth knowledge to progress the 5 operation." 6 Then, over the page to 1320: 7 "Throughout the day's exercise, although [you] had 8 the benefit of tactical advice in relation to ..." 9 A. That is "covert". 10 Q. Thank you: 11 "... Covert investigative techniques, it was 12 apparent that when [something or something?] he had very 13 limited knowledge in this area. This lack of knowledge 14 in this key area of operational delivery compromised his 15 position as a specialist tactical firearms commander 16 candidate. This prevented him from taking effective 17 command of these resources." 18 I think. 19 A. Yes. 20 Q. Then overall then, the final tutorial on the 15th, which 21 is where we started, 1313 on to 1314, it says: 22 "You committed yourself 100 per cent to the 23 programme. In the early stages of the programme you 24 displayed competency in the command of basic pre-planned 25 and spontaneous firearms incidents. You experienced</p> <p style="text-align: center;">Page 164</p>

1 difficulty in the management and coordination of
 2 multidisciplinary intelligence, firearms and
 3 investigative specialist assets. You were assessed and
 4 were not able to display competency in all of the
 5 required skill criteria associated with specialist
 6 firearms command."
 7 Then the recommendations and action plan over the
 8 page:
 9 "Need exposure to multidisciplinary intelligence,
 10 firearms and investigative specialist assets."
 11 And the specific development strategy was:
 12 "Mentoring in specialist firearms operations and
 13 continued professional development in specialist
 14 assets."
 15 Do you see that?
 16 **A. Yes.**
 17 Q. Is it fair to say that there is a focus here overall on
 18 an ability to manage and coordinate, intelligence,
 19 firearms and other investigative assets within the
 20 context of a specialist firearms commanders' programme
 21 yes?
 22 **A. I think it is that understanding of the specialist**
 23 **investigative assets and the multidisciplinary assets,**
 24 **that perhaps where I think that is highlighted where**
 25 **they, the development needs were identified.**

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1 Q. By the same token, however, would you agree that the
 2 issues that have been raised by these course notes
 3 relate to the use of the conflict management model, the
 4 selection of tactical options, even when tactical advice
 5 is being provided, and the ability to make decisions
 6 when under operational pressure?
 7 **A. I think in that particular environment, I think it would**
 8 **be key to say -- I think I would concede that I found**
 9 **the course very -- you know, very helpful**
 10 **developmentally and very stimulating, but it was**
 11 **a difficult course.**
 12 MR BEER: Sir, I hope that covers the issues.
 13 THE CHAIRMAN: It does, yes. Thank you.
 14 MR BEER: Thank you.
 15 Questions from THE CHAIRMAN
 16 THE CHAIRMAN: There was just one matter I wanted to ask you
 17 about.
 18 You dealt with the conversation with the incoming
 19 tactical adviser, Y19, at 15.15, 3.15 pm, on 3 March.
 20 I think you said that you in fact did discuss a range of
 21 tactical options with him at that stage; is that right?
 22 Conducted a review with him?
 23 **A. I think the timing of the -- the time I put in my**
 24 **logbook I think accorded to the time that we -- I had**
 25 **signed his book. We had reviewed -- and obviously he**

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1 **had also discussed with the outgoing TAC adviser -- the**
 2 **current set of circumstances but it gave me**
 3 **an opportunity to review with him his written**
 4 **considerations in that book, which he presented to me.**
 5 **So it did provide that opportunity.**
 6 THE CHAIRMAN: This is the one where your note simply reads,
 7 "Incoming TAC adviser, Y19"?
 8 **A. Yes.**
 9 THE CHAIRMAN: How long did that conversation with Y19 last,
 10 can you remember?
 11 **A. I suspect five minutes or so.**
 12 THE CHAIRMAN: Thank you.
 13 Anybody have anything to ask arising out of that?
 14 Thank you.
 15 At this stage I cannot release you because, as you
 16 know, there is closed evidence to be heard as well but
 17 it may be, following that, that there will be some
 18 further open questions, I don't know.
 19 The Inquiry is next sitting on Tuesday of next week
 20 at 10.30, so I am going to adjourn until then and would
 21 ask you first of all to attend at that time on that day
 22 and also do not please discuss the case between now and
 23 then with anybody else.
 24 **A. I will not.**
 25 THE CHAIRMAN: Thank you very much.

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1 MR BEER: Thank you, sir.
 2 (4.47 pm)
 3 (the Inquiry adjourned until 10.30 am on Tuesday,
 4 28 March 2017)
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