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| <p>1 Tuesday, 25 April 2017 2 (10.30 am) 3 THE CHAIRMAN: Ms Cartwright. 4 MS CARTWRIGHT: Good morning, sir. 5 THE CHAIRMAN: If it doesn't cause difficulty to you or to 6 any of your colleagues at the Bar, for reasons of purely 7 personal convenience I should like to take an earlier 8 than usual short adjournment lunch break today, ideally 9 around 12.15. 10 MS CARTWRIGHT: Thank you, sir. 11 THE CHAIRMAN: For the usual length of time, so resuming 12 about 1.20 so it won't affect the overall length of the 13 day. I hope it doesn't cause difficulty to anybody 14 else, let me know if it does. 15 MS CARTWRIGHT: Thank you. 16 THE CHAIRMAN: Thank you. 17 MS CARTWRIGHT: Sir, can Catherine Bates be called, sir. 18 THE CHAIRMAN: I would suggest that we then think about 19 having a break this morning at maybe 11.30 rather than 20 12.15. 21 MS CARTWRIGHT: I have mentioned to the shorthand writer and 22 the stenographer that we may sit straight through until 23 to 12.15 today, so I am in your hands, sir, whether you 24 would -- 25 THE CHAIRMAN: Oh, I see. It's up to them really, I mean</p> <p style="text-align: center;">Page 1</p> | <p>1 Independent Police Complaints Commission. 2 A. That's correct. 3 Q. Can you assist as to how long you had been 4 an investigator with the IPCC? 5 A. I joined the IPCC in January 2006, so at the time of 6 this incident I had been with them for just over six 7 years. 8 Q. Thank you. 9 In respect of your involvement in the events of 10 3 March 2012, following on from that time. Can you 11 assist us, had you ever performed the duty of a deputy 12 senior investigator or a senior investigator? 13 A. No, not at that time, no. 14 Q. Can I ask, first of all in terms of the number of 15 documents and if you had knowledge of them at the time, 16 we can see within your witness statement but also in 17 your notebook that you kept in respect of your 18 involvement, you make reference to the ACPO guidance. 19 A. Yes. 20 Q. There is a policy and procedure bundle, perhaps if you 21 could just be shown that first of all, please. 22 If I could ask you to turn to page 266, please, the 23 beginning of the document. We can see there a copy of 24 the Manual of Guidance on the management, command and 25 deployment of armed officers in 2011?</p> <p style="text-align: center;">Page 3</p> |
| <p>1 they are pretty tough ... 2 MS CARTWRIGHT: Thank you, sir. 3 THE CHAIRMAN: Thank you. 4 MS CATHERINE BATES (affirmed) 5 THE CHAIRMAN: Thank you, Ms Bates. Feel free to sit down 6 if you would be more comfortable. 7 A. Thank you, I am okay standing, thank you. 8 Questions from MS CARTWRIGHT 9 MS CARTWRIGHT: Good morning, my name is Sophie Cartwright 10 and I ask questions on behalf of the Inquiry. Can I ask 11 you first of all to confirm your full name. 12 A. Catherine Anne Bates. 13 Q. Is it Miss or Mrs? 14 A. Miss. 15 Q. Miss Bates, in front of you there is a folder and if you 16 look please behind tab 5, you should see there the 17 statement that you provided dated 23 October 2012. 18 A. Yes. 19 Q. Can I ask you to confirm, are the contents of that 20 witness statement true to the best of your knowledge and 21 belief? 22 A. They are. 23 Q. Thank you. 24 You tell us within the witness statement that 25 in March 2012 you were an investigator with the</p> <p style="text-align: center;">Page 2</p> | <p>1 A. Yes. 2 Q. Were you aware of that guidance and principally 3 chapter 7 that deals with post deployment and 4 post-incident procedures? 5 A. Yes, I was. 6 Q. Can you assist in terms of how you knew about that and 7 the training you had received in respect of 8 post-incident procedures? 9 A. So in respect of the guidance, that had been 10 disseminated by email towards the end of 2011. So that 11 is how I was aware of the guidance. In terms of 12 training, I had attended a variety of training courses 13 in respect of post-incident procedures. They all 14 predated this guidance -- 15 Q. Yes. 16 A. -- but some were internal and some were with police 17 forces. 18 Q. Thank you. 19 Can I then, please, take you to some documentation 20 that the IPCC have provided in respect of post-incident 21 management. I need to take you please in bundle R, 22 please, file 3. It is page 1291, please. 23 THE CHAIRMAN: I have it, sorry. 24 MS CARTWRIGHT: Thank you. 25 THE CHAIRMAN: Could I have the page reference again,</p> <p style="text-align: center;">Page 4</p> |

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| <p>1 please?</p> <p>2 MS CARTWRIGHT: 1291, please, sir.</p> <p>3 THE CHAIRMAN: 1291. Yes.</p> <p>4 MS CARTWRIGHT: Are you there, Ms Bates? We can see there</p> <p>5 the operational advice note that was provided by the</p> <p>6 IPCC. In March 2012 did you have knowledge of this</p> <p>7 operational advice note?</p> <p>8 A. I believe so, yes.</p> <p>9 Q. With saying you believe so, how had you been made aware</p> <p>10 of this or how was this disseminated or trained on?</p> <p>11 A. It would most likely have been disseminated via email</p> <p>12 and it was possibly available on our internal website as</p> <p>13 well.</p> <p>14 Q. Okay. So to the best of your knowledge, would this have</p> <p>15 been an internal document and advice on it that you</p> <p>16 would have knowledge in terms of applying on the ground?</p> <p>17 A. Yes, I believe so.</p> <p>18 Q. Can I then take to you another document, please, which</p> <p>19 is the aide-memoire document, which is in the same</p> <p>20 bundle, please, at 1310. I just want to look through</p> <p>21 that document that runs, please, to page 1315. Again,</p> <p>22 was this a document that you had knowledge of prior to</p> <p>23 your involvement in March 2012?</p> <p>24 A. I believe I would have had sight of that before then,</p> <p>25 yes.</p> <p style="text-align: center;">Page 5</p> | <p>1 I was going to be going out and to get my stuff</p> <p>2 together, everything I needed together. And Peter was</p> <p>3 going to contact the force and get further information</p> <p>4 in respect of where I needed to go, so that was the</p> <p>5 first phone call at 8.40 pm.</p> <p>6 Q. I think we can see you have already referenced it at</p> <p>7 tab 6, that's at page 649.</p> <p>8 A. Yes, that's correct.</p> <p>9 Q. Is it right then that Peter Orr was the senior</p> <p>10 investigating officer?</p> <p>11 A. He was, yes.</p> <p>12 Q. I think he was not based within the north-west, where he</p> <p>13 was he located?</p> <p>14 A. He worked out of the London office. He would have been</p> <p>15 at home on the night, I don't know which area that was.</p> <p>16 Q. Did Mr Orr give you any indication as to whether or not</p> <p>17 he would be travelling up to the scene during that</p> <p>18 evening or through into the next day as the SIO?</p> <p>19 A. No, he didn't but that would not be common practice. He</p> <p>20 would continue to receive calls from other forces in</p> <p>21 relation to other incidents that were occurring that</p> <p>22 night anyway --</p> <p>23 Q. Yes.</p> <p>24 A. -- so a senior investigator would not normally deploy.</p> <p>25 Q. Can you assist, at the 8.40 call was any information</p> <p style="text-align: center;">Page 7</p> |
| <p>1 Q. In terms of having had sight, how would you have had</p> <p>2 sight of this document?</p> <p>3 A. The same as before, it would have been disseminated by</p> <p>4 email.</p> <p>5 Q. Thank you.</p> <p>6 Can I ask then, you tell us in your witness</p> <p>7 statement that you received a telephone call at 8.40 on</p> <p>8 the evening of 3 March 2012.</p> <p>9 A. Yes.</p> <p>10 Q. I think it is right, isn't it, that you are based within</p> <p>11 the north-west?</p> <p>12 A. I am, yes.</p> <p>13 Q. Were you based at the offices in Sale?</p> <p>14 A. Not far from the offices in Sale.</p> <p>15 Q. I think you tell us in your witness statement that the</p> <p>16 senior investigator, Peter Orr, made contact with you in</p> <p>17 respect of the shooting that had taken place in</p> <p>18 Culcheth.</p> <p>19 A. That's correct.</p> <p>20 Q. Can you tell the Inquiry what you were told at that time</p> <p>21 in respect of what had taken place and what was to be</p> <p>22 required of you that evening?</p> <p>23 A. So looking at my notes, which are at tab 6, in respect</p> <p>24 of the first phone call that I received at 8.40 pm, that</p> <p>25 was a very brief phone call, basically advising me that</p> <p style="text-align: center;">Page 6</p> | <p>1 given to you as to which other members of the IPCC staff</p> <p>2 on call were being deployed as part of this</p> <p>3 post-incident procedure?</p> <p>4 A. No.</p> <p>5 Q. I think staying on your notebook, we can see -- I think</p> <p>6 it is not covered in your statement -- at 9.00 Peter Orr</p> <p>7 contacted you to advise RV point being the Openshaw</p> <p>8 complex?</p> <p>9 A. Yes, that is correct.</p> <p>10 Q. I think you have recorded other information was given to</p> <p>11 you at that time in respect of the shooting being over</p> <p>12 the border into Cheshire?</p> <p>13 A. Yes.</p> <p>14 Q. Can you assist, in terms of being deployed to go to</p> <p>15 Openshaw rather than the scene, can you assist as to how</p> <p>16 that came about and how it was you were being deployed</p> <p>17 to Openshaw rather than to the scene at Culcheth?</p> <p>18 A. I don't know, I'm sorry. I was simply directed to go to</p> <p>19 the scene -- sorry, to go to the post-incident</p> <p>20 procedures.</p> <p>21 Q. What was your understanding about what your role would</p> <p>22 be as the investigator going to the police station at</p> <p>23 that time?</p> <p>24 A. To facilitate the requests of the senior investigator</p> <p>25 and the deputy senior investigator.</p> <p style="text-align: center;">Page 8</p> |

2 (Pages 5 to 8)

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| <p>1 Q. Had you been made aware at that time who the Deputy SIO 2 was?</p> <p>3 A. I would have known because we had an on call list which 4 had details of everybody who was on call that week, so 5 I would have known who the deputy senior investigator 6 was at that time.</p> <p>7 Q. Was that Mr Donaghy?</p> <p>8 A. It was, yes.</p> <p>9 Q. Had you met Mr Donaghy before that evening?</p> <p>10 A. No.</p> <p>11 Q. Had you previously spoken to him?</p> <p>12 A. Once, earlier that week when I was deployed to 13 an incident in Liverpool.</p> <p>14 Q. Can I ask then, what was your understanding when you 15 attended at the police station as to what you should be 16 doing in accordance with chapter 7 of the Manual of 17 Guidance?</p> <p>18 A. So at the time we followed the guidance that was set out 19 in chapter 7, and my job was to ensure that that was 20 followed in essence.</p> <p>21 Q. In terms of, if we just look at the process that is 22 envisaged in chapter 7, please, could I ask you to turn 23 to page 383 within the policy and procedure bundle. 24 We can see at paragraph 7.88 of the guidance it sets 25 out:</p> <p style="text-align: center;">Page 9</p> | <p>1 resource scene preservation and securing witnesses." 2 Again, does that seem to record that at that time it 3 had already been declared as an independent 4 investigation?</p> <p>5 A. I believe so, yes.</p> <p>6 Q. We can see on page 649 you have referenced the SIO, 7 Superintendent Geraint Jones from Cheshire?</p> <p>8 A. Yes.</p> <p>9 Q. Perhaps you could keep both files open, because I am 10 going to take you back to the Manual of Guidance in 11 a moment.</p> <p>12 A. Okay.</p> <p>13 Q. Did you have any contact with the Cheshire officer 14 Geraint Jones?</p> <p>15 A. Not until he attended at the PIM suite later on.</p> <p>16 Q. Was that information that Mr Orr gave you about 17 Geraint Jones's involvement?</p> <p>18 A. Yes.</p> <p>19 Q. Then we can see that you have recorded: 20 "One person fatally shot, two persons in custody, 21 one officer discharged weapon ..." 22 Principal officers you have recorded, I think "OJ", 23 but I think that is "Q9", and, "Mark Granby, 24 silver/gold?" 25 What had been said to you by Mr Orr around 9.00 in</p> <p style="text-align: center;">Page 11</p> |
| <p>1 "The responsibility for securing the evidence and 2 taking appropriate action in an article 2 investigation 3 remains with the police service until such time as the 4 independent investigative authority has taken over the 5 investigation." 6 Were you aware of that paragraph?</p> <p>7 A. Yes, I was.</p> <p>8 Q. Similarly, were you aware that because this had been 9 a fatal shooting that article 2 was engaged and so it 10 was then the IPCC who took over the investigation?</p> <p>11 A. Yes, I was aware.</p> <p>12 Q. From your perspective, when was it that the IPCC took 13 over the investigation on 3 March?</p> <p>14 A. It would have been at the point where it had been 15 declared as an independent investigation and Peter Orr 16 would have declared it as an independent investigation. 17 I don't know the exact time of that. In practice, once 18 investigators arrive at the scene that is when we are 19 able to exercise a little more control over the 20 post-incident procedures. But at the point it is 21 declared independent, that is when we take 22 responsibility.</p> <p>23 Q. If we look then, please, back in your note at page 649. 24 We can see below your 9.00 entry you have recorded: 25 "Will be independent, however force still need to</p> <p style="text-align: center;">Page 10</p> | <p>1 respect of who principal officers were?</p> <p>2 A. That was the information that he gave me, that the 3 officer who discharged his weapon and Mark Granby, and 4 I don't think I was clear whether or not he was 5 performing the role of silver or gold at that point, but 6 that those two individuals would be treated as principal 7 officers.</p> <p>8 Q. Can I then take you back to the Manual of Guidance, 9 please, in chapter 7. We can see the various stages of 10 the process that are set out within the manual, we can 11 see stage 1, situation report. Were you aware of 12 stage 1?</p> <p>13 A. Yes.</p> <p>14 Q. Who did you seek the situation report from when 15 attending the police station?</p> <p>16 A. The situation report -- well my understanding was the 17 situation report was usually given to the on call senior 18 investigator, so that is the information that he would 19 have received.</p> <p>20 Q. Yes, so essentially that is then what you are receiving 21 through Mr Orr when he speaks to you?</p> <p>22 A. Yes.</p> <p>23 Q. Turning then to stage 2, and the role of the 24 post-incident manager and basic facts, what did you do 25 on identifying the post-incident manager and</p> <p style="text-align: center;">Page 12</p> |

1 establishing those basic facts from the PIM?
 2 **A. So upon arrival at the PIM suite, Mr Simpson met me. He**
 3 **showed me around the PIM suite and at that point the**
 4 **officers had not yet arrived. So he didn't, or as far**
 5 **as I was aware, he did not have the basic facts at that**
 6 **point. It was some point later where he was able to**
 7 **give me more information in respect of what had**
 8 **happened, so he gave me some information at 11.00 pm.**
 9 **And then there was further information at 12.35 am.**
 10 Q. Thank you.
 11 Can I ask then, in terms of looking at
 12 paragraph 7.94 of the guidance, which sets out:
 13 "Where possible the information should come from
 14 a source other than a principal officer. This is most
 15 likely to take place at the nominated post-incident
 16 location, where the basic facts will be provided by
 17 an individual who is willing to provide them. The basic
 18 facts will be provided subject to legal advice where
 19 appropriate in either verbal or written format."
 20 Just pausing there, at any point were you provided
 21 with any written format of the basic facts?
 22 **A. I wasn't, no.**
 23 Q. "... a staff association representative may also be
 24 present. It may be appropriate for the PIM to advise
 25 all of those present of the need to maintain anonymity.

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1 The basic facts obtained by the PIM should, where
 2 possible, be sufficient to (1) confirm which officers
 3 were at the scene, (2) describe in brief the roles of
 4 those at the scene and (3) confirm who discharged their
 5 weapons."
 6 Can I ask you, is it a combination from your
 7 understanding of that 11.00 update from Mr Simpson and
 8 the 12.30 update where you believe you got that
 9 information?
 10 **A. I believe so. I can't be certain that the firearms**
 11 **officers were actually at the PIM suite at the 11.00, at**
 12 **the time of the 11.00 briefing. They certainly were not**
 13 **there at 10.40 pm. So, yes, it would be a combination**
 14 **of the two.**
 15 Q. In terms of that 11.00, we can see that you have
 16 recorded in your book at page 652, reference to:
 17 "Pseudonym, agreed all officers can use pseudonyms
 18 tonight but emphasised that we can't guarantee anonymity
 19 at inquest et cetera, no issues raised re this by fed or
 20 PIM."
 21 **A. Yes.**
 22 Q. Can I ask, because we cannot actually see anywhere
 23 within your notes within the witness statement that you
 24 have listed who those various officers were and their
 25 roles at the scene. Was that communicated to you at any

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1 point?
 2 **A. No, it wasn't. I would have made a note of that if**
 3 **I had been given those details. The issue about**
 4 **pseudonyms was a general agreement at that point.**
 5 Q. Can I ask, were you not wanting or seeking clarity as to
 6 the roles of each of those officers in summary format in
 7 respect of what they had done at the scene?
 8 **A. Yes, absolutely.**
 9 **As I say, at that point I am not aware of whether or**
 10 **not the firearms officers were actually at the PIM suite**
 11 **and looking at the conversation with Peter Orr at 11.25,**
 12 **Peter Orr asked for the same, for others to give**
 13 **an indication about what they were doing and where they**
 14 **were. So at that point, information was very scant, at**
 15 **11.00.**
 16 Q. If we look just at your 11.25 entry, please, you have
 17 recorded there:
 18 "Advised by Karl Thurogood solicitors will be
 19 resistant to providing individual accounts. Peter Orr
 20 spoke to A [for assistant?] PIM, re principal officers."
 21 Is that Mr Hughes?
 22 **A. Yes.**
 23 Q. Then you have put:
 24 "... principal and silver, all others not principals
 25 unless standing next to him."

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1 **A. Yes.**
 2 Q. Can you just explain a bit more about what happened
 3 before this entry in respect of what you were asking for
 4 when you attended?
 5 **A. So I would have been following chapter 7.**
 6 Q. Yes.
 7 **A. And the stage process in there with initial accounts**
 8 **provided by all officers. At 11.25 I was informed that**
 9 **the solicitors would be resistant to providing**
 10 **individual accounts and as a consequence I telephoned**
 11 **Peter Orr and asked for his guidance in respect of that,**
 12 **because obviously it went away from the chapter 7**
 13 **guidance.**
 14 Q. Yes.
 15 **A. Peter Orr spoke directly to the assistant PIM. I was**
 16 **told that the principal and the silver, it had been**
 17 **agreed they would provide initial accounts and that all**
 18 **others weren't principal officers unless they were**
 19 **standing next to the officer who had fired the shot.**
 20 **Moving on to page 653 of my notes, I believe I then**
 21 **spoke to Peter Orr and he asked me where the**
 22 **surveillance teams were, asked me to secure the**
 23 **surveillance log and reiterated that he didn't require**
 24 **detailed accounts, only initial accounts, from the**
 25 **principals. And from the others he required**

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| <p>1 an indication.</p> <p>2 Q. When you say "from the others he required</p> <p>3 an indication", what do you mean by that?</p> <p>4 A. As to their level of involvement.</p> <p>5 Q. Perhaps then, if we look then back at the Manual of</p> <p>6 Guidance, please, and then perhaps break down what you</p> <p>7 have recorded there, before moving to the stage 3</p> <p>8 personal initial accounts, we can see on page 384, which</p> <p>9 is the third bullet point, "Confirm who discharged their</p> <p>10 weapons". It is just paragraph 7.9.4 on page 384, were</p> <p>11 you specifically requesting which of the officers had</p> <p>12 discharged weapons?</p> <p>13 A. I had been told at that point that one officer had</p> <p>14 declared that he had shot, fired his weapon.</p> <p>15 Q. I think we know that is Q9.</p> <p>16 A. Yes.</p> <p>17 Q. I think then later on, whilst you were at Claytonbrook,</p> <p>18 I think you became aware of Z15, who discharged Hatton</p> <p>19 rounds.</p> <p>20 A. Yes.</p> <p>21 Q. Again, in terms of within your notes and within your</p> <p>22 witness statement, there is no reference anywhere to the</p> <p>23 discharging of special munitions by CSDC canister. At</p> <p>24 any point whilst you were at Claytonbrook, was any</p> <p>25 information provided to you that a CS canister or</p> <p style="text-align: center;">Page 17</p> | <p>1 A. I don't remember. I don't remember whether or not</p> <p>2 I specifically referred back to the ACPO Manual of</p> <p>3 Guidance.</p> <p>4 Q. Can I ask, we can see that you recorded that they would</p> <p>5 be resistant to providing individual accounts but with</p> <p>6 if being a departure from the guidance, did you not</p> <p>7 record formally your response to that?</p> <p>8 A. No, I didn't.</p> <p>9 Q. Can I just ask you to look at that IPCC internal</p> <p>10 document, please, in file 3 of bundle R, page 1297.</p> <p>11 Perhaps to put it in context, if we look at 1296,</p> <p>12 please, we can see in the first column it records:</p> <p>13 "Police to manage the implication of chapter 7 of</p> <p>14 the ACPO Manual of Guidance on the management, command</p> <p>15 and deployment of armed officers and record action taken</p> <p>16 by them as this will be required by IPCC staff."</p> <p>17 We can see that recorded in the next column is:</p> <p>18 "If the referral relates to a firearms incident it</p> <p>19 will be necessary to consider the judgment arising from</p> <p>20 the recent judicial reviews regarding officers</p> <p>21 conferring prior to the provision of a first account.</p> <p>22 It will also be necessary to consider the wording of</p> <p>23 chapter 7 of the ACPO Manual of Guidance on the</p> <p>24 management, command and deployment of armed officers and</p> <p>25 the IPCC advice note issued following the amendment to</p> <p style="text-align: center;">Page 19</p> |
| <p>1 grenade had been placed into the vehicle?</p> <p>2 A. No, I don't believe it was. I would have made a note of</p> <p>3 that.</p> <p>4 Q. Turning then to personal initial accounts then, stage 3,</p> <p>5 a moment ago you indicated that you were essentially</p> <p>6 following chapter 7 and had you actually requested</p> <p>7 personal initial accounts from all of the officers?</p> <p>8 A. I believe I would have done, I obviously haven't made</p> <p>9 a note of that so I can't be 100 per cent certain, but</p> <p>10 that would have been my starting point.</p> <p>11 Q. Can I ask you, were you aware or made aware at any point</p> <p>12 during your involvement that evening that there was</p> <p>13 a GMP SOP specifically dealing with post-incident</p> <p>14 management?</p> <p>15 A. No.</p> <p>16 Q. At all times you were operating on the provisions of</p> <p>17 chapter 7 being applicable?</p> <p>18 A. Yes.</p> <p>19 Q. Going back to the evidence you have given about the</p> <p>20 advice from Mr Thurogood from the Police Federation that</p> <p>21 the solicitors would be resistant to providing</p> <p>22 individual accounts, I think you have already said that</p> <p>23 was a departure from the Manual of Guidance?</p> <p>24 A. Yes.</p> <p>25 Q. Did you make that clear to Mr Thurogood?</p> <p style="text-align: center;">Page 18</p> | <p>1 chapter 6 of the previous Manual of Guidance, Police Use</p> <p>2 of Firearms."</p> <p>3 Just pausing there, that is the amendment isn't it</p> <p>4 about the non-conferral warning that was --</p> <p>5 A. Yes.</p> <p>6 Q. Turn over the page then, please. We can see set out in</p> <p>7 the IPCC note it records:</p> <p>8 "There will be an expectation that the police will</p> <p>9 comply with the ACPO guidance, but if it is necessary to</p> <p>10 issue a direction to the police to comply with the</p> <p>11 provisions of chapter 7 regarding the issue of</p> <p>12 conferring, advice is provided in the IPCC advice note</p> <p>13 regarding that and such directions must be properly</p> <p>14 recorded.</p> <p>15 "Additionally, the reporting senior police officer</p> <p>16 will be advised that if our direction is not facilitated</p> <p>17 there will be need to provide a written explanation as</p> <p>18 to why. It is important to note that this principle may</p> <p>19 also relate to other referrals outside the use of</p> <p>20 firearms."</p> <p>21 Can I just ask, pausing there, in terms of it being</p> <p>22 communicated that there is a resistance to providing</p> <p>23 an initial account when we can see that stage 3 of the</p> <p>24 guidance envisages initial accounts to be provided, did</p> <p>25 you give consideration to issuing a direction at that</p> <p style="text-align: center;">Page 20</p> |

1 time?
 2 **A. No, my first consideration was to phone the senior**
 3 **investigator --**
 4 THE CHAIRMAN: Sorry, I couldn't quite hear that, "My first
 5 consideration was ..."
 6 **A. To phone the senior investigator.**
 7 THE CHAIRMAN: Phone?
 8 **A. Yes. Telephone the senior investigator and seek his**
 9 **direction.**
 10 MS CARTWRIGHT: That direction as we see reported, and you
 11 have already told us, was that Q9 as the principal and
 12 the silver should give those initial accounts but also:
 13 "All other officers not principals, unless standing
 14 next to him."
 15 What did you do to ascertain who had been standing
 16 next to Q9 to appreciate who should be providing initial
 17 accounts?
 18 **A. Well, the assistant PIM was given the same direction.**
 19 **The assistant PIM spoke directly to Peter Orr and then**
 20 **I subsequently spoke to Peter Orr and at that point, as**
 21 **I say, the information we had was very scant in respect**
 22 **of who had done what and where they were at the time.**
 23 **So my expectation was that they were going to secure**
 24 **more information, so those decisions could be made.**
 25 Q. Again in terms of the process envisaged by chapter 7 in

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1 respect of stage 3 accounts, those brief accounts of the
 2 initial facts, is to essentially help you piece together
 3 who are the relevant individuals. Would you agree?
 4 **A. Yes.**
 5 Q. When did you expect to be provided with the information
 6 as to who had been standing next to Q9 to inform those
 7 who were to be the principals?
 8 **A. Once the post-incident manager had had opportunity to**
 9 **speak to the officers to secure that information.**
 10 Q. Perhaps then if we work through to see then, did you
 11 then give a direction, did you speak at any point to
 12 Mr Granby to tell him that he needed to give an initial
 13 account of that time?
 14 **A. No, I didn't speak to any of the officers involved on**
 15 **the night.**
 16 Q. If we look through then, can you assist as to where in
 17 your notes it was that you provided with the information
 18 to inform of those who had been standing next to Q9?
 19 **A. So there was a briefing at 11.55 --**
 20 Q. Yes.
 21 **A. -- from the Professional Standards Branch. Then, during**
 22 **the course of that briefing I received a telephone call,**
 23 **so left the room very briefly, that was at 12.15, and**
 24 **then went back in. And then at 12.35, Anthony Simpson,**
 25 **Tony Hughes and Karl Thurogood provided more information**

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1 **in respect of the number of officers involved.**
 2 Q. You're looking now at page 657?
 3 **A. Yes, and that was the briefing that was received at that**
 4 **point through to 658/659. At that point the deputy**
 5 **senior investigator was present and was taking the lead**
 6 **in respect of direction to the force.**
 7 Q. Essentially I think you are saying that Mr Donaghy as
 8 the deputy senior investigator was there then, so did he
 9 take over the issue of first accounts?
 10 **A. Yes.**
 11 Q. But if we just look in terms of what you have recorded
 12 at 12.35, whilst we have got the number of officers and
 13 the names of officers, so we can see 16 surveillance
 14 officers, the strategic firearms commander, tactical,
 15 Superintendent Granby, X7 as the operational commander,
 16 the TAC adviser being Y19. There is nothing recorded
 17 there, is there, that gives any clarity as to which of
 18 the officers in the alpha, bravo, charlie or delta car,
 19 where they had been and who had been near to Q9 at the
 20 time he fired his shot?
 21 **A. No, there wasn't.**
 22 Q. Can I ask, at any point whilst you were involved prior
 23 to Mr Donaghy taking over, were you made aware that the
 24 driver, W4, was essentially sat in that position with Q9
 25 behind him when he discharged his weapon?

Page 23

1 **A. No, I wasn't.**
 2 Q. At any point were you made aware of X9 discharging CSDC
 3 into the vehicle?
 4 **A. No, I wasn't.**
 5 Q. Again, as part of the stage 3 process that is important
 6 information that should have been made aware in
 7 accordance with the chapter 7. Would you agree?
 8 **A. Yes.**
 9 Q. Can I just understand, when Mr Donaghy then as the
 10 deputy senior investigator came along, did essentially
 11 you hand over this aspect to him or did you think --
 12 were you a party to Mr Donaghy's decisions in respect of
 13 initial accounts?
 14 **A. So from my perspective, Peter Orr, as a senior**
 15 **investigator had the strategic direction, albeit by**
 16 **phone, and I was facilitating those requests whilst**
 17 **I was at the PIM.**
 18 Q. Yes.
 19 **A. I don't know whether there was any conversation between**
 20 **Peter Orr and Mr Donaghy. The usual process would be**
 21 **that decision making would then be delegated from the**
 22 **senior investor to the deputy senior investigator once**
 23 **they were in position at the scene, et cetera.**
 24 Q. Yes.
 25 **A. So at that point, when Mr Donaghy arrived, my**

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1 **recollection is he arrived just as the briefing from the**
 2 **Professional Standards Branch had started.**
 3 Q. Just in terms of the timing of that, can you assist as
 4 to is that the 11.55 briefing?
 5 **A. Yes, the 11.55 briefing. So another investigator had**
 6 **arrived shortly before that, I briefed the other**
 7 **investigator in respect of the information I had at that**
 8 **time.**
 9 Q. Is that Mr Clark?
 10 **A. Yes.**
 11 **And the decisions that had been made at that point.**
 12 **We then went to another room to have a meeting with the**
 13 **Professional Standards Branch and Mr Donaghy arrived**
 14 **very early on in that briefing. And at that point my**
 15 **understanding was he was -- he had control over the**
 16 **investigation at that point.**
 17 Q. Did you communicate to Mr Donaghy, essentially, what
 18 Mr Thurogood had said to you around 11.25 about the
 19 solicitors were resistant to providing initial accounts?
 20 **A. I would have done, yes.**
 21 Q. In terms of that, just to try and get a flavour now,
 22 I appreciate it is many years on, but can you assist as
 23 to, in your mind, how out of the ordinary this was or
 24 how concerned you were as to what was being said to you
 25 around the initial accounts not being provided or the

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1 suggestion that there was resistance?
 2 **A. I had never been to a firearms post-incident procedures**
 3 **before, so whether this was usual or unusual I couldn't**
 4 **tell because I didn't have anything to measure it**
 5 **against. I was obviously aware that there had been**
 6 **movement away from chapter 7, but I couldn't comment in**
 7 **respect of how common this was.**
 8 Q. Can I take you, please, to page 658 of your notes,
 9 please, and it is the bottom two lines, please, on
 10 page 658, we can see a "P", is that reference to
 11 "policy"?
 12 **A. Yes.**
 13 Q. What is a "policy" meant to indicate within your
 14 notebook?
 15 **A. That a policy decision had been made. So my practice is**
 16 **to put a P there and then that policy decision can then**
 17 **be transferred to a policy book at a later stage. So**
 18 **that P signifies that Jim has made a policy decision at**
 19 **that point that given the number of officers he was**
 20 **content for those three, ie the operational firearms**
 21 **commander, the principal officer and the shotgunner, to**
 22 **give initial accounts.**
 23 Q. Can you assist in terms of making reference to "given
 24 the number of officers content essentially just for X7,
 25 Q9 and Z15 to give an account", what was the

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1 significance of the number of officers?
 2 **A. At that point in time we had been told that there were**
 3 **16 firearms officers who were involved in the incident.**
 4 **There was also reference to the length of time that they**
 5 **had been on duty and that information had been provided**
 6 **in an earlier briefing. My understanding was that there**
 7 **were two solicitors who were present, two federation**
 8 **representatives and that given the number of officers,**
 9 **the time involved to obtain initial accounts was**
 10 **a factor in that decision making.**
 11 Q. Again, you have recorded that but that was not your
 12 decision?
 13 **A. No, it was not my decision.**
 14 Q. Then, please, just turning over the page to 659, you
 15 have recorded that the post-incident manager confirmed
 16 complying with the process of conferring. Can you just
 17 tell us in terms of your involvement in respect of
 18 non-conferral warnings or the assurances you were given
 19 about what had been said to the officers relating to
 20 non-conferral?
 21 **A. So when I spoke to the Professional Standards Branch, to**
 22 **the IIO, which was at 9.45, there is an error -- sorry,**
 23 **that is page 650.**
 24 Q. Yes.
 25 **A. There is an error in my notes, I have written, "Intend**

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1 **on complying with ACPO guidance of complying", it should**
 2 **be "ACPO guidance regarding conferring". But I had**
 3 **a conversation with John Brennan at that point.**
 4 THE CHAIRMAN: Where is that about the --
 5 MS CARTWRIGHT: Page 650.
 6 THE CHAIRMAN: I have 650.
 7 **A. Towards the bottom, sir.**
 8 MS CARTWRIGHT: You see 9.45 pm, then I think the first
 9 dash:
 10 "Intend on complying with ACPO guidance of
 11 complying."
 12 THE CHAIRMAN: Did you say there was an error somewhere in
 13 there?
 14 **A. Yes, it should be:**
 15 **"Intend on complying with ACPO guidance of ..."**
 16 **And it should be "non-conferring".**
 17 THE CHAIRMAN: Sorry, that should say "non-conferring"?
 18 **A. Yes.**
 19 THE CHAIRMAN: Right.
 20 MS CARTWRIGHT: In terms of, you have mentioned the IIO, the
 21 independent investigating officer, was your
 22 understanding that that was Mr Brennan?
 23 **A. That was my understanding, that he was the IIO.**
 24 Q. Thank you.
 25 Mr Brennan was telling you that they would be

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1 complying with the non-conferring advice within
 2 chapter 7?
 3 **A. Yes.**
 4 Q. Were you present at any point whilst the non-conferral
 5 warning was delivered to the officers?
 6 **A. No, I didn't speak or see the firearms officers at any
 7 point on the night.**
 8 Q. Mr Brennan at 9.45 has indicated that they would be
 9 complying with chapter 7 in respect of non-conferral and
 10 then similarly, as your note records at page 659,
 11 Mr Simpson as the PIM confirmed complying with the
 12 process of conferring. Is that correct?
 13 **A. Yes.**
 14 Q. I think you had nothing to do with the scene at Culcheth
 15 on 3 March into the early hours of 4 March.
 16 **A. No.**
 17 Q. But I think the following day, is that right, you go to
 18 the scene at Culcheth?
 19 **A. Yes, that's correct.**
 20 Q. Can I ask, when you were at Culcheth, did you see the
 21 red Audi at the scene at that time?
 22 **A. Yes. I would have done.**
 23 Q. I think did you attend the scene with Mr Quinlan?
 24 **A. Yes, I did.**
 25 Q. Can you assist as to what Mr Quinlan's role was when he

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1 became involved -- I think the first time he was
 2 involved was when he attended the scene with you on
 3 4 March?
 4 **A. Yes, he was a deputy senior investigator. He had had
 5 a conversation with Mr Orr so I don't know the nature of
 6 that conversation, but I was following his guidance on
 7 the Sunday in respect of what actions he wanted me to
 8 carry out.**
 9 Q. Do you recall then when you were at the scene on
 10 4 March, and seeing the red Audi, did you notice that
 11 the front passenger window was broken and there was a CS
 12 canister on the passenger seat?
 13 **A. I don't recall.**
 14 Q. Perhaps if you could just be shown a photo, please, and
 15 it is in bundle O1, I think it is 243.
 16 The numbering is in the bottom -- it is very little,
 17 little red numbering, please, bottom right-hand side.
 18 Can you see that?
 19 **A. Yes, I can.**
 20 Q. We can see there a photograph I think from the night but
 21 certainly from the evidence of Cheshire it appears that
 22 obviously the vehicle was not removed and the CS
 23 canister I think seized until 6 March from the car.
 24 Looking at that photograph, can you recall whether
 25 or not you saw that on 4 March?

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1 **A. No, I don't believe I got close enough to the vehicle to
 2 be able to see that. At no point did I put on a white
 3 suit and enter the scene and it was cordoned off at that
 4 point, so I saw where the vehicle was located but
 5 I didn't look inside the vehicle.**
 6 Q. Again, at any point on 4 March did anyone indicate to
 7 you that a further weapon, namely CS, had been
 8 discharged, even if you didn't see the vehicle?
 9 **A. I don't believe so, it would be in my notes if I had
 10 been given that information and I don't believe it is.**
 11 Q. Can I ask, also, we know that the first accounts were
 12 provided to Mr Donaghy, I think in the early hours of
 13 4 March from X7, Q9 and Z15. Did you at any point read
 14 those first accounts?
 15 **A. No, I didn't. But Mr Donaghy did make me aware, I don't
 16 know if he read one verbatim but he did give me
 17 information in respect of what was contained in those
 18 accounts.**
 19 Q. Can you remember which of those accounts he read to you?
 20 **A. I don't think he specified. Sorry, if I can just ...
 21 (Pause)**
 22 **No, sorry, I am referring to page 662 of my notes.**
 23 Q. Thank you.
 24 **A. And there is an entry which is dated 4 March 2012, timed
 25 at 7.10 am and that is the information that I was given**

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1 **by Mr Donaghy. So it was a summary, it looks like.**
 2 Q. The summary you have recorded there, I think is:
 3 "Officers deployed, strike called, first car ..."
 4 What is that word, please?
 5 **A. "Pulls".**
 6 Q. "... pulls in front of suspect vehicle, possible
 7 contact, three males raised hands, Mr Grainger lowered
 8 hands and principal officer fired one shot through
 9 windscreen from front. Suspect vehicle disabled by
 10 times two, question mark, shots into the tyres."
 11 **A. Yes.**
 12 Q. Again, even on 4 March nothing was said to you about the
 13 discharge of a CSDC canister?
 14 **A. No.**
 15 Q. Can I ask you, we know that you had ongoing involvement
 16 and I don't intend to deal with the detail of your
 17 involvement thereafter but just pausing there, were you
 18 a party to the process then that was going to take place
 19 in respect of the provision of witness statements by way
 20 of stage 4 accounts from the officers?
 21 **A. No, I wasn't.**
 22 Q. At any point were you made aware of the meeting that was
 23 to be taking place on 8 March 2012 when the PFOA were to
 24 be attending to have essentially a meeting with the
 25 officers prior to the provision of their witness

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1 statements?
 2 **A. No, I wasn't.**
 3 Q. At any point were you made aware, as part of the
 4 investigation, that the officers prior to giving their
 5 first statements were to undergo MASTS refresher
 6 training on 8 March?
 7 **A. No, I wasn't.**
 8 MS CARTWRIGHT: Thank you, those are my questions.
 9 MR THOMAS: Good morning.
 10 THE CHAIRMAN: Yes, Mr Thomas.
 11 Questions from MR THOMAS
 12 MR THOMAS: I represent Mr Grainger's family, I only have
 13 a few questions for you.
 14 You were involved at a very early stage of this
 15 investigation, correct?
 16 **A. Yes.**
 17 Q. Okay. Would you agree with this, as part of the stage 3
 18 process, and public confidence in it, would you agree
 19 that those with the knowledge to assist you with your
 20 investigation, it is important that they be full and
 21 frank with you in terms of what has taken place, you
 22 cannot investigate unless you know?
 23 **A. Yes, I would agree with that.**
 24 Q. Bearing in mind some of the questions that you have been
 25 asked this morning, some of the things that you were not

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1 made aware of, do you think there was full and frank
 2 disclosure to you?
 3 **A. Well, I was there by myself for just shy of an hour, so**
 4 **just under an hour, and in that period of time there was**
 5 **very little information that was provided to the IPCC.**
 6 **I was present for two subsequent briefings but my**
 7 **understanding is that at the point that I left the PIM**
 8 **suite, the download of the weapons had not commenced yet**
 9 **so first initial accounts had not started to be provided**
 10 **at that stage. So I don't know what information was**
 11 **available to the police to provide to the IPCC during**
 12 **the time I was there, if that answers your question.**
 13 Q. Well not really.
 14 **A. Sorry.**
 15 Q. When you were there, there were certain things, certain
 16 very obvious things in terms of what happened, who
 17 discharged firearms, who used the CS canister. These
 18 are all things that nobody told you about, correct?
 19 **A. I was not given that information whilst I was at the**
 20 **PIM, yes.**
 21 Q. A simple question: that is information you should have
 22 been provided with?
 23 **A. If it was available to the police at that time, then**
 24 **yes.**
 25 Q. I am going to move on to some other questions if I may.

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1 As far as you were aware when you were at the scene,
 2 because you were there very early on, was there any
 3 indication that other -- I am not talking about police
 4 weapons, I am talking about other weapons. Was there
 5 any indication that there may have been other weapons
 6 present and the IPCC or other investigators should be
 7 aware of that fact?
 8 **A. I was unaware of any weapon being found at the scene**
 9 **that was not a police weapon.**
 10 Q. That is a different -- that is not what I am asking.
 11 THE CHAIRMAN: That is not quite what you are being asked.
 12 Just listen carefully, it is a slightly different
 13 question you are being asked.
 14 MR THOMAS: Right. It is not in dispute that no weapons
 15 were found. We all know that. But what I am asking you
 16 is, as one of the investigators who had arrived and who
 17 had oversight of this, and you know that you would have
 18 had to have obtained an account and it would have been
 19 really important, subsequently, as to why an officer
 20 decided to discharge his weapon. All of this is really
 21 important in terms of the IPCC's -- as watchdogs --
 22 overall investigation, agreed.
 23 **A. Yes.**
 24 Q. What I am asking you is, was there any suggestion to you
 25 in those very early stages that the investigators should

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1 be aware or should be looking for other weapons,
 2 non-police weapons, which may have been hiding nearby,
 3 in bins or in other vehicles in the car park, that is
 4 what I am asking you.
 5 **A. I was told at 11.55 by the Professional Standards Branch**
 6 **that it was believed that the individuals in the vehicle**
 7 **would be engaged in an armed robbery.**
 8 Q. I understand that.
 9 **A. But I don't recall being given the specific information**
 10 **that they had a weapon.**
 11 Q. I understand that. That is not what I am asking you
 12 though.
 13 **A. Sorry, can you repeat the question again?**
 14 Q. Of course. It is a really straightforward question.
 15 Was anybody saying to the IPCC or the investigators at
 16 the scene, at a very early stage, "Although there are no
 17 guns found in this car, in the red Audi, we believe or
 18 we suspect that guns might be hidden in bins or other
 19 vehicles"? Do you follow?
 20 **A. Oh, I do, sorry, I misunderstood.**
 21 **No, I was not given that information.**
 22 Q. Thank you.
 23 The IPCC, you would agree, have a statutory duty to
 24 maintain public confidence in the investigation,
 25 correct, of fatal incidents?

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1 **A. Yes.**
 2 Q. Section 10 of the Police Reform Act 2002, okay?
 3 Help us with this, I appreciate that you initially
 4 were there for the stage 3 and I don't think you were
 5 quite there or involved with the detailed accounts. Is
 6 that correct?
 7 **A. No, I wasn't.**
 8 Q. Right. Just help me with this. Were you told that
 9 before the vast majority of these officers gave
 10 an initial account, or indeed any account, that they
 11 were going to be meeting with V53, who was the officer
 12 in the Mark Duggan case. Were you aware of that?
 13 **A. No, I wasn't.**
 14 Q. Help me with this. If that had been brought to your
 15 attention, would the IPCC -- would they have wanted to
 16 know the purpose of such a meeting, bearing in mind that
 17 the firearms officers and the vast majority of them had
 18 not given an account, would you have wanted to know why?
 19 What the purpose of meeting V53, a shooter in another
 20 case, would have been? Would that have been something
 21 that would have interested you?
 22 **A. I would expect so, yes.**
 23 Q. Yes.
 24 As far as you are aware, before that meeting took
 25 place the IPCC were unaware of that meeting?

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1 **A. I personally was unaware of that meeting.**
 2 Q. Just help the chairman with this, in terms of the case
 3 workers, the investigators from the IPCC at this early
 4 stage, how many of you would there have been, roughly?
 5 **A. In 2012?**
 6 Q. Yes. You would have been working as a team, right?
 7 **A. Yes, there would have been a team.**
 8 Q. Roughly, you know, when you have an investigation such
 9 as this, how many in the team, roughly? I am not asking
 10 for precise figures.
 11 **A. Between -- I can't remember whether or not everybody was**
 12 **tasked with carrying out some actions on this because it**
 13 **was such a major incident or whether or not a dedicated**
 14 **team was established --**
 15 Q. Okay.
 16 **A. -- but anywhere between 5 and, if it was all of the**
 17 **investigators, maybe 20.**
 18 Q. So between 5 and 20. Who were you reporting to?
 19 **A. I was working to -- well, the deputy senior investigator**
 20 **for the investigation at that time was Darren Quinlan.**
 21 Q. I would assume, correct me if my assumption is wrong,
 22 that the senior investigator would be speaking to the
 23 rest of the team saying what is going on. There would
 24 be communication amongst the team?
 25 **A. Yes, there would be briefing -- the normal run of things**

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1 **is that there would be briefings during the course of**
 2 **an investigation.**
 3 Q. During the course of your briefings amongst the team,
 4 with the senior investigators, was there any indication
 5 that any of the senior investigators were aware of this
 6 meeting with the Duggan officer? In the early stages?
 7 **A. No, I don't believe so.**
 8 Q. All right.
 9 **A. To the best of my knowledge, no.**
 10 Q. I want to ask you about -- I have nearly finished by the
 11 way, just bear with me.
 12 Yes, sir, I am not going to call it up but this is
 13 an email that we were sent last week as part of the
 14 additional disclosure. I will give you the reference in
 15 a moment. I am just looking at the screen but it is
 16 an email from Mr Cousen.
 17 THE CHAIRMAN: Yes.
 18 MR THOMAS: It is an email dated 29 March 2012. It is
 19 an email that he is sending to John Patrick Brennan of
 20 GMP. I will dig up the reference in a moment, but if
 21 you just bear with me.
 22 THE CHAIRMAN: Yes, thank you.
 23 MR THOMAS: Do you know who Mr Cousen is?
 24 **A. I know the name.**
 25 Q. He was the officer in charge of the robbery

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1 investigation, which led to watching the suspects and
 2 all the rest of it, yes?
 3 He wrote an email, and I have just given the details
 4 of the email, and it is a couple of sentences and I just
 5 want to read out this to you as an IPCC investigator.
 6 It reads as follows:
 7 "Sir, I have started to prepare my statement for the
 8 IPCC regarding Operation Shire. However, with the
 9 latest developments with the Mark Duggan case I believe
 10 that it would be prudent to liaise with the Met
 11 [Metropolitan Police] and in particular the senior
 12 investigating officer [in other words his equivalent in
 13 the Mark Duggan case] to establish how and what they
 14 presented in their statements before I present mine.
 15 I will keep you updated."
 16 Okay, a couple of questions that arise out of that.
 17 Were you aware that that sort of liaison was going
 18 on between GMP officers and the Duggan officers?
 19 **A. No, I wasn't.**
 20 Q. Does that surprise you? This is before he makes his
 21 statement, he is going to talk to the officer in charge
 22 of the case in the Duggan, before he makes his
 23 statement, to establish how and what they presented in
 24 their statement, and I quote, "before I present mine".
 25 Does that surprise you?

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1 **A. I don't know if "surprised" would be --**
 2 Q. What adjective would you use?
 3 **A. It is potentially of concern, depending on what they**
 4 **were going to discuss --**
 5 Q. Yes.
 6 **A. -- and, but I was not aware of that at the time.**
 7 Q. I fully appreciate -- can I say, this is not a criticism
 8 of you, but the chairman might be interested to know
 9 what the IPCC's take on this is. Do you follow?
 10 **A. Hmm.**
 11 Q. Right, so just help the chairman with this. Why are you
 12 potentially concerned about this? Because this is at
 13 a time before the officer has given any account, so why
 14 are you concerned about this?
 15 **A. Because there was very clear guidance at the time in**
 16 **respect of conferring, talking to officers about your**
 17 **honestly held belief in respect of use of force,**
 18 **et cetera.**
 19 Q. Would you agree that an officer's honestly held belief
 20 in relation to what he was doing or she was doing is
 21 their own belief and it should not be influenced or
 22 tainted by what somebody else might have done in
 23 relation to a different IPCC investigation. Would you
 24 agree?
 25 **A. Yes.**

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1 MR THOMAS: Sir, that is all I ask.
 2 THE CHAIRMAN: Thank you, Mr Thomas.
 3 MS PALMER: Just for your reference, sir, it is Y/1095 the
 4 email that was just referred to.
 5 MR THOMAS: Thank you.
 6 THE CHAIRMAN: Thank you.
 7 Questions from MR DAVIES
 8 MR DAVIES: Ms Bates, I am asking questions on behalf of one
 9 of the principal officer, Q9.
 10 The IPCC's independent investigation is not simply
 11 a passive recipient of information, is it?
 12 **A. No.**
 13 Q. You are under a duty as an investigator to ask
 14 appropriate questions at all times?
 15 **A. Yes.**
 16 Q. If I can take you back to page 652 of your notes, at
 17 11.25 on the night you have made a note:
 18 "Advised by Karl Thurogood, sols will be resistant
 19 to providing individual accounts."
 20 Then you have added:
 21 "Peter Orr [who was the senior figure available in
 22 the IPCC on the night] spoke to A PIM [assistant PIM] re
 23 principal officers. Principal and silver. All others
 24 not principals unless standing next to him."
 25 Whatever objection was raised by Mr Thurogood, this

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1 was a decision at 11.25 by the senior IPCC person
 2 available to refer to on the night?
 3 **A. Yes. Based on the information that was available, yes.**
 4 Q. It wasn't imposed on the IPCC, it was the IPCC's
 5 decision?
 6 **A. Yes.**
 7 Q. Correct?
 8 The note you have made or the advice you have
 9 received back, "All others not principals unless
 10 standing next to him". All right? So again an IPCC
 11 decision rather than something imposed on you. What did
 12 you do to establish the identities at 11.25, of those
 13 standing next to, presumably, the firearms officer who
 14 discharged the fatal shot? What did you do to establish
 15 their identities?
 16 **A. I don't believe that information was available at that**
 17 **time.**
 18 Q. My question is: what did you do to establish it?
 19 **A. Well I would have asked.**
 20 Q. Where is your note of asking somebody?
 21 **A. Well, there is not a record of that, but the --**
 22 Q. Pausing there.
 23 **A. I'm sorry.**
 24 Q. Why is there no note of you making that enquiry as to
 25 Mr Orr's definition of a principal witness?

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1 **A. Because the direction had been given to the force that**
 2 **those two individuals would be the principal officers,**
 3 **the officer who discharged the weapon and the silver**
 4 **commander and that, unless others were standing next to**
 5 **him, then they wouldn't be treated as principals. And**
 6 **the assistant PIM was tasked with establishing where**
 7 **those individuals were.**
 8 Q. Where is your note of that discussion and that direction
 9 to the assistant PIM?
 10 **A. That direction was given by Peter Orr.**
 11 Q. Where is your note of your discussion with somebody
 12 conducting the PIM within GMP as to that decision?
 13 **A. There isn't one, I don't think.**
 14 Q. We are relying on your memory, are we, five years on?
 15 **A. In respect of?**
 16 Q. In respect of that direction to identify those "standing
 17 next to" the officer who fired the lethal shot.
 18 **A. The direction had been given by Peter Orr. Whether he**
 19 **made a note of that, I don't know, I haven't seen his**
 20 **notes. But the force were clearly aware of that**
 21 **direction, because they had received that directly from**
 22 **the senior investigator.**
 23 Q. Through who?
 24 **A. Directly, the assistant post-incident manager spoke to**
 25 **Peter Orr on the phone.**

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1 Q. Were you present for that?
 2 **A. I was in the room.**
 3 Q. Did you hear exactly what was said?
 4 **A. No.**
 5 Q. Did you make a note of it?
 6 THE CHAIRMAN: She said she didn't hear it:
 7 MR DAVIES: By 11.55, going through to your note at 654, you
 8 have made a note that there were three times shots
 9 discharged by police, times two to tyres, times one to
 10 Grainger.
 11 Again, what if anything did you do to identify the
 12 officer or officers responsible for discharging the
 13 shots to the tyres?
 14 **A. That information was given as part of a briefing and**
 15 **that is the briefing that I left at 12.15 to receive**
 16 **a call from Peter Orr, so I left the room for a period**
 17 **of time. The investigators Chris Clark and Jim Donaghy**
 18 **were also present at that point. I obviously haven't**
 19 **made a note of who those officers were, I don't think.**
 20 Q. At that same briefing at 11.55, what have you done or
 21 you remembered as to identifying principal witnesses
 22 within the category defined by Mr Orr half an hour
 23 earlier as those standing next to the officer firing the
 24 lethal shot?
 25 Because it is 11.55, there is the definition of

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1 principal witness, you are having a briefing, why not
 2 simply say, "We need a list of officers in that
 3 category"?
 4 **A. I don't know. I don't know -- I don't know if it is**
 5 **because the briefing was given by the Professional**
 6 **Standards Branch as opposed to the post-incident**
 7 **manager, I don't know whether or not they had that**
 8 **information at that time.**
 9 Q. It is your investigation, what I am getting at is where
 10 is the questioning to establish the witnesses in the
 11 category defined by Mr Orr? There is no note of it, you
 12 say?
 13 **A. No.**
 14 Q. It is the IPCC's responsibility to get the information,
 15 isn't it, it is its investigation?
 16 **A. It is, yes.**
 17 Q. Right. I appreciate you had gone off duty for the
 18 evening at about 3.00 am, or thereabouts, I accept
 19 coming back on duty only a few hours later at 7.00 or
 20 thereabouts, but you have been asked about CS and its
 21 use. You are aware now, aren't you, that CS was clearly
 22 visible within the red Audi, just as a matter of it
 23 being visible?
 24 **A. I am after seeing that photograph, yes.**
 25 Q. You are aware, aren't you, that Q9 at least expressly

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1 referred to the use of CSDC in his initial account that
 2 was handed to the IPCC at 4.45 that morning?
 3 **A. I was not aware of that; I did not see that initial**
 4 **account.**
 5 Q. When did you become aware of the initial accounts?
 6 **A. I was given a brief summary at 7.10 am on 4 March,**
 7 **page 662 of my notes refers -- and that is a note of the**
 8 **information that I was given at that time.**
 9 Q. Just remind me, by whom?
 10 **A. By Mr Donaghy.**
 11 Q. Right. Mr Donaghy can be presumed to have reference to
 12 the initial accounts, can he?
 13 **A. Sorry, can you repeat that?**
 14 Q. Mr Donaghy can be assumed to have had access to the
 15 initial accounts, can he? They were handed to him.
 16 **A. I believe so.**
 17 Q. He briefed you on the basis of them?
 18 **A. The information he gave me is recorded in my blue book.**
 19 Q. Notwithstanding the visible evidence at the scene and
 20 expressed reference to it in the officer or officers'
 21 initial accounts, he didn't brief you about CSDC at 7.10
 22 that morning?
 23 **A. I was not given that information, no.**
 24 Q. Can you help with this. Are you aware, can you help us,
 25 as to the extent of the search at the scene in Culcheth,

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1 if any, for secreted weapons?
 2 **A. I can't, I am afraid. When I arrived at the scene,**
 3 **I was quickly tasked with carrying out house-to-house**
 4 **enquiries. I am not aware of what directions were given**
 5 **whilst doing that.**
 6 Q. Final topic. You caveatted your answer about reference
 7 to the Duggan investigation with it being potentially
 8 a matter of concern, I am paraphrasing, depending on
 9 what was actually going to be discussed. All right?
 10 **A. Yes.**
 11 Q. Do you accept this principle, that any firearms officer
 12 responsible for a fatal shooting is put into a process
 13 of intense scrutiny over a number of years that makes
 14 very considerable personal demands on them?
 15 **A. I have never spoken to a firearms officer about their**
 16 **experience following a fatal shooting. I can imagine**
 17 **that would be the case but I couldn't say with any**
 18 **degree of certainty.**
 19 Q. Yes. This particular shooting, of course, attracted
 20 immediate controversy and publicity.
 21 **A. I remember it attracting publicity.**
 22 Q. That has gone on for over five years.
 23 **A. I am not aware of how long the media interest has gone**
 24 **on for.**
 25 Q. Do you accept the principle that there would be nothing

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| <p>1 wrong with an officer in that position obtaining welfare 2 support from an officer who has been through 3 an equivalent protracted and demanding experience? 4 A. In respect of welfare support, I haven't been involved 5 in a fatal police shooting previously. So I can't say 6 whether or not that would be standard practice. There 7 are welfare provisions within chapter 7 and there are 8 clear provisions in respect of the provision of accounts 9 and non-conferring. 10 Q. Assuming the non-conferring principle is honoured, 11 assuming the nature of the advice and support given does 12 not affect the officer's narrative account, welfare 13 support is wholly understandable and justified, isn't 14 it? 15 A. Welfare support is, yes. 16 MR DAVIES: Yes, thank you. 17 THE CHAIRMAN: Mr Evans? 18 MR EVANS: Yes, please, sir. 19 Questions from MR EVANS 20 MR EVANS: Ms Bates, I ask questions on behalf of Greater 21 Manchester Police, just a very few topics, please. If 22 you could turn to your workbook, please, it is behind 23 tab 6 I think in the file. It is page 649 just to start 24 with briefly, please. 25 It is just in terms of the chronology. Page 649, we</p> <p style="text-align: center;">Page 49</p> | <p>1 account from individual officers, and then this, 2 "Weapons made safe, ammo counted". In other words 3 looking ahead to the steps to be taken? 4 A. Yes. 5 Q. Page 651, 11.00 pm you receive the briefing then from 6 Mr Simpson and Mr Hughes. Towards the foot of that page 7 on 651, we can see you make reference to, "Times two 8 sols deployed", is that right? 9 A. Yes. 10 Q. We can see their names and we can also see you have 11 included the details of Mr Thurogood, who was there from 12 the Police Federation. 13 A. Yes. 14 Q. Over the page, please, page 652, at 11.25 -- you have 15 been asked questions about this -- you note there the 16 advice that Mr Thurogood provides you, and that is that 17 the solicitors will be resistant to providing individual 18 accounts. Pausing there, by that point in the process, 19 you understood the solicitors had had the chance to 20 advise the individuals they were there to advise? 21 A. I didn't know, I didn't know whether that was their 22 position, as in they would be resistant to all officers 23 providing initial accounts without having already having 24 spoken to the officers or whether or not they had spoken 25 to them at that point.</p> <p style="text-align: center;">Page 51</p> |
| <p>1 can see that you had a conversation with Peter Orr at 2 9.00 pm. 3 A. Yes. 4 Q. During the course of that conversation it was made clear 5 to you, wasn't it, that this was now going to be 6 an investigation conducted by the IPCC? 7 A. Yes. 8 Q. In other words the IPCC from that point in your mind had 9 primacy in relation to the investigation, yes? 10 A. Yes. 11 Q. At the same time, on page 649 we can see that you have 12 noted down the details of two individuals as principal 13 officers, the officer discharging the weapon and then 14 also Mark Granby, who was the silver commander. Is that 15 right? 16 A. Yes, that's correct. 17 Q. That was the information that Peter Orr provided to you? 18 A. Yes. 19 Q. Over the page, just in the notes, please, so page 650 20 9.45 pm you received a call from Mr Brennan, 21 professional standards. We can see there that you have 22 noted down GMP's intent then to comply with the relevant 23 guidance you told us about, non-conferring. That 24 obviously has an echo with chapter 7, doesn't it, in 25 terms of the Manual of Guidance? And this initial</p> <p style="text-align: center;">Page 50</p> | <p>1 Q. Okay. You said that that caused you to then seek 2 effectively instructions and advice from the senior 3 investigator, Mr Orr? 4 A. Yes. 5 Q. You telephoned him and you told us then, as per the 6 note, Peter Orr spoke to -- in fact it is Mr Hughes, 7 isn't it, who was the assistant PIM? 8 A. Yes. 9 Q. The agreement is clear, isn't it, you have been asked 10 about this, that Peter Orr was content that the 11 principal officers were the principal officer who fired 12 the shot, Q9, and silver, a reference then to Mr Granby? 13 A. Yes. 14 Q. In other words the same decision that you had already at 15 least noted or the information in your first 16 conversation with Mr Orr? 17 A. Yes. 18 Q. You have explained about the others then not principals 19 unless standing next to him. 20 If we just move on then, in the sequence, we go, 21 please, to page 656. Middle of the page there is 22 reference there just to the downloading of the weapons. 23 It is clear, isn't it, that that actually in terms of 24 a process was taking and would take a considerable time? 25 A. I don't know whether or not it had started at this</p> <p style="text-align: center;">Page 52</p> |

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| <p>1 point --</p> <p>2 Q. Okay.</p> <p>3 A. -- and --</p> <p>4 Q. We see then on page 657 you note down, do you see, just</p> <p>5 under 12.35, so it is just after half past midnight,</p> <p>6 there is a further meeting, is there, or an update that</p> <p>7 Mr Simpson, Mr Hughes provide you with. Is that right?</p> <p>8 A. Yes, that's correct.</p> <p>9 Q. "Officers still have weapons", so by this stage, it</p> <p>10 looks as though that downloading or video recording</p> <p>11 process in terms of continuity, recovery of the weapons,</p> <p>12 hasn't yet started?</p> <p>13 A. No.</p> <p>14 Q. You are also there given details in terms of the number</p> <p>15 of surveillance officers, you are given details there as</p> <p>16 to the SFC, the identity of the TFC and although it has</p> <p>17 been redacted here, you had information as to the</p> <p>18 identity of the OFC and the TAC, didn't you?</p> <p>19 A. Yes.</p> <p>20 Q. That information will have been provided by the PIM; is</p> <p>21 that right?</p> <p>22 A. Yes, that's correct.</p> <p>23 Q. Just over the page then, page 658, please. Again, top</p> <p>24 of the page, it is dealing there with the recovery of</p> <p>25 the weapons, there is reference there four lines down to</p> <p style="text-align: center;">Page 53</p> | <p>1 briefing --</p> <p>2 A. I think --</p> <p>3 Q. -- and was someone that you no doubt concluded was fully</p> <p>4 familiar with the Manual of Guidance and the duties</p> <p>5 placed upon the IPCC in relation to the investigation?</p> <p>6 THE CHAIRMAN: I think you were going to say something?</p> <p>7 A. Sorry, I was going to say I think he arrived at the</p> <p>8 start of the briefing not towards the end of the</p> <p>9 briefing.</p> <p>10 MR EVANS: Thank you very much.</p> <p>11 A. My understanding is that he was present for most if not</p> <p>12 all of that briefing.</p> <p>13 Q. In terms of timing, was that the briefing then had</p> <p>14 started at about 11.00 or thereabouts?</p> <p>15 A. It was the briefing with the Professional Standards</p> <p>16 Branch at 11.55.</p> <p>17 Q. Thank you. We see that starting on page 653 in your</p> <p>18 notes and that is the briefing that Mr Donaghy was to</p> <p>19 arrive during the course of?</p> <p>20 A. Hmm, yes.</p> <p>21 MR EVANS: Thank you.</p> <p>22 MS PALMER: Sir, if I may ask a couple of questions of this</p> <p>23 witness as she is an IPCC witness.</p> <p>24 I'm grateful.</p> <p>25</p> <p style="text-align: center;">Page 55</p> |
| <p>1 the video process, SOCOs being present. Again that</p> <p>2 particular exercise is a discrete area within chapter 7,</p> <p>3 isn't it, in terms of the steps to be taken in relation</p> <p>4 to the recovery of weapons?</p> <p>5 A. It is, yes.</p> <p>6 Q. At the foot of page 658, as you say there, re initial</p> <p>7 accounts, by this stage you are then noting that the</p> <p>8 earlier decision in relation to initial accounts, which</p> <p>9 had been Q9 and Mr Granby, has now been modified, hasn't</p> <p>10 it, by Mr Donaghy to therefore relate to Q9, X7 and Z15?</p> <p>11 A. Yes.</p> <p>12 Q. That again, to be clear, was a decision that you have</p> <p>13 set out in the note, the letter P, you tell us, as</p> <p>14 a policy decision, an IPCC policy decision?</p> <p>15 A. Yes.</p> <p>16 Q. You note down that it is in terms of the rationale</p> <p>17 perhaps, given number of officers, content for those</p> <p>18 three to give initial accounts?</p> <p>19 A. Yes.</p> <p>20 Q. At that stage, your understanding is that it is the</p> <p>21 IPCC's decision, therefore, to confine those initial</p> <p>22 accounts to those three individuals, yes?</p> <p>23 A. Yes.</p> <p>24 Q. That is done by Mr Donaghy, who by this stage has</p> <p>25 arrived at Claytonbrook towards the end of the</p> <p style="text-align: center;">Page 54</p> | <p>1 Questions from MS PALMER</p> <p>2 MS PALMER: Can you ask you first of all to turn to page</p> <p>3 662, a small point but just so that there is clarity</p> <p>4 on it. We have your note that at 3.10 you went off</p> <p>5 duty, it says, "18 miles return". Would that be the</p> <p>6 time that you arrived home or left the scene?</p> <p>7 A. Arrived home.</p> <p>8 Q. We see you have put a note at 2.30, you were advised you</p> <p>9 were able to go home. Can you help us from those notes</p> <p>10 what time you would have left the scene roughly?</p> <p>11 A. 2.30, or shortly thereafter.</p> <p>12 Q. Thank you.</p> <p>13 Secondly, if you could go to page 652, please, you</p> <p>14 were asked a number of questions about Mr Orr's</p> <p>15 conversation with Mr Hughes. Were you standing with</p> <p>16 Mr Hughes when that telephone conversation took place?</p> <p>17 A. I was in the same room as Mr Hughes, yes.</p> <p>18 Q. Would you have been able to hear parts of what Mr Hughes</p> <p>19 said?</p> <p>20 A. Yes, I would have done.</p> <p>21 Q. But not what Mr Orr said because he was on the other end</p> <p>22 of a phone?</p> <p>23 A. Exactly.</p> <p>24 Q. I think you said earlier that you then spoke to Mr Orr</p> <p>25 yourself. Did Mr Hughes pass the phone back to you?</p> <p style="text-align: center;">Page 56</p> |

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| <p>1 A. I can't remember whether he passed the phone back or 2 whether or I rephoned Peter Orr just to confirm, because 3 I had only heard one side of the conversation and wanted 4 to clarify. 5 Q. Was the purpose for you to understand what Mr Orr had 6 told Mr Hughes? 7 A. Yes. 8 Q. Your note at 652, is that a note of what you understood 9 Mr Orr had told Mr Hughes about the principal officers? 10 A. At 653? 11 Q. 652 at the bottom of the page, "Principal and silver, 12 all others not principals unless standing next to him". 13 A. Yes, and then on 653, the second section which is, "Not 14 detailed accounts, initial accounts from principals 15 other indication". 16 Q. Thank you. In terms of the principal officers, we have 17 heard from questions just now that obviously Mr Donaghy 18 comes along and takes a different decision to Mr Orr. 19 Is it unusual for the person at the scene receiving 20 further information to take a further step and to take 21 account of that extra information and take that 22 decision? 23 A. I can't comment on whether or not it is usual, because 24 I don't know if I have been in that situation before. 25 I can't recall being in that situation before.</p> <p style="text-align: center;">Page 57</p> | <p>1 A. Yes, that's correct. 2 Q. Thank you. 3 If I can then ask you to turn to the guidance, 4 please, to page 380, it should be paragraph 7.72. 5 A. Yes. 6 Q. Is it your understanding that the obtaining of initial 7 accounts should be done after the securing of weapons? 8 A. Yes. 9 Q. I think you have given evidence that by the time you 10 left at about 2.30, that process hadn't completed? 11 A. No, I think it may have only just started at that point. 12 Q. You were then asked some questions about departing from 13 the guidance, and this was about 652, and who was to be 14 a principal officer. I suspect it would also apply to 15 the decision Mr Donaghy made to only take accounts from 16 the officers. 17 At that time, in 2012, did the IPCC have the power 18 to require accounts from those who were not principal 19 officers? 20 A. No, we did not have the power to compel officers. 21 Q. Has that now changed? 22 A. We now have the power to compel officers to attend 23 an interview. 24 Q. Prior to giving initial accounts, are officers entitled 25 to legal and federation representative advice?</p> <p style="text-align: center;">Page 59</p> |
| <p>1 But I would expect the decisions to constantly be 2 reviewed as more information was provided during the 3 night. 4 Q. Who would be in the best position to make that decision, 5 a person on the end of a telephone receiving certain 6 information or a person at the scene? 7 A. A person at the scene, I would suggest. 8 Q. Thank you. 9 You were asked a number of questions about what 10 steps you took to identify the principal officers and in 11 particular who was standing next to Q9 -- 12 A. Hmm. 13 Q. -- when the shot was fired. 14 Could you have obtained that information from anyone 15 other than the 16 AFOs at the scene? 16 A. I don't believe so. 17 Q. You were also being asked a number of questions about 18 what steps you took to identify who had fired shots. 19 Reference has been made by others to the download 20 process of weapons. Is that one way of identifying who 21 had fired shots and discharged their weapons? 22 A. Yes, it is. 23 Q. We can see if we look at page 650 of your notebook that 24 the question of weapons is being considered at an early 25 stage, both in the 9.30 and the 9.45 call?</p> <p style="text-align: center;">Page 58</p> | <p>1 A. I believe so, yes. 2 Q. Thank you. 3 Just finally then, please, you were asked about 4 page 1296, the guidance note. I think this is in 5 bundle R, the third bundle. 6 THE CHAIRMAN: I have seen it. 7 MS PALMER: This talks about, four lines down, "The recent 8 judicial reviews regarding officers conferring prior to 9 the provision of a first account", and across at 1297 10 talks about, "Issuing a direction regarding the issue of 11 conferring". 12 Did you understand that the power that you had to 13 issue directions related only to conferring or whether 14 the IPCC were able to issue a direction for all officers 15 to provide an account? 16 A. I believe that it was in relation to conferring. 17 MS PALMER: Thank you very much. 18 THE CHAIRMAN: Ms Cartwright, anything further? 19 Further questions from MS CARTWRIGHT 20 MS CARTWRIGHT: Just one question in response to the 21 questions from my learned friend Ms Palmer. You were 22 asked about location or positions of officers when shots 23 were fired. Can I ask, just generally were you aware 24 from your experience as an IPCC investigator about 25 briefings for firearms officers and that there would be</p> <p style="text-align: center;">Page 60</p> |

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| <p>1 a PowerPoint briefing which would essentially tell you 2 which officers were in which vehicle and which weapons 3 each of those officers would then have? 4 A. Briefings before the police deployment. 5 Q. Yes. 6 A. Yes, I was familiar that that was the usual process. 7 Q. Can I ask then, in terms of your involvement when trying 8 to get those basic facts, did you at any point request 9 access to the PowerPoint that had been used as part of 10 that deployment for the officers on 3 March to inform 11 which officers had been where and in which vehicle? 12 A. No, I didn't. But I wouldn't have had the facilities to 13 view it, unless it was provided by the police but no, 14 I didn't. 15 Q. In terms of you knew that there was such a document that 16 would exist in terms of a PowerPoint briefing. I just 17 want to check whether you knew that in terms of a place 18 to get a source of information that would help clarify 19 some of the basic facts? 20 A. So I knew that there would have been briefings before 21 the deployment, whether or not they were on 22 PowerPoint -- 23 THE CHAIRMAN: Not necessarily the precise form it took? 24 A. But I was aware that there would have been briefings. 25 MS CARTWRIGHT: You didn't seek to get information from the</p> <p style="text-align: center;">Page 61</p> | <p>1 A. Thank you. 2 Questions from MS CARTWRIGHT 3 MS CARTWRIGHT: Good afternoon, Mr Donaghy, my name is 4 Sophie Cartwright and I ask questions on behalf of the 5 Inquiry. 6 Please could I ask you to look, please, in the 7 folder in front of you. We can see a number of witness 8 statements that you have provided. Can I ask you first 9 of all to turn behind tab 1, please, we can see there 10 a statement dated 5 March 2012. 11 A. Yes. 12 Q. We can then move, please, to tab 2. We can see 13 a further witness statement of 5 March 2012. 14 A. Yes. 15 Q. Then finally, please, turning behind tab 3, a witness 16 statement dated 6 September 2012? 17 A. Yes. 18 Q. Are the contents of those three witness statements true 19 to the best of your knowledge and belief? 20 A. I think on the first one -- 21 THE CHAIRMAN: Sorry. 22 A. Sorry, I think on the first statement, it should be -- 23 it is "am" rather than "pm" after the time, so it is 24 4.15. 25 MS CARTWRIGHT: So 4.15 am.</p> <p style="text-align: center;">Page 63</p> |
| <p>1 post-incident manager or any other officer for that sort 2 of information? 3 A. No, I didn't, no. 4 MS CARTWRIGHT: Thank you. 5 Sir, I have no other questions. 6 There is just a point of clarification for you, 7 I think you were referenced the email my learned friend 8 Mr Thomas referred to as Y/1095, I think it is in fact 9 Y/1287. 10 MS PALMER: It is in a number of places. 11 MS CARTWRIGHT: But I don't think it is at Y/1095. 12 THE CHAIRMAN: Thank you. 13 Thank you very much, that is the end of your 14 evidence. You are free to go now. 15 A. Thank you. 16 THE CHAIRMAN: I realise we are due to break off in about 17 15 minutes, but I would like to carry on because 18 otherwise it is going to cause problems later in the day 19 and I don't mind if we go a minute or two past 12.15. 20 MS CARTWRIGHT: I agree, sir. 21 Can I call James Donaghy, please. 22 THE CHAIRMAN: Yes, certainly. 23 MR JAMES DONAGHY (affirmed) 24 THE CHAIRMAN: You are welcome to sit down if you would like 25 to, Mr Donaghy.</p> <p style="text-align: center;">Page 62</p> | <p>1 A. Am. 2 THE CHAIRMAN: Does that apply to the next paragraph or not, 3 they both should be am? 4 A. Yes. 5 MS CARTWRIGHT: I think if we look behind tab 4, where your 6 book is, those times are confirmed within your workbook, 7 yes? 8 A. They will be, yes. 9 Q. Other than that slight amendment, those three witness 10 statements are true to the best of your knowledge and 11 belief? 12 A. To the best of my knowledge, yes. 13 Q. Mr Donaghy, can I ask you first of all, we can see from 14 your witness statement that on 3 March 2012 into 4 March 15 you were performing the role of the deputy senior 16 investigating officer for the IPCC? 17 A. That's correct. 18 Q. Can you explain, please, what the role of a deputy 19 senior investigating officer is? 20 A. It is the way the IPCC was structured, there were 21 investigators, then deputy senior investigators, then 22 senior investigators. So in my day-to-day role I would 23 be responsible for a team of investigators and I would 24 be answerable to the senior investigator. 25 Q. Can you assist then as to how long you had been employed</p> <p style="text-align: center;">Page 64</p> |

1 by the IPCC?
 2 **A. I had been with the IPCC since I think it was 2005.**
 3 Q. How long had you been a deputy senior investigating --
 4 **A. Since that date, I came as a deputy senior investigator.**
 5 Q. In the ordinary course of events when I think you were
 6 based in the Leicestershire area, you were managing
 7 a team down there?
 8 **A. Yes.**
 9 Q. How then when you were the officer on call being
 10 deployed essentially anywhere in the United Kingdom
 11 would you then discharge the role of a deputy senior
 12 investigating officer when you were on call?
 13 **A. I would be deployed -- the call, as far as I could**
 14 **recall the call would, if something happened, a call**
 15 **would be made to the senior investigator who would**
 16 **deploy relevant resources.**
 17 Q. Yes.
 18 **A. So he would contact me, and send me somewhere, deploy me**
 19 **to an incident.**
 20 Q. Yes.
 21 **A. There would be investigators on call, and it was usually**
 22 **the senior investigator would phone those as well and**
 23 **deploy those as well.**
 24 Q. Yes, so then when you were working with other
 25 individuals that you were not ordinarily working with on

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1 a day-to-day basis, do you essentially manage those
 2 investigators who are not of a higher rank than you?
 3 **A. Yes, I wouldn't say manage. I take responsibility for**
 4 **what, you know -- they take responsibility for**
 5 **themselves but I am responsible for what we do, because**
 6 **I am a higher position than them.**
 7 Q. Can I ask then, in terms of the responsibilities that
 8 you had in respect of your involvement on 3 into
 9 4 March, could I ask you to turn to a transcript of
 10 an interview that was held with the defence of Greater
 11 Manchester Police and it is in bundle L, please, the
 12 interview commences at page 332.
 13 **A. Sorry, could you give me --**
 14 Q. Page 332, please, Mr Donaghy.
 15 Can you see there a transcript of an interview held
 16 on 8 January 2015?
 17 **A. Yes.**
 18 Q. I think you were interviewed by Liam Preston, who was
 19 one of officers within Operation Idris with David Yates
 20 of the IPCC and Sophie Green of the IPCC and Paul Glover
 21 being present, can you see that?
 22 **A. Yes, I do.**
 23 Q. Could I ask you then to turn to page 335 within that
 24 interview, please. I think you were being asked
 25 a number of questions in respect of the cordon and if

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1 you had had any role or responsibility for the
 2 establishing of a cordon at the car park in Culheth.
 3 THE CHAIRMAN: Sorry, where is that?
 4 MS CARTWRIGHT: It is on page 335, sir, just to give the
 5 context.
 6 THE CHAIRMAN: Yes, I have it.
 7 MS CARTWRIGHT: Near to the bottom of the page we can see:
 8 "Do you know what this search strategy was within
 9 the inner cordon?"
 10 Do you see that question? Your response is:
 11 "Not at that -- not at that time of night. I was
 12 involved with the recovery of weapons, first accounts
 13 from officers, liaising with the Police Federation,
 14 facilitating the dead man's family being informed of his
 15 death ..."
 16 **A. Yes.**
 17 Q. Then you go on:
 18 "And that was very much -- that was very much down
 19 to Cheshire Police who were managing the scene."
 20 **A. Yes.**
 21 Q. In terms of within this interview, I think you were
 22 accepting you had involvement, I think, you made the
 23 decisions in respect of the officers who were to give
 24 the first accounts on that night?
 25 **A. Yes, absolutely. Yes.**

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1 Q. Thank you.
 2 Perhaps then if we can just, before going into the
 3 details of the decision you made in respect of the
 4 provision of first accounts, can I just check your
 5 knowledge of a number of documents, please?
 6 **A. Yes, certainly.**
 7 Q. First of all, did you have -- I am not going to take you
 8 to it at this stage -- knowledge at chapter 7 of the
 9 Manual of Guidance?
 10 **A. I have seen -- I came last week to this Inquiry and**
 11 **I did see a copy then.**
 12 Q. Yes.
 13 **A. If you asked me if I remember the document, I am aware**
 14 **there was guidance and when I looked at that, I didn't**
 15 **recall it particularly but I think it would be fair to**
 16 **say, common sense would say, I would have had knowledge**
 17 **of that document.**
 18 Q. Well, let's just take that in stages.
 19 **A. Yes.**
 20 Q. Going back to 2012 -- are you still employed by the
 21 IPCC?
 22 **A. No.**
 23 Q. When did you cease employment with the IPCC?
 24 **A. About a month after this incident.**
 25 Q. Perhaps then we should just go to the document, bearing

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1 in mind the answer you have given.
 2 **A. Absolutely, yes.**
 3 Q. It is within the policy and procedure bundles at
 4 page 266.
 5 **A. Yes.**
 6 Q. 266 is the start of that and I think you have gone
 7 directly to chapter 7, but we can see the third edition,
 8 the relevant edition at the time was the third edition
 9 from 2011.
 10 **A. Yes.**
 11 Q. Just looking at this, because we know then chapter 7 in
 12 respect of post-incident procedure sits within the
 13 guidance. We can see chapter 7 --
 14 **A. Yes.**
 15 Q. -- commencing, please, we can certainly see the index at
 16 page 366 and over into 367.
 17 **A. Yes.**
 18 Q. Just to be clear, in March 2012, did you have knowledge
 19 of the procedure in respect of post-incident procedure,
 20 as set out by ACPO in this document?
 21 **A. I think I would have had knowledge, yes.**
 22 Q. You seem to be adding a caveat to your answer of
 23 a minute ago as to whether or not you did have knowledge
 24 at the time.
 25 **A. When I looked at the layout of it, there were several**

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1 **editions of the police ACPO guidance. When I looked at**
 2 **the layout last week, it didn't seem particularly**
 3 **familiar but that might be with the passage of time.**
 4 **I believe that I would have had sight of this, I would**
 5 **have had knowledge of this document because I can't**
 6 **imagine that I wouldn't have had that knowledge.**
 7 Q. Had you been involved as an investigator for the IPCC in
 8 similar investigations arising from shootings either
 9 fatal or non-fatal?
 10 **A. I had, yes. I had -- yes, I had, yes.**
 11 Q. Can you assist as to the number of those such
 12 investigations you had been involved with?
 13 **A. I was certainly involved in one in West Yorkshire, which**
 14 **I think was -- it must have been, this was 2012, it must**
 15 **have been 2010, Christmas 2010.**
 16 Q. Can I ask, prior to you joining the IPCC, what had your
 17 experience been, where had you worked before that time,
 18 had it been involvement with the police?
 19 **A. I had worked for Leicestershire Police, yes.**
 20 THE CHAIRMAN: Where, sorry?
 21 **A. Leicestershire Police.**
 22 MS CARTWRIGHT: In terms of the process in terms of the
 23 stages, if I just take you to that, please, within
 24 chapter 7. We can see at page 383, we see the start of
 25 the summary of the four-stage process.

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1 **A. Yes.**
 2 Q. Using the best of your recollection, were you aware of
 3 the four-stage process in respect of situation reports,
 4 the post-incident manager obtaining the basic facts,
 5 then the requirement for initial accounts as stage 3,
 6 moving then forward to stage 4 accounts, more detailed
 7 accounts?
 8 **A. Again, I can't -- I can't recall even a four-stage**
 9 **process. I am aware of getting the issues around**
 10 **getting personal initial accounts, followed at a later**
 11 **stage by more detailed accounts.**
 12 Q. Yes, so you were aware of that in --
 13 **A. Yes, definitely.**
 14 Q. You seem to be saying that your familiarity is to that
 15 being rooted within chapter 7, is that what you are not
 16 confident in respect of?
 17 **A. I am not confident about the stage 1, situation report**
 18 **phase. And the PIM for establishing -- well, I am, I am**
 19 **not aware of, I don't think I can recall the situation**
 20 **report stage.**
 21 **I would have been aware, it might have been called**
 22 **something else, of the PIM getting the basic facts.**
 23 **I would have been aware of what is termed stage 3**
 24 **here, personal initial accounts.**
 25 **And I would have been aware then at a later date,**

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1 **fuller evidential statements would have been obtained.**
 2 **It is not that I am not aware of the process. It is**
 3 **that I am not --**
 4 THE CHAIRMAN: The terminology, is it?
 5 **A. Yes, it is more -- it may have been updated from**
 6 **a version I saw. I don't know. It is just the**
 7 **terminology. I am aware of the basic --**
 8 MS CARTWRIGHT: To assist with your recollection, do you
 9 recall that the update to this edition, so the third
 10 edition, had the amendment in terms of the non-conferral
 11 advice? Can you recall that? Does that assist in any
 12 way as to changes that may have been in this version?
 13 **A. There is always non-conferral, officers shouldn't have**
 14 **conferred anyway, as far as I can recall.**
 15 Q. Perhaps then before looking at stage 3 which seems to
 16 be -- can I just ask you to confirm, and we will then be
 17 adjourning for lunch, at paragraph 788 within the
 18 guidance at 383, were you aware that the responsibility
 19 for securing evidence and taking appropriate action in
 20 an article 2 investigation remains with the police
 21 service until such time as the independent investigative
 22 authority has taken over the investigation?
 23 **A. Absolutely. And as far as I was aware this was, when I**
 24 **got there, I treated this as an independent**
 25 **investigation.**

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1 MS CARTWRIGHT: Sorry, "When I got there I treated that as
 2 ..."
 3 **A. When I got to the post-incident suite. It may have been
 4 declared by the SI prior to that as an independent ...
 5 but certainly when I got to the suite, my understanding
 6 was: this is an independent investigation.**
 7 Q. An independent investigation to be conducted by the
 8 IPCC?
 9 **A. Absolutely, yes.**
 10 MS CARTWRIGHT: Sir, perhaps that is an appropriate place to
 11 adjourn?
 12 THE CHAIRMAN: Yes. Thank you, Ms Cartwright.
 13 Right, we will hopefully resume at 1.20.
 14 It may have to be a minute or two later than that,
 15 but we will do our best.
 16 MS CARTWRIGHT: Thank you, sir.
 17 THE CHAIRMAN: Thank you.
 18 (12.17 pm)
 19 (The Luncheon Adjournment)
 20 (1.35 pm)
 21 MS CARTWRIGHT: Thank you.
 22 THE CHAIRMAN: Yes, Ms Cartwright.
 23 MS CARTWRIGHT: Thank you, sir.
 24 Mr Donaghy, before the luncheon adjournment I think
 25 you had agreed with the extract from the Manual of

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1 Guidance I took you to in respect of essentially the
 2 IPCC being responsible for conducting this article 2
 3 investigation.
 4 **A. Yes, that's correct.**
 5 Q. Can I then before taking you to your understanding of
 6 the stage 3 account, because I think it seemed from what
 7 you are saying before lunch there is not absolute
 8 clarity as to whether you knew the finer workings of
 9 chapter 7. Can I ask then: what was your understanding
 10 about who had to give the initial personal accounts?
 11 **A. My understanding was, and probably is still, that
 12 I would be trying to identify principal officers and
 13 that those officers which I would be trying to identify,
 14 would be the ones who are most in the position to have
 15 used force, so the person who has discharged the firearm
 16 and any other officer who has used force.**
 17 Q. Okay.
 18 **A. Those would be my priorities.**
 19 **If I can just expand that a little bit. My reason
 20 is I need to understand what has happened, I need to
 21 manage the scene. I perhaps need to refer ballistics
 22 experts, I need to brief a pathologist, so I've got to
 23 have an understanding of what has happened.**
 24 Q. Yes, so if we perhaps break that down, you need to
 25 identify the officers who utilised force, I think you

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1 were saying, so discharged weapons --
 2 **A. Yes.**
 3 Q. -- and get an understanding of what has gone on to then
 4 inform other steps such as the instruction of experts
 5 like ballistics --
 6 **A. That's correct, yes.**
 7 Q. In terms of being able to get the information to
 8 identify who should be the principal officers, how do
 9 you go about getting that information?
 10 **A. I had a briefing when I got to the suite in this case --**
 11 Q. Yes.
 12 **A. -- of an overview of what had happened.**
 13 THE CHAIRMAN: I didn't quite catch how you started that
 14 sentence.
 15 MS CARTWRIGHT: I had a briefing.
 16 **A. I had a briefing. Perhaps it would be better if I stood
 17 up, actually.**
 18 MS CARTWRIGHT: Perhaps so.
 19 THE CHAIRMAN: It is up to you.
 20 MS CARTWRIGHT: If you could try and keep your voice up,
 21 some were having a little difficulty before the luncheon
 22 adjournment.
 23 **A. Yes.**
 24 Q. In terms of any information, you were indicating that
 25 you would receive information at the briefings but can

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1 I ask in terms of you being essentially the body, the
 2 state agent that is then conducting the investigation.
 3 **A. Yes.**
 4 Q. Again, how are you proactive in seeking information
 5 rather than just receiving information?
 6 **A. I would listen to what people told me had happened, then
 7 I would make decisions about lines of enquiry I perhaps
 8 needed to pursue, recovery of firearms, accounts from
 9 the officers, a number of things, contacting the family.**
 10 Q. Yes.
 11 **A. A whole range of -- I can't do them all immediately, but
 12 I would like to do most of these sort of actions
 13 quickly --**
 14 Q. Yes.
 15 **A. -- rather than slow time action.**
 16 Q. Just pausing there a minute, you mentioned that as part
 17 of getting the information, you would get accounts from
 18 officers.
 19 **A. Yes.**
 20 Q. How would you do that?
 21 **A. I would make the decision about who I considered to be
 22 principal officers --**
 23 Q. Yes.
 24 **A. -- I would pass that to the PIM, who would facilitate
 25 that, the obtaining of those accounts. I wouldn't**

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| | |
|--|---|
| <p>1 physically sit down with the officers and take it off</p> <p>2 them. So I would say, "I am identifying these people as</p> <p>3 principal officers, I require first accounts off them",</p> <p>4 and that would go to the PIM, who would facilitate that.</p> <p>5 Q. Then, just pausing there a moment, so I have taken you</p> <p>6 to the Manual of Guidance in chapter 7.</p> <p>7 A. Yes.</p> <p>8 Q. Can I take you to another document, please, which is in</p> <p>9 bundle R, file 3, which is an internal IPCC document</p> <p>10 which we have been informed was available at the</p> <p>11 relevant time. Please could I ask you to turn to</p> <p>12 page 1291.</p> <p>13 A. Yes.</p> <p>14 Q. We can see there the Independent Police Complaints</p> <p>15 Commission operational advice note?</p> <p>16 A. Yes.</p> <p>17 Q. If you just take a moment to work through that document,</p> <p>18 had you seen that document, or had you knowledge of it</p> <p>19 in March 2012? (Pause)</p> <p>20 It is quite a lengthy document, Mr Donaghy.</p> <p>21 THE CHAIRMAN: Take your time, but you might want to look</p> <p>22 through some of the pages following because you will see</p> <p>23 the format in which it is set out.</p> <p>24 A. Right.</p> <p>25 THE CHAIRMAN: That might help.</p> <p style="text-align: center;">Page 77</p> | <p>1 I think were made contemporaneously, to work out what</p> <p>2 you did to identify those principal officers and those</p> <p>3 of whom you should be getting accounts.</p> <p>4 Can I also ask you to confirm: do you agree that you</p> <p>5 were the lead investigator on the night?</p> <p>6 A. Absolutely, yes.</p> <p>7 Q. Lead investigator and you accept also it was your task</p> <p>8 to get the initial accounts from the officers?</p> <p>9 A. The decision making was mine, yes.</p> <p>10 Q. Thank you.</p> <p>11 Tab 4, please, Mr Donaghy. If I could ask you to</p> <p>12 turn to page 579 within that document.</p> <p>13 A. Yes.</p> <p>14 Q. We can see the 9.15 call from Peter Orr, and I am not</p> <p>15 going to read every entry there.</p> <p>16 A. No, I think the call was 8.20.</p> <p>17 Q. You think 8.20, so what does the 9.15 -- en route --</p> <p>18 A. I am driving from Leicester to Manchester. I am not</p> <p>19 certain whether I had a hands free or whether I had just</p> <p>20 got my mobile phone, so I was stopping at services en</p> <p>21 route to Manchester and calling up to see, you know, if</p> <p>22 there is a -- checking to see if there was a message on</p> <p>23 my phone and having conversations with, in this case</p> <p>24 with Peter Orr.</p> <p>25 Q. This seems to say, "En route, Manchester call from</p> <p style="text-align: center;">Page 79</p> |
| <p>1 MS CARTWRIGHT: It runs through to page 1309, in terms of</p> <p>2 looking at the format of that document.</p> <p>3 A. Right.</p> <p>4 Q. Can you recall whether or not you would have seen this</p> <p>5 in March 2012 or had knowledge of the contents?</p> <p>6 A. I can't honestly remember whether I have seen it.</p> <p>7 Common sense says I would have done.</p> <p>8 Q. Sorry, common sense?</p> <p>9 A. I believe I would have.</p> <p>10 THE CHAIRMAN: He cannot remember having seen it, but thinks</p> <p>11 it is --</p> <p>12 A. I think it is very likely I would have done.</p> <p>13 MS CARTWRIGHT: Can I ask you then to look at another</p> <p>14 document, it is the aide-memoire which starts at 1310</p> <p>15 and runs through to 1315.</p> <p>16 Again, using your best recollection do you recall</p> <p>17 whether or not you had knowledge of this aide-memoire as</p> <p>18 a document to which you could have reference</p> <p>19 in March 2012?</p> <p>20 A. Again, I really am sorry, I am not trying to be evasive.</p> <p>21 Q. No.</p> <p>22 A. I can't remember the document. Again, I would --</p> <p>23 I honestly I think I would have had knowledge of it, but</p> <p>24 I can't remember the document.</p> <p>25 Q. Perhaps then let's just work through your notes, which</p> <p style="text-align: center;">Page 78</p> | <p>1 Peter Orr".</p> <p>2 A. From peter Orr, yes.</p> <p>3 Q. Firearms --</p> <p>4 A. Do you want me to read it?</p> <p>5 THE CHAIRMAN: It might be helpful.</p> <p>6 A. "En route, Manchester call from Peter Orr. Firearms</p> <p>7 team back to unit in Manchester, Cheshire managing scene</p> <p>8 of shooting. Still little detail today. All there is</p> <p>9 armed operation running since yesterday, three people in</p> <p>10 car, challenge put in, one AIO discharged, one person</p> <p>11 fatally shot."</p> <p>12 MS CARTWRIGHT: Thank you.</p> <p>13 Then we can see at 9.55 there is a call with</p> <p>14 Cath Bates, who the Inquiry have heard from this</p> <p>15 morning.</p> <p>16 A. 9.55:</p> <p>17 "Telephone call from Cath Bates. New postcode for</p> <p>18 the PIM."</p> <p>19 That is for the post-incident suite.</p> <p>20 Q. Yes, because I think it had moved from Openshaw to</p> <p>21 Claytonbrook.</p> <p>22 A. Yes.</p> <p>23 Q. Perhaps if you could continue to read, because you in</p> <p>24 fact do reference the ACPO guidance I have taken you to.</p> <p>25 A. Right:</p> <p style="text-align: center;">Page 80</p> |

1 "Call her back [she has obviously left me a voice
 2 message, I would have thought] she will arrive at the
 3 PIM prior to me. First, establish if force are
 4 complying with ACPO guidance. (2) account from PIM,
 5 then each principal officer."
 6 THE CHAIRMAN: Sorry, "account from PIM" then what, sorry?
 7 **A. Then I think that says, "from then each principal
 8 officer".**
 9 THE CHAIRMAN: I see, right, yes.
 10 **A. Principal officer, yes.**
 11 **Number:**
 12 **"(3) anonymity put in place, but we cannot guarantee
 13 it."**
 14 MS CARTWRIGHT: Is that you essentially reminding Catherine
 15 Bates of those matters?
 16 **A. Yes.**
 17 Q. Thank you.
 18 Can I ask you then please to move forward to the
 19 briefing that you received at 11.55.
 20 **A. Right.**
 21 Q. I think you set out who the various individuals were.
 22 Are you at Claytonbrook at that time?
 23 **A. Yes, I am not sure -- yes, where the PIM suite was.**
 24 Q. Can you read then the information that was provided
 25 I think, it seems, at 12.00. So you have set out the

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1 individuals and can you read then the information that
 2 was provided to you.
 3 **A. "Incident in Cheshire near Sainsbury's Culcheth ..."
 4 I have put a question mark there.**
 5 THE CHAIRMAN: Where is this?
 6 MS CARTWRIGHT: On page 581, sir.
 7 THE CHAIRMAN: Whereabouts on it?
 8 MS CARTWRIGHT: Under "12.00" there is an entry in the
 9 left-hand side column, "12 noon".
 10 THE CHAIRMAN: I have it, "Incident in Cheshire", yes.
 11 **A. That is 12.00 midnight actually.**
 12 THE CHAIRMAN: It should be midnight?
 13 **A. It should be, yes.**
 14 MS CARTWRIGHT: Is that noon --
 15 **A. That is me:**
 16 **"Near Sainsbury's Culcheth, near Leigh, Warrington.
 17 MASTS stop, Op Shire, three people including David Toton
 18 [I have put a question mark the spelling because I am
 19 not sure I have spelt the name right], Anthony Grainger,
 20 Joseph Travis or Travers, access to stolen Audi motor
 21 vehicle. Believed were going to engage in armed
 22 robbery, intel being available two to three weeks."**
 23 Q. Then there is an extract that has been redacted and can
 24 you carry on reading after that, please.
 25 **A. Yes:**

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1 "Given info. May be store such as Sainsbury's.
 2 Vehicle tracked by DSU. And then brief when appropriate
 3 call a strike."
 4 Q. If you could keep your voice up again, please,
 5 Mr Donaghy.
 6 **A. Sorry:**
 7 **"During course of the escalated to Amber officers in
 8 situ, strike call. Believed three shots."
 9 Then I have put in brackets, "(this may change)."**
 10 Q. Why did you put "this may change"?
 11 **A. I can't remember exactly, there must have been some
 12 doubt by the person briefing me that that was it, that
 13 there had been three shots. But that is what I was
 14 told, but there must have been a caveat in the -- that
 15 is what we think at this time.**
 16 Q. Yes. I think can I just clarify we can see at the
 17 beginning of your note the brief was by DCI Brennan.
 18 **A. Yes.**
 19 Q. Can you continue, please?
 20 **A. Believe -- sorry:**
 21 **"Discharged by officers, two persons arrested, one
 22 of the shots may be Hatton type round."**
 23 Q. Does that not say "Hatton into tyre"?
 24 **A. Sorry, yes, it does. Sorry, my fault.**
 25 Q. Thank you.

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1 **A. "Number 1 principal officer declared he has discharged
 2 lethal round. Unknown if CCTV in any police vehicles.
 3 Four or five GMP may have had contact with the deceased
 4 re first aid. Arrested Toton and Travers. In custody
 5 at Ashton-under-Lyne. Anthony Grainger body at
 6 Warrington General Hospital. Cheshire Police primary
 7 following the incident. SIO Geraint Jones. Firearms
 8 team, including principal officers, now back. Two PIMs
 9 in place."**
 10 Q. Reference to "Two PIMs in place", is that referencing
 11 the GMP PIM and the Cheshire PIM or are they the two,
 12 the PIM in GMP and the assistant PIM?
 13 **A. I think it is the PIM and the assistant PIM, I think.**
 14 Q. Thank you.
 15 Then I think your note continues over the page,
 16 referencing Mr Granby as the firearms commander and
 17 Mr Sweeney as gold?
 18 **A. Yes.**
 19 Q. Then again there is reference to Officer Jones gone to
 20 see deceased's partner?
 21 **A. Yes.**
 22 Q. Then you reference, "Info from press office" something
 23 about Twitter, can you just deal with that please?
 24 **A. "Info from press office (GMP) that item on Twitter.
 25 Deceased name as Paul Parker. Deceased named**

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1 **Paul Parker."**
 2 Q. Was that being said that there had been just giving
 3 information as to the media --
 4 **A. I believe, yes, I don't know the giving it to the media,**
 5 **but what that reads to me is there is information on**
 6 **Twitter saying the deceased is a Paul Parker.**
 7 THE CHAIRMAN: Not from GMP?
 8 **A. Their press office --**
 9 THE CHAIRMAN: Their press office is telling you that
 10 somebody else has put this on?
 11 **A. Has circulated it, yes.**
 12 THE CHAIRMAN: I see, okay.
 13 MS CARTWRIGHT: Can you deal with the entry relating to
 14 weapons, please?
 15 **A. "Weapon removed from principal officer. Weapon recovery**
 16 **to be videoed."**
 17 Q. Thank you. Then you reference two members of GMP
 18 federation Karl Thurogood and Kieran Murray.
 19 **A. Yes.**
 20 Q. Were they present, because you then list the names of
 21 two solicitors and potential for a third, so you
 22 reference Mr Black and Mr Mackie. Was that information
 23 you were receiving or --
 24 **A. No, I think certainly the federation -- I think they**
 25 **might have been, may have been present. I am not**

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1 **100 per cent sure.**
 2 Q. Can you assist because in the account that you gave in
 3 the interview I took you to earlier, you set out that as
 4 well as giving initial accounts you were also to liaise
 5 with the Police Federation.
 6 **A. Yes, I did, yes.**
 7 Q. Why were you liaising with the Police Federation, can
 8 you explain that process, please?
 9 **A. Right, when I go to these incidents I would not sort of**
 10 **sit in isolation. I am investigating the incident, I've**
 11 **got to make the decisions but I will engage with other**
 12 **people who are there, I would engage with the**
 13 **solicitors, I would engage with the federation reps.**
 14 **The PIM. You know, it is -- it is very much, you know,**
 15 **introduce myself, this is what I am trying to achieve.**
 16 Q. Yes.
 17 **A. I haven't recorded the exact conversation, but I would**
 18 **certainly have been speaking -- I wouldn't have been**
 19 **standoffish, I would have been talking to them, you**
 20 **know, about --**
 21 Q. Can I ask, Mr Donaghy, in terms of what you have told us
 22 this afternoon around eliciting information, who were
 23 the relevant officers, we can see an amount of detail
 24 within the notes you made but actually no clarity as to
 25 what the various firearm officers had done or the

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1 details or the cypher at that time of the officers who
 2 had discharged the weapons to support the "possible
 3 three shots may change", were you seeking information as
 4 part of that briefing?
 5 **A. That was very much an initial briefing.**
 6 **I mean I went -- I am just trying to see the**
 7 **sequence -- yes, I mean I was trying to understand what**
 8 **had happened at the incident, it is part of an ongoing**
 9 **process.**
 10 Q. Perhaps then if we move to look perhaps at entries
 11 a little further on as to who had you identified then at
 12 that stage, after the initial briefing, were the likely
 13 targets for being the principal officers that you were
 14 interested in?
 15 **A. At that time, it would seem that the -- all the**
 16 **references to principal officer were referring to the**
 17 **officer who discharged the fatal shot.**
 18 Q. Yes.
 19 **A. There was mention of somebody discharging a Hatton**
 20 **round.**
 21 Q. Yes, and when that is recorded, do you remember whether
 22 you were actually asking who was that officer that
 23 discharged the Hatton rounds?
 24 **A. I wasn't -- no, I mean I went, I know I went on later to**
 25 **identify at least one of the principal officers.**

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1 **I didn't ask for his pseudonym or his name or anything,**
 2 **I don't think. You know, I said these are the people**
 3 **I identify as the principal officers, I would like first**
 4 **accounts off those.**
 5 Q. Yes, but again in terms of making that decision, how do
 6 you satisfy yourself that you have conducted sufficient
 7 inquiries of who are the relevant officers?
 8 **A. I think it is an ongoing process. I have obviously got**
 9 **one officer saying, "I have fired a fatal shot". I've**
 10 **got another officer who has been suggested as fired**
 11 **a Hatton round. And it starts from there and goes on.**
 12 Q. Can I ask you, please, to -- we can see that entry
 13 relates to the briefing around 12.00, but can I take you
 14 to an entry that was made by Cath Bates as to the steps
 15 she had taken up to that point with input from Peter Orr
 16 as to who was going to be the principal officers.
 17 Please, if you would move forward into tab 6 in the same
 18 bundle.
 19 **A. Yes.**
 20 Q. We can see at page 652 she makes an entry at 11.25.
 21 **A. Yes.**
 22 Q. "Advised by Karl Thurogood sols will be resistant to
 23 providing individual accounts. Peter Orr spoke to
 24 assistant PIM re principal officers."
 25 Then we can see set out:

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1 "Principal and silver, all others not principals
 2 unless standing next to him."
 3 Were you aware of that?
 4 **A. From memory, no. But I can't imagine that Ms Bates
 5 would not have told me that. I can't remember that and
 6 I haven't noted that.**
 7 Q. No.
 8 **A. So, you know, but she would have -- I can't imagine
 9 circumstances where she wouldn't have told me.**
 10 **That might have been, I don't know, I am surmising
 11 but I went on to identify what I considered with --
 12 bearing in mind Peter Orr is down in the south of
 13 England.**
 14 Q. Yes.
 15 **A. I am there and I identify who I consider principal
 16 officers, bearing in mind the circumstances I -- you
 17 know, of the event.**
 18 Q. Can I ask you then in terms of we can see reference
 19 there to silver and gold being mentioned, as part of
 20 your consideration that evening into the early hours
 21 when you attended, did you have in mind making the gold,
 22 silver or the bronze principal officers?
 23 **A. No, I didn't.**
 24 Q. Why not?
 25 **A. What I was very conscious of was a number of factors.**

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1 **First of all these are my decisions --**
 2 Q. Yes.
 3 **A. -- and I accept responsibility for these. Rightly or
 4 wrongly, this is what I believe my rationale was.**
 5 **I was aware that the officers had been on duty since
 6 4.30 am. I was aware we were coming up to 24 hours.
 7 I was aware a man had been shot by the police. I wanted
 8 to move that investigation forward and there was things
 9 that were going to have to be done during the night and
 10 the next day.**
 11 **What I was seeking was an account and
 12 an understanding, and I, from the briefing, identified
 13 the people who I -- I thought, could provide me with
 14 that information and I identified three officers at
 15 an early-ish stage. That was the man who fired the
 16 fatal shot.**
 17 Q. Yes.
 18 **A. The man who fired the Hatton round, because they have
 19 used force, and the bronze commander, because he's --
 20 from recollection, and I haven't seen his account since
 21 the night, I think he was out of the car, you know, he
 22 was there very close.**
 23 **What I was very conscious of is -- and I've got --
 24 to be fair to the officers, nobody ever said to me, "We
 25 are tired, we can't cooperate with this". There was**

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1 **none of that, but what I was aware that was going to
 2 happen was that we were going to recover the weapons as
 3 a priority, that process would be videoed and that would
 4 be a fairly long process.**
 5 Q. Yes.
 6 **A. The officer -- each officer is entitled to legal advice,
 7 and advice from his staff representative, if he wants to
 8 get it.**
 9 **What I wanted is to get an account so that I could
 10 understand what had happened and I could -- assist me if
 11 necessary to manage the scene, I could brief
 12 a ballistics expert, and I could brief the pathologist.
 13 So I identified the officers who I thought could give me
 14 the best chance of doing -- of obtaining that
 15 information quickly. And I identified those three
 16 officers.**
 17 Q. Can I ask you, in terms of in giving that answer, you
 18 identified X7, who is the bronze commander.
 19 **A. Yes.**
 20 Q. There is a cypher key just to your left if you need to
 21 just remind yourself who X7 was, and you gave the answer
 22 because he was out of the car and there?
 23 **A. I must have knew he was out of the car, yes.**
 24 THE CHAIRMAN: Just so we are clear, because you actually
 25 said that you identified the officers as being those

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1 able to provide the information you wanted as the one
 2 who fired the fatal shot, the one who fired the Hatton
 3 round and the bronze commander, I take it you mean by
 4 that that you identified those categories, in other
 5 words you didn't know who these individuals were?
 6 **A. No, sir.**
 7 THE CHAIRMAN: You hadn't identified a cypher let alone
 8 a name, but what you were thinking was the bronze
 9 commander will be able to give me information, the man
 10 who fired the fatal shot, the man who fired the Hatton
 11 round. Am I right?
 12 **A. That's right, and then as time went on I did know
 13 pseudonyms.**
 14 THE CHAIRMAN: I have only intervened at this point because
 15 Ms Cartwright was talking about X7. We now know who X7
 16 was but you didn't at the time. Is that the position?
 17 **A. I don't think I would have done, no.**
 18 THE CHAIRMAN: Sorry, Ms Cartwright.
 19 MS CARTWRIGHT: Thank you sir.
 20 Can I ask, in terms of just to understand the
 21 identification of the officer that you know was the
 22 bronze commander and then it was X7 that gave that
 23 account, were you identifying him by reason of the fact
 24 that he was an officer that you knew had been out of the
 25 vehicle, just so we are clear?

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1 **A. I must have done, else I wouldn't have -- I don't think**
 2 **I made a note about him but I must have had some**
 3 **information that he was significant, more significant,**
 4 **more involved, than some of the other officers.**
 5 Q. Can I perhaps then just to understand and maybe to
 6 assist you in explaining the rationale for who you
 7 approached for initial accounts, can I ask you to turn
 8 behind tab 4, please to, 585.
 9 We can see reference to the weapons and then below
 10 that a P in the margin.
 11 **A. I put Ps in the margins where I am making what I think**
 12 **is -- what I believe is a policy decision.**
 13 Q. Can you just read the account, is it "ACC account"?
 14 What does that mean, please?
 15 **A. I think that is me just writing in a hurry, I think**
 16 **"ACC" means, it is the first three letters of account --**
 17 **I have probably started writing abbreviated "ACC" for**
 18 **account and then wrote the full word.**
 19 Q. Perhaps in accordance with the question the chairman
 20 just asked you about who you had identified, we can see
 21 the categories you have recorded there, "Team lead".
 22 **A. Team leader.**
 23 Q. "Officer who fired shots."
 24 **A. "Officer possibly who fired Hatton rounds."**
 25 Q. Then you have put, "Any other significant officers".

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1 **A. If falling out of that, or I later identify somebody**
 2 **else who should be a principal officer, I will include**
 3 **that person.**
 4 Q. Yes, but by recording, "Any other significant officer",
 5 what did you mean by that?
 6 **A. Anybody else who is significant. Coming out of that**
 7 **could have been something else. Anybody who I later**
 8 **found out would be significant, I would declare**
 9 **a principal officer.**
 10 Q. Yes, but I am just seeing if you can assist us as to
 11 your note as to what would cause someone to be
 12 a significant officer?
 13 **A. If they were involved. If I can -- can I jump forward**
 14 **a little?**
 15 Q. Please do.
 16 **A. I am aware when we get these written accounts that**
 17 **somebody has discharged --**
 18 Q. CSDC, yes.
 19 **A. Yes. For -- I should have, I should have declared him**
 20 **a principal officer.**
 21 Q. Yes.
 22 **A. For some reason, and I am not 100 per cent sure because**
 23 **I didn't document that, why I didn't, because he has**
 24 **used force, he has used force as much as the man who has**
 25 **fired the Hatton round. So it is that sort of**

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1 **situation. Why I have -- I don't know why, I don't know**
 2 **why I didn't declare him a principal officer and get**
 3 **an account off him. I haven't documented that, but --**
 4 Q. No.
 5 **A. -- looking back, that was my mistake, my error. And he**
 6 **should have been declared a principal officer, we should**
 7 **have got a further account off him and he would have**
 8 **been another significant officer.**
 9 Q. Yes. I was going to ask you about that, because we know
 10 that you were given the initial accounts just after 4.00
 11 in the morning and your first witness statement deals
 12 with when you received the three accounts from X7, Q9
 13 and Z15. Both X7 and Q9 in their initial accounts
 14 provided to you clearly set out that CSDC had been
 15 discharged.
 16 **A. Yes.**
 17 Q. And as you have already acknowledged, your notes do not
 18 record that or record investigation in respect of which
 19 officer had discharged the CSDC.
 20 **A. No.**
 21 Q. Can I ask you first of all: did you read those first
 22 accounts when you received them?
 23 **A. I did, yes. I mean I am not sure exactly -- I would**
 24 **have read them fairly quickly after having received**
 25 **them, because I wanted to know what had happened.**

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1 Q. Yes, so is it your evidence that you realised in the
 2 early hours of 4 March that there was another officer
 3 that had discharged --
 4 **A. Absolutely, yes.**
 5 Q. -- a weapon, namely the CS dispersal canister?
 6 **A. Absolutely.**
 7 Q. Can I ask then why that is not addressed in your notes?
 8 **A. I don't know. I do not know.**
 9 **That is my error, that my mistake. I don't know.**
 10 **I haven't recorded it in my rough notes, I haven't made**
 11 **a policy decision about it, but he is clearly, on how**
 12 **I have treated principal officers, a person who should**
 13 **have been treated because he is -- he has used force,**
 14 **you know, so that is my -- I've got that wrong.**
 15 Q. Yes, and can I just ask, because obviously your notes
 16 don't end, or your involvement doesn't end I think on
 17 4 March.
 18 **A. No.**
 19 Q. In terms of on your account that you realised on 4 March
 20 there was another officer that discharged force --
 21 **A. Yes.**
 22 Q. -- who had not provided an initial account --
 23 **A. Yes.**
 24 Q. -- what did you do thereafter to ensure that that
 25 officer was notified as soon as possible that he was

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1 a principal officer and it was important that he
 2 provided that initial account as soon as possible?
 3 **A. I, from my note, from my recollection, I didn't do**
 4 **anything. I believe my intention was to provide that**
 5 **information at the brief on Monday morning, but that was**
 6 **my fault, that was my error, my mistake. I can't say**
 7 **any more. It should have been. He should have been**
 8 **identified as a principal officer, because clearly he is**
 9 **on what I am saying and an account should have been**
 10 **taken from him.**
 11 **I was responsible for the investigation at that**
 12 **stage, I was responsible for the decision making. That**
 13 **is an error on my part.**
 14 Q. Just so I am clear in terms of your evidence, at any
 15 point subsequently did you make a note anywhere to
 16 reference the fact that you have not deemed X9
 17 a principal officer or sought an account from him?
 18 **A. I don't think I have. I mean I have certainly mentioned**
 19 **it at the -- or I believe I mentioned it at the brief,**
 20 **because I have read the account, but I don't think --**
 21 **I have certainly not recorded a policy decision and**
 22 **I have had the opportunity to look at these, my notes,**
 23 **and there is nothing in there.**
 24 Q. No. But can I ask again, in terms of what you seem to
 25 be acknowledging now as a failure on your part, can you

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1 assist as to why particularly in your first witness
 2 statement when you deal with the initial accounts, why
 3 you didn't make any reference to what you are indicating
 4 was the conscious thought process of yours even on
 5 4 March, of the significance of X9 having been
 6 an officer who discharged a weapon?
 7 **A. The only explanation I can give, and, you know, is that**
 8 **there was a lot happening on the night and, you know,**
 9 **there was a number of key actions we were trying to move**
 10 **forward, and we were trying to do. That is the only**
 11 **explanation I can give.**
 12 **It should have been done, it wasn't done. That is**
 13 **my responsibility. But I have -- we were trying to do**
 14 **a lot of other things -- or I was, I was trying to do**
 15 **a lot of other things but the fact I didn't do that is**
 16 **wrong, you know, it is an error.**
 17 Q. Can I ask then in terms of appreciating you are
 18 describing you are managing a situation where there is
 19 a number of individuals, you are acknowledging you
 20 failed to give consideration to making X9 a principal
 21 officer --
 22 **A. Hmm.**
 23 Q. -- but we saw in the note I took you to earlier that
 24 Cath Bates had recorded that anyone stood next to Q9
 25 also should be treated as a principal officer.

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1 **A. Sorry, where was this?**
 2 Q. The note I took you to in Cath Bates daybook.
 3 THE CHAIRMAN: Shall we go back to it?
 4 MS CARTWRIGHT: Yes.
 5 THE CHAIRMAN: It is in the witness bundle, it is tab 6,
 6 isn't it?
 7 **A. I don't know about that.**
 8 MS CARTWRIGHT: 652.
 9 **A. Yes, sorry.**
 10 Q. "All others not principal unless standing next to him."
 11 THE CHAIRMAN: It is at the bottom of 652, if you have that.
 12 **A. Yes, I've got that, sir.**
 13 MS CARTWRIGHT: Even just leaving aside Cath Bates's notes,
 14 would it be your view that an officer stood next to or
 15 near to Q9, who had discharged his firearm, should have
 16 been treated as a principal officer also if you had
 17 given consideration to it?
 18 **A. Not necessarily, I have made -- I mean that entry is**
 19 **made before I get to the PIM suite and I've -- that is**
 20 **not my -- I don't think that is my wording, "standing**
 21 **next to him".**
 22 THE CHAIRMAN: No, it is not.
 23 MS CARTWRIGHT: No, it is not.
 24 **A. You know, I mean --**
 25 Q. I am just trying to see if that would have fitted within

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1 your description of "any other significant officer"?
 2 **A. No, no, not really. No.**
 3 **I was -- my decision making around identifying**
 4 **principal officers was that I attributed principal**
 5 **officers, or did attribute as principal officers, the**
 6 **officers who used force. The other officers could have**
 7 **been principal officers at a later stage or another**
 8 **person may decide they are principal officers then, but**
 9 **my decision was that I identified -- I treated as**
 10 **principal officers the officers who had used force.**
 11 **Rightly or wrongly. That is what ...**
 12 Q. By using force, are you putting forward discharging
 13 firearms rather than an officer that just brandished
 14 a weapon?
 15 **A. I think -- hmm. Can I just think about that?**
 16 **Because I think I have identified the team leader,**
 17 **as much as anything else because he is in a position of**
 18 **responsibility, the bronze commander -- and he is there,**
 19 **so I think he can give me information.**
 20 **If it comes to -- the man who fired the fatal shot**
 21 **has clearly used force. The man who has fired the**
 22 **Hatton round has used force. The CS person who has**
 23 **discharged that has used force.**
 24 **I think the reason I have identified the bronze**
 25 **commander is because he is a person in a position of**

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1 responsibility and he is there, he is near to where it
 2 is all happening. It is not just -- I don't think
 3 I would have done it just because he was standing there.
 4 And the reason why is, you know, at the risk of
 5 repeating myself, I am very conscious of this time
 6 business, I am very conscious of recovering weapons, how
 7 long that is going to take, I am conscious that officers
 8 quite rightly want to seek legal advice. Time is moving
 9 on and I am -- there has got to be other things, you
 10 know, these are key parts of these investigations, the
 11 first accounts.
 12 Q. Yes.
 13 A. I know, but there are other key parts, there is the
 14 management of the scene, there is the ballistic expert,
 15 there is the autopsy, you know, there are a lot of
 16 other -- there is the family. You know, you know,
 17 somebody has died, you know, you know, they want to
 18 know.
 19 There is a lot of other things happening which form
 20 the investigation. This is a key part of the
 21 investigation, I accept that.
 22 Q. Can I just ask, during the course of the facts that you
 23 ascertained during that evening, were you aware that
 24 there was an officer that had essentially put the butt
 25 of his gun into Mr Grainger, so after he had seemed to

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1 lower a hand, he had then jabbed him with his weapon?
 2 Did those facts --
 3 A. I don't remember that.
 4 Q. Again, had you known that would that officer then have
 5 been deemed a principal officer?
 6 A. Yes. Yes. Absolutely, yes.
 7 Q. Therefore can I ask you, because again your notes do not
 8 support any clarity as to who was in the alpha car, who
 9 was in the bravo car, who was in charlie, who was in
 10 delta. Did you elicit that information on the night?
 11 A. I don't believe I did, no.
 12 Q. Why not?
 13 A. I believe I was concentrating on the principal officers
 14 and a number of other tasks and trying to move the
 15 investigation forward. I believe that information would
 16 have been available at a later stage.
 17 Q. Yes.
 18 A. Other people may have wanted that information on the
 19 night, I was trying to identify and get accounts from
 20 who I had identified as principal officers, in order to
 21 do -- progress the investigation.
 22 Q. Can I just then taking you back to the description of
 23 the personal and initial account by way of stage 3
 24 account within the Manual of Guidance, please, if I can
 25 take you back into the policy and procedures bundle.

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1 A. Sorry, can you help me with the page?
 2 Q. Sorry, page 384, please, Mr Donaghy.
 3 In terms of then personal initial accounts, just
 4 using the wording of the manual at paragraph 7.96.
 5 A. Yes.
 6 Q. "Subject to legal and medical advice officers should
 7 provide a personal initial account of the incident
 8 before going off duty. Each officer's initial account
 9 should consist only of their individual recollection of
 10 events and should be written, signed and dated.
 11 Detailed accounts will be made later."
 12 In terms of that process, were you aware of what is
 13 recorded there?
 14 A. Yes, yes, I was, yes.
 15 Q. Again that:
 16 "Similarly the purpose of the personal initial
 17 account is to record their role, what they believed to
 18 be the essential facts and should where relevant outline
 19 the honestly held belief that resulted in their use of
 20 force."
 21 A. Yes.
 22 Q. Again, so in terms of the absence of the statement from
 23 X9, there is no personal initial account in respect of
 24 his use of force that was required within a personal
 25 initial account?

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1 A. No, that's correct.
 2 Q. Can I ask then in terms of the stage 4 accounts, because
 3 obviously that would be a process moving forward. Did
 4 you have any role in respect of the arrangements that
 5 were being made as to when the officers would come back
 6 to provide the more detailed accounts?
 7 A. No.
 8 Q. Can you assist as to why not, as the lead investigator,
 9 look to timetabling that moving forward?
 10 A. No, I didn't because somebody was going to take over
 11 this investigation on Monday. They would become the
 12 investigator.
 13 Q. Could you keep your voice up, Mr Donaghy, it is just
 14 dropping a little. Someone was going to take over the
 15 investigation?
 16 A. Somebody was going to take over. I was going to do
 17 a number of tasks overnight and on the Sunday morning.
 18 Somebody was going to -- I just, I wouldn't commit
 19 somebody else, how they were going to do it. Somebody
 20 else was going to do it and I went to the IPCC office in
 21 Sale early on Monday morning and gave them a briefing
 22 and handed everything over. I had no further
 23 involvement with it.
 24 Q. Can I be clear in terms of that briefing and the
 25 handover you give, did that include about the discharge

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1 of the CSDC --
 2 **A. Yes.**
 3 Q. -- and that that there had not been an account provided
 4 from X9 because you had not deemed him a principal
 5 officer on the night?
 6 **A. Again, I don't believe I documented it, but I am certain**
 7 **I would have told -- I think knowing how I work, I think**
 8 **in that briefing, I would have read the accounts, you**
 9 **know, actually read them, I just wouldn't have just**
 10 **explained them. So yes, I am confident that that would**
 11 **have been done.**
 12 Q. Do you recall who was party to that briefing at Sale by
 13 way of handover on the Monday?
 14 **A. A commissioner? An IPCC commissioner.**
 15 Q. Do you know the name of the commissioner?
 16 **A. A first name is Naseem, I think.**
 17 Q. Is it Mr Malik?
 18 **A. Yes, the head of investigations, Moir Stewart I think**
 19 **was on like a conference, a video conference.**
 20 Q. Yes, who is Moir Stewart?
 21 **A. He was head of investigations for the IPCC.**
 22 Q. Where would Moir Stewart be based?
 23 **A. In London. In London I would have thought, yes.**
 24 **I think the lad who was going to take over --**
 25 Q. Is that Mr Bergmanski?

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1 **A. I think so, yes, he was there --**
 2 THE CHAIRMAN: At Sale you mean.
 3 **A. At Sale, sir, yes, sorry.**
 4 MS CARTWRIGHT: Was Mr Quinlan present?
 5 **A. I believe he was. The senior investigating officer**
 6 **Amanda Rowe was present. It was quite a big meeting**
 7 **actually. Yes.**
 8 Q. You believe you briefed as part of that that X9 hadn't
 9 given an account?
 10 **A. Yes.**
 11 Q. Can I just ask, if you can assist us going back to your
 12 notes, please, it is behind tab 4, please, at 586.
 13 Could you assist us to understanding the rationale, the
 14 decision you made at 1.15 in the morning.
 15 **A. Sorry, tab 4?**
 16 Q. Yes, please.
 17 **A. Sorry what --**
 18 Q. 586, please.
 19 **A. Yes. I --**
 20 Q. We can see at 1.15 you had a meeting with ACC Sweeney,
 21 did you have a knowledge that he was the gold commander?
 22 **A. Yes, yes.**
 23 Q. Superintendent Granby?
 24 **A. Yes.**
 25 Q. Did you have a knowledge that he had been the silver

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1 commander?
 2 **A. Yes, yes.**
 3 Q. Then Y19 who had been the TA, were you aware of that?
 4 **A. Yes, I believe I was, yes.**
 5 Q. I think you recorded:
 6 "Informed that I do not intend at this stage
 7 requesting first accounts."
 8 **A. Yes, from them, yes.**
 9 Q. Why was that?
 10 **A. Again I think I was trying to concentrate and gain**
 11 **an understanding of what had actually happened from the**
 12 **officers I had identified as principal officers.**
 13 Q. Yes. But again in terms of perhaps particularly looking
 14 at the TA and the silver commander, who had been
 15 directly involved with the movement of the operation
 16 from State Green to Amber and then to State Red and the
 17 arrest.
 18 **A. Yes.**
 19 Q. Could they not be officers that had relevant information
 20 that should have been given by way of first account?
 21 **A. There could have been, yes, absolutely. But I made the**
 22 **decision and, you know, that was my decision of who**
 23 **I was going to get first accounts off.**
 24 Q. Again, just to understand bearing in mind they are sat
 25 there, as to why you were not asking for that at that

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1 time.
 2 **A. I think I was just conscious of trying to do a lot of**
 3 **other things at that time as well to secure evidence.**
 4 **I am going -- if you look just before that, I am looking**
 5 **at CCTV in area, witnesses so there is a lot happening**
 6 **but I understand what you are saying.**
 7 **I can see, but I didn't. I concentrated on the**
 8 **officers I had identified as principal officer.**
 9 Q. We can see over the page that you essentially indicate
 10 statements from those officers within five days?
 11 **A. Yes.**
 12 Q. Can I ask, in terms of the logs of each of these
 13 officers, did you make a request on the night to have
 14 sight of the logs that each would have completed?
 15 **A. No, I didn't.**
 16 Q. Why was that?
 17 **A. I think -- again I think because there was a lot of**
 18 **other things happening, I was trying to do a lot of**
 19 **other things and I just -- I never.**
 20 Q. In terms of just so we are clear, did you have
 21 a knowledge that gold, silver and the bronze commander
 22 would have completed logs that would have a lot of key
 23 information that would have been easily and readily
 24 available to inform your understanding of the basic
 25 facts?

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1 **A. Yes, yes, I would have been aware they keep logs, yes.**
 2 THE CHAIRMAN: Was there a discussion of that at all at this
 3 meeting?
 4 **A. The meeting? No.**
 5 THE CHAIRMAN: At 1.15 in the morning.
 6 **A. No, not as far as I can recall. And I haven't made note**
 7 **of anything.**
 8 Q. Can I ask, you have mentioned about the scene and
 9 obviously the scene is at Culcheth.
 10 **A. Yes.**
 11 Q. Do you attend the scene the following day?
 12 **A. I attend the scene.**
 13 **Sorry, I am just trying to ...**
 14 **At 10.20 the following morning.**
 15 Q. During the time up to then had you had any role in terms
 16 of the cordon that had been established?
 17 **A. No.**
 18 Q. Did you give any thought to the cordon or the search
 19 parameters?
 20 **A. I -- I never attended the scene and I don't believe any**
 21 **IPCC investigators attended the scene up until that**
 22 **time. Peter Orr, who was the on duty senior**
 23 **investigating officer on the night before, had spoke to**
 24 **Cheshire and asked them to manage the scene, so they had**
 25 **set the scene parameters, they had set the cordons, for**

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1 **the simple reason there wasn't enough IPCC staff to do**
 2 **it.**
 3 **When I did go, I mean -- when I went at 10.20,**
 4 **I mean the main reason was there because there was**
 5 **a ballistics expert there and I wanted to speak to him**
 6 **and I wanted to look into this before I attended the**
 7 **autopsy. It would be wrong to say I stood and I did**
 8 **an in depth look at the scene but there was nothing**
 9 **which struck me as not right about, not appropriate**
 10 **about the scene and the cordons.**
 11 **Obviously I was concentrating on other things, but**
 12 **there was nothing jumped out at me at the scene to say,**
 13 **"That is wrong" or, "The cordon should be wider", we**
 14 **were investigating a particular incident and the**
 15 **cordons, when I saw them, looked appropriate to me.**
 16 Q. Can I take you to your witness statement, please, behind
 17 tab 3.
 18 **A. Yes.**
 19 Q. You touch upon the non-conferral warning, and just
 20 looking now at the time, at 9.55 speaking to Cath Bates.
 21 **A. Yes.**
 22 Q. Seeking an assurance from her to seek an assurance from
 23 GMP that they were complying with the ACPO guidance
 24 relating to officers not conferring prior to making
 25 their accounts. Can you just set out what your

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1 understanding was relating to the non-conferral warning?
 2 **A. Yes, my understanding is that in relation to first**
 3 **accounts, there should not be a need for officers to**
 4 **confer what they have seen and what they have done.**
 5 **That is what is within their knowledge rather than, you**
 6 **know, the person standing next to you's knowledge.**
 7 **However, if people do confer about something, that**
 8 **they should be open about it and make a note of what**
 9 **they have spoke about, so they could say, "Did we get**
 10 **there at 9.00 or 9.05?" And if you have conferred about**
 11 **that, make a note about it.**
 12 **But, in general, they shouldn't. My understanding**
 13 **is there shouldn't be a need to confer.**
 14 MR THOMAS: Sorry, your voice dropped.
 15 **A. Sorry, sorry, my apologies.**
 16 THE CHAIRMAN: There should not be a need to confer in
 17 general.
 18 MS CARTWRIGHT: Did you as the lead investigator at any
 19 point during the 3rd through to the 4th give your own
 20 non-conferral warning to any officer?
 21 **A. Can I just have a look at my rough notes?**
 22 Q. Yes, please do.
 23 **A. No, I don't believe I did. Just going through them**
 24 **quickly. Although I had asked en route I had spoke to**
 25 **Ms Bates, and asked her to --**

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1 Q. Your voice has dropped again, Mr Donaghy.
 2 **A. Sorry, en route to the incident I had spoke to Ms Bates**
 3 **on the telephone and asked her to reinforce that.**
 4 Q. Yes, but in terms of when you were present as the lead
 5 investigator, you yourself have not delivered that
 6 message?
 7 **A. I've got no record of that. I may have said something**
 8 **about it but I haven't got a record of that.**
 9 Q. No.
 10 Can I ask you, by reference to page 589, behind
 11 tab 4, and it is an entry you made at 2.55 in the
 12 morning.
 13 **A. Yes.**
 14 Q. You are referencing at 2.55 in the morning the recovery
 15 of the weapons. Then you recall:
 16 "Whilst I appreciate that the officers had been on
 17 duty for a considerable time, I am also aware that I had
 18 at this time only limited information of what has
 19 happened, in order to preserve the integrity of the
 20 investigation I asked weapons ..."
 21 And is that "ammunition to be recovered"?
 22 **A. Yes.**
 23 Q. "... this will assist in ..."
 24 **A. "Establishing, confirming the number of shots fired."**
 25 Q. "... the number of shots fired."

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1 In terms of making a record just before 3.00 in the
 2 morning that you still had limited information of what
 3 had happened, what did you additionally then do after
 4 2.55, other than the initial accounts that you sought
 5 from the three officers you have told us about, to gain
 6 additional information to inform your investigation and
 7 the remit of your investigation?
 8 **A. Well, one of the things we was waiting for was the first**
 9 **accounts from the principal officers which I had not**
 10 **received at that time.**
 11 Q. No, and I think you have already told us that having
 12 received those and the additional information that
 13 informed you in respect of the discharge of a further
 14 weapon, namely the CSDC, you did nothing further
 15 relating to that?
 16 **A. No, that's right.**
 17 Q. Can I ask you, going back to your statement behind
 18 tab 3, because you specifically in the statement of
 19 6 September 2012, in the paragraph that starts:
 20 "As part of the post-incident management procedures
 21 the weapons were recovered from the officers together
 22 with any ammunition, this process took a number of hours
 23 and was both video recorded and overseen by an IPCC
 24 investigator."
 25 Then you set out:

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1 "At no time did I have reasonable suspicion to
 2 suspect that any firearms officer was under the
 3 influence of any drugs. No officer was requested to
 4 provide a drugs test."
 5 Can you expand a little in terms of that reference
 6 within your statement?
 7 **A. Yes, in relation to this, my understanding was, unless**
 8 **you have got some specific information or intelligence**
 9 **or something suggesting an officer is under the**
 10 **influence of drugs, that you don't automatically request**
 11 **a drug sample off anybody.**
 12 Q. Can I understand then, in terms of recording that had
 13 you had contact with each of the officers that had been
 14 present at the scene?
 15 **A. No. No. I hadn't. I personally hadn't, no.**
 16 Q. Can you assist as to which of the number of the AFOs
 17 that you would have seen as part of the process back at
 18 Claytonbrook?
 19 **A. Which I would have seen?**
 20 Q. Yes.
 21 **A. I didn't see any. Other IPCC investigators saw them,**
 22 **the handing over weapons, the PIM saw them during the**
 23 **process. I suspect the deputy PIM saw them during the**
 24 **process as well and nothing came -- sorry?**
 25 Q. You yourself saw none of the AFOs that had been deployed

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1 that evening?
 2 **A. No.**
 3 Q. Mr Donaghy, can I take you to an email, and you are
 4 not -- the email is not copied to you but I just want to
 5 explore whether or not you had any further knowledge
 6 relating to the email we see at bundle R, file 3,
 7 please, page 1290.
 8 I ask you this because you have told us that you had
 9 the role in relation to dealing with the Police
 10 Federation.
 11 **A. Right, yes.**
 12 Q. 1290, please, Mr Donaghy.
 13 **A. Yes.**
 14 Q. It is an email of 8 March from Darren Quinlan to
 15 Moir Stewart, who you have told us about was the lead
 16 investigator from London, to Steve Reynolds.
 17 **A. Head of investigations.**
 18 Q. Head of investigations, sorry:
 19 "Moir, Steve, I have met with the Police Federation
 20 and they have no concerns and support our position that
 21 we interview the officers on tape and obtain statements.
 22 Then meeting with the AFOs today and tomorrow and they
 23 will update me then. I have booked the rooms in Sale
 24 from 14 March to 22 March and we are hoping to do three
 25 officers per day. I will update you further when the

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1 federation get back to me tomorrow."
 2 In any of the dealings you had with the Police
 3 Federation had you discussed the video interviewing of
 4 the AFOs?
 5 **A. No.**
 6 Q. In respect of this email you have no knowledge of it?
 7 **A. No.**
 8 Q. Thank you.
 9 Can I ask you then, additionally were you aware of
 10 a meeting at any point during your involvement after
 11 4 March that was going to take place with the PFOA and
 12 the officers on 8 March where officer A53 --
 13 THE CHAIRMAN: V53.
 14 MS CARTWRIGHT: Sorry, V53 who was the officer in the Duggan
 15 shooting was to attend GMP to meet with the AFOs?
 16 **A. No.**
 17 Q. No knowledge at all?
 18 **A. No.**
 19 Q. Can I ask, were you also made aware at any point that
 20 prior to the officers giving their witness statements,
 21 they underwent MASTS refresher training on 8 March?
 22 **A. No. No, sorry.**
 23 MS CARTWRIGHT: Thank you, Mr Donaghy, those are my
 24 questions.
 25

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| <p>1 Questions from MR THOMAS</p> <p>2 MR THOMAS: Can I introduce myself, I am representing</p> <p>3 Anthony's family and my name is Mr Thomas.</p> <p>4 When you were just being asked those last two</p> <p>5 questions by Ms Cartwright.</p> <p>6 A. Yes.</p> <p>7 Q. You --</p> <p>8 A. I apologise.</p> <p>9 Q. No, no, I am not criticising you for it but you were</p> <p>10 smiling because?</p> <p>11 You are shaking your head but --</p> <p>12 A. I wouldn't have done that, but ...</p> <p>13 Q. Say that again?</p> <p>14 A. I wouldn't have took that course of action. Yes.</p> <p>15 Q. Can I probe that a little bit. Because you smile and it</p> <p>16 may suggest you smile because it is enough to make</p> <p>17 anybody smile, it is a ridiculous situation, isn't it?</p> <p>18 That officers would be meeting with another officer on</p> <p>19 a different police shooting before they make their</p> <p>20 statements, do you agree?</p> <p>21 A. I -- first of all I apologise if I have smiled because</p> <p>22 that is unfair on this Inquiry and it is unfair on</p> <p>23 officers and whoever. I've got no knowledge of that</p> <p>24 meeting and I was wrong to -- if I have --</p> <p>25 Q. Don't worry about that.</p> <p style="text-align: center;">Page 117</p> | <p>1 Do you agree with the following, that as the IPCC</p> <p>2 charged with this investigation part of your role, as it</p> <p>3 were, is to ensure public confidence as the watchdog,</p> <p>4 you understand what I mean by that expression, into this</p> <p>5 fatal police shooting. Do you agree?</p> <p>6 A. Yes.</p> <p>7 Q. Yes.</p> <p>8 Right.</p> <p>9 In fact, it goes further than that. You actually</p> <p>10 have a statutory duty to maintain public confidence in</p> <p>11 the investigation or fatal incidents, that is section 10</p> <p>12 of the Police Reform Act 2002, agreed?</p> <p>13 A. Yes.</p> <p>14 Q. Okay.</p> <p>15 I am not going to take very long over this, let me</p> <p>16 just come back to this meeting that took place during</p> <p>17 your investigation because on 8 March, you were well</p> <p>18 ensconced into this investigation, agreed?</p> <p>19 A. Sorry, can you just say that again?</p> <p>20 Q. On 8 March --</p> <p>21 A. Yes.</p> <p>22 Q. -- you were well ensconced into this investigation, you</p> <p>23 personally?</p> <p>24 A. Well I was the -- on 8 March? No, I wasn't there on</p> <p>25 8 March. I did the initial attendance at the scene.</p> <p style="text-align: center;">Page 119</p> |
| <p>1 A. If I have done that. Well I do.</p> <p>2 Q. Okay.</p> <p>3 A. And I don't think I can comment on it. I've got no</p> <p>4 information about what happened, why it happened, when</p> <p>5 it happened or anything and it would just be wrong of me</p> <p>6 to comment and again, I apologise if my facial</p> <p>7 expressions, because that is not professional.</p> <p>8 THE CHAIRMAN: Don't worry about that. As Mr Thomas says,</p> <p>9 you did say, "I wouldn't have taken that course of</p> <p>10 action".</p> <p>11 A. No, I wouldn't.</p> <p>12 THE CHAIRMAN: Were you referring then to your own reaction</p> <p>13 to having the question put or were you referring to the</p> <p>14 meeting? I think what is what Mr Thomas is driving at.</p> <p>15 A. Yes, I wouldn't have done that, but then I am not --</p> <p>16 MR THOMAS: Sorry, just so we understand your evidence, you</p> <p>17 wouldn't have done what?</p> <p>18 A. I wouldn't have arranged for that officer to meet with</p> <p>19 the officer before they made a statement but, but, and</p> <p>20 again, you know, I am not in that position, I am not</p> <p>21 a federation rep, I am not an officer who has been</p> <p>22 involved in one of these instances, it is very easy for</p> <p>23 me to say ...</p> <p>24 Q. Let me ask you some questions with your IPCC hat on, in</p> <p>25 relation to these issues, okay.</p> <p style="text-align: center;">Page 118</p> | <p>1 Q. You did the initial attendance but did you stop,</p> <p>2 immediately after the initial attendance?</p> <p>3 A. Yes.</p> <p>4 Q. Okay.</p> <p>5 Help me with this. You agree that it is important</p> <p>6 that the officers give their initial accounts as quickly</p> <p>7 as possible and within reason, yes?</p> <p>8 A. Yes.</p> <p>9 Q. The initial accounts?</p> <p>10 A. Yes.</p> <p>11 Q. Sorry, your voice is dropping?</p> <p>12 A. Sorry, yes. Yes.</p> <p>13 Q. Okay. Do you also agree that that initial account</p> <p>14 should be the officer's own personal honest belief in</p> <p>15 relation to the facts as they saw it?</p> <p>16 A. An initial account should be their honestly held belief,</p> <p>17 yes.</p> <p>18 Q. Yes. Let me ask you about this, and I appreciate that</p> <p>19 you say that after the investigation on the 3rd, that is</p> <p>20 when your role stopped, shortly after that, I accept</p> <p>21 that, but I am asking you to look at this with</p> <p>22 an investigator's hat on, as you were at the time with</p> <p>23 the IPCC. I want to take you to -- I am not going to</p> <p>24 take you to the document, I am just going to read it out</p> <p>25 to you.</p> <p style="text-align: center;">Page 120</p> |

1 Sir, it is the document I referred to this morning,
 2 it is the email --
 3 THE CHAIRMAN: Yes, I have the reference for that, thank
 4 you.
 5 MR THOMAS: There an email that the officer in the case,
 6 that was a Mr Cousen, okay.
 7 **A. Yes.**
 8 Q. He was the officer that was in charge of the Operation
 9 Shire, which, you know, led to the surveillance and
 10 watching of Mr Grainger and his colleagues, okay? All
 11 right.
 12 This is what Mr Cousen wrote on 29 March, so shortly
 13 afterwards and this was before he has done his witness
 14 statement, do you understand? Yes?
 15 **A. Yes.**
 16 Q. A couple of sentences. He is writing it to a Mr Patrick
 17 at the GMP, and it reads as follows:
 18 "Sir, I have started to prepare my statement for the
 19 IPCC regarding Operation Shire. However, with the
 20 latest developments with the Mark Duggan case I believe
 21 it would be prudent to liaise with the Met and in
 22 particular with the officer in the case ..."
 23 That was his equivalent in the Duggan case, do you
 24 follow?
 25 **A. Hmm.**

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1 Q. "... to establish how and what they presented in their
 2 statement before I present mine. I will keep you
 3 updated."
 4 Right. Just before I ask the question, just one
 5 more reference for you, sir. Bundle R/566, we were
 6 served with very recently on I think last week with
 7 a further witness statement from Mr Cousen dated
 8 11 April 2017, so it is a witness statement,
 9 a supplementary statement that Mr Cousen did. In that
 10 witness statement Mr Cousen admits that he did in fact
 11 meet with the SIO or the Deputy SIO in the Duggan case
 12 in April 2012, before he did his statement:
 13 Are you with me so far?
 14 **A. I am with you.**
 15 Q. From an IPCC investigator's point of view, before
 16 a crucial witness gives their account, their first
 17 account, do you think it is proper that they should meet
 18 to, and I quote, decide "how and what" to do their
 19 statement with another police officer in a different
 20 investigation? Is that appropriate?
 21 **A. I don't want to appear evasive, but I was not involved**
 22 **in -- Mr Cousen could answer these questions and the**
 23 **investigating officer of this case -- I mean, sir, if**
 24 **you are asking me to give an answer as an investigator,**
 25 **I will do.**

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1 Q. Just let me change the question.
 2 THE CHAIRMAN: I think that is what you are being asked, as
 3 an investigator.
 4 MR THOMAS: Let me try to make it easier for you. Let's say
 5 as an IPCC investigator that had been brought to your
 6 attention before it happened. What would you have said?
 7 **A. I don't think that is a good idea.**
 8 Q. "I don't think that is a good idea", is that what you
 9 said?
 10 **A. Yes.**
 11 Q. Again your voice is dropping.
 12 **A. Sorry, sir.**
 13 Q. Don't worry.
 14 Help us, help the chairman, because you are
 15 an investigator, you are with the IPCC, a police officer
 16 has come up to you and said, "Look, I am going to liaise
 17 with another officer, my equivalent in another
 18 investigation that you, the IPCC, are investigating to
 19 assist me with what and how I should do my statement".
 20 Why would you have said to that officer, "I don't
 21 think that is a good idea"?
 22 **A. In any investigation where witnesses are making**
 23 **statements, setting aside this one, the best evidence if**
 24 **someone gives their own statement -- if people give**
 25 **their own statement of what they know and, you know, it**

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1 **stands on its own then.**
 2 Q. Can I also suggest that discussing your evidence with
 3 somebody else who is assisting you with what and how to
 4 put your statement, makes the whole transparency gives
 5 it less public confidence, would you agree?
 6 **A. I think the -- yes. I mean I think the public would**
 7 **lose confidence, yes.**
 8 Q. One final topic and then I am done.
 9 Can I just come back to your attendance, I think you
 10 attended on 4 March in the early hours, is it?
 11 **A. Yes. Yes.**
 12 Q. At the car park?
 13 **A. No, I attended at the car park on the Sunday morning**
 14 **about 10.20 am.**
 15 Q. On the Sunday morning. All right, I want to ask you
 16 about the car park and when you did attend the car park.
 17 **A. Yes.**
 18 Q. Up until that point in time, would you agree that one of
 19 the key issues that the IPCC would have been concerned
 20 about was whether there were any weapons at the scene?
 21 **A. Yes.**
 22 Q. We know that no weapons were -- I am not talking about
 23 police weapons, I am talking about non-police weapons,
 24 okay? We know that no non-police weapons were found at
 25 the scene, correct?

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1 **A. To my knowledge there weren't, no, yes.**
 2 Q. Here is the question for you.
 3 Do you remember you were asked a question by
 4 Ms Cartwright about cordons?
 5 **A. Yes.**
 6 Q. When you attended, and I appreciate on the Sunday, had
 7 anybody indicated to you that the cordon ought to have
 8 been wider? That is the first question.
 9 **A. No.**
 10 Q. Had anybody indicated to you that there was a belief
 11 that non-police weapons may have been hidden in or
 12 around that car park and that the investigators ought to
 13 be looking for them?
 14 **A. No.**
 15 Q. Do you follow? You understand, yes?
 16 **A. I understand, yes.**
 17 Q. The answer is?
 18 **A. No.**
 19 MR THOMAS: Sir, that is all I ask.
 20 MS MURPHY: Thank you, sir, very briefly.
 21 Questions from MS MURPHY
 22 MS MURPHY: Mr Donaghy, I am Fiona Murphy I ask questions on
 23 behalf of Ms Gail Hadfield-Grainger. One topic really
 24 only, please. You have been explaining that your
 25 priority for obvious reasons was identifying and

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1 obtaining initial accounts from the principal officers,
 2 is that right?
 3 **A. Yes.**
 4 Q. To understand that evidence in context, we have been
 5 hearing from Ms Bates that back in March 2012 the IPCC
 6 did not have power to compel an officer who was not
 7 a suspect to attend an interview with the IPCC. That's
 8 correct, isn't it?
 9 **A. I believe that is correct.**
 10 Q. I believe you acquired those powers the following March,
 11 in March 2013?
 12 **A. I am not sure.**
 13 THE CHAIRMAN: I think we have established this already.
 14 MS MURPHY: Yes, I'm sorry, it is just for context, sir.
 15 Similarly, as you had no power -- you have no power
 16 now and you had no power then, sorry, the IPCC has no
 17 power now to compel the officer to answer questions in
 18 interview, it is only a power to attend interviews for
 19 obvious reasons. Is that right?
 20 **A. I am not sure; I have not kept up with the IPCC**
 21 **legislation.**
 22 Q. Casting your mind back to 2012 --
 23 **A. Yes.**
 24 Q. -- you had no power to even compel an officer to attend
 25 interview?

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1 **A. No.**
 2 Q. It is also the case that you had no power to compel
 3 an officer to write up his or her notebook entries; is
 4 that correct?
 5 **A. No.**
 6 Q. Just focusing for a moment on initial accounts of
 7 officers involved in these types of incidents, can you
 8 help the chairman as to whether you know what happened
 9 in relation to the post-incident procedures concerning
 10 Mark Duggan, a case we have heard mentioned several
 11 times during this Inquiry. Do you know what happened
 12 with regard to the provision of initial accounts by
 13 either the principal officers or the rest of the AFOs?
 14 **A. No.**
 15 Q. If you cannot help I will move on.
 16 Certainly you would agree with this, wouldn't you,
 17 that obtaining initial accounts from the principal
 18 officers would be better than obtaining no initial
 19 accounts at all --
 20 **A. Yes.**
 21 Q. -- in the course of the post-incident procedures?
 22 **A. Yes.**
 23 Q. Leaving to one side the questions that Ms Cartwright has
 24 posed concerning your identification of which officers
 25 would be principals and which would be not, you did at

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1 least leave the post-incident procedure with three
 2 initial accounts?
 3 **A. Yes.**
 4 Q. Is that correct?
 5 **A. Yes. Yes.**
 6 Q. The sequence as I understand it is that, for whatever
 7 reason, the federation representatives had been to
 8 Ms Bates and informed her that the officers were not
 9 willing to give initial accounts?
 10 **A. I wasn't aware -- my, from memory, I've got no**
 11 **recollection of that. I have certainly, and I think**
 12 **I would have done, recorded it in my rough book. If the**
 13 **federation representatives had been resistant or**
 14 **whatever, I think I would have recorded that -- in fact**
 15 **I am certain I would. And from memory, I've got no**
 16 **recollection or no feeling that the federation**
 17 **representatives were resistant. I cannot recall that.**
 18 Q. Mr Donaghy, perhaps we can deal with it in this way.
 19 Were you in court when Ms Bates gave her evidence?
 20 **A. No.**
 21 Q. If I could ask you to please turn up, I believe it is at
 22 tab 6 of the bundle we are working from. We are looking
 23 there at Ms Bates's workbook, and if I could ask you to
 24 turn to page 652?
 25 THE CHAIRMAN: The passage we looked at before?

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| <p>1 MS MURPHY: Thank you. 2 Sir, yes, just very briefly for in Donaghy's 3 assistance. 4 Have you found that? 5 A. Page 652, yes. 6 Q. The timed entry at 11.25 -- 7 A. Yes. 8 Q. -- by Ms Bates. 9 A. Yes. 10 Q. "Advised by Karl Thurogood, solicitors will be resistant 11 to providing individual accounts." 12 THE CHAIRMAN: Solicitors? 13 MS MURPHY: Sir, yes. There is a further entry that makes 14 reference to the federation but it matters not for this 15 purpose because the point is, is this right, Mr Donaghy, 16 that as far as Ms Bates's record is concerned, at 11.25 17 there was resistance being expressed to officers 18 providing initial accounts? 19 A. Yes. Yes. 20 Q. That is what her records suggest? 21 A. Yes. 22 Q. You have no reason to gainsay that record or to advance 23 a note that you have recorded which contradicts it, is 24 that right? 25 THE CHAIRMAN: Well he has given his recollection. He has</p> <p style="text-align: center;">Page 129</p> | <p>1 recollection or no note that the federation 2 representatives or the solicitors were saying to me, "We 3 ain't giving you any notes". 4 I asked for three accounts, I identified what I saw 5 as the three principal officers. I asked for accounts 6 from them, they were provided. If that is any help. 7 Q. Is this right, that you did not direct any of the AFOs 8 not to provide initial accounts? 9 A. No. 10 Q. Indeed you have just been explaining to Mr Thomas the 11 value of witnesses' accounts standing on their own. 12 A. Yes. 13 Q. Would you agree that a contemporaneous record written by 14 a police officer is to a certain extent the gold 15 standard in terms of that standing independently of one 16 another if that note is to be made in the notebook? 17 A. Yes. 18 MS MURPHY: Thank you, sir. Those are my questions. 19 THE CHAIRMAN: Mr Davies. 20 Questions from MR DAVIES 21 MR DAVIES: I am asking questions on behalf of Q9. 22 You haven't kept up with the IPCC position on things 23 in the last five years, and I am not criticising you for 24 that. 25 One of the things it appears to be suggesting</p> <p style="text-align: center;">Page 131</p> |
| <p>1 his recollection. I am not sure -- 2 MS MURPHY: Sir, I have probably pressed the point as far 3 as -- Mr Donaghy can you help with that, in terms of the 4 sequence of events, what I am suggesting was the 5 sequence of events and see if you can help with your 6 recollection regarding this. Is that by 11.25 Ms Bates 7 had received information that there was going to be 8 resistance to officers providing initial accounts. 9 A. According to her rough book, yes. 10 Q. According to her notebook. 11 A. Yes. 12 Q. That subsequently it was agreed that the three 13 individuals whom you had identified as the principal 14 officers would obtain and would provide initial 15 accounts? 16 A. Yes. 17 Q. And they did provide initial accounts? 18 A. Yes. 19 Q. And so the matters rested until it was picked up by 20 different IPCC investigators on subsequent days. Would 21 you agree that that is broadly the sequence? 22 A. Yes, the only thing I would say is that I've got no 23 recollection or no, what Ms Bates wrote in her book was 24 Ms Bates's, I was not at the suite at that time, I was 25 still struggling through Manchester. I've got no</p> <p style="text-align: center;">Page 130</p> | <p>1 recently is that officers as part of the post-incident 2 procedure should be routinely separated following the 3 event. 4 A. Yes, I have seen that in the press, yes. 5 Q. Right. 6 Even assuming that is practical, bearing in mind the 7 premises that may be available, I just want to look at 8 that from your experience at this event. 9 We have heard from the PIM that there would not have 10 been the facilities so to separate the officers. 11 A. Right, okay. 12 Q. You cannot address that. 13 A. Right. 14 Q. What you have been describing is to your knowledge, at 15 the time, officers that had been on duty since 4.30 the 16 previous morning -- 17 A. Yes. 18 Q. -- necessarily having to go through a process of 19 surrendering weapons on a video recorded basis -- 20 A. Yes. 21 Q. -- one by one -- 22 A. Yes. 23 Q. -- to preserve the integrity of that process. 24 A. Yes. 25 Q. Correct?</p> <p style="text-align: center;">Page 132</p> |

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| <p>1 A. Yes.</p> <p>2 Q. That is justified by reference to the fact that although</p> <p>3 you were being told as it was believed at the time, that</p> <p>4 there had been a number of rounds discharged from</p> <p>5 different weapons, that was something you wanted to</p> <p>6 establish forensically?</p> <p>7 A. Yes.</p> <p>8 Q. Or confirm or contradict forensically?</p> <p>9 A. Yes.</p> <p>10 Q. Correct?</p> <p>11 A. Prove or disprove, yes.</p> <p>12 Q. You cannot have officers giving initial accounts when</p> <p>13 they are still sitting there with access to live</p> <p>14 firearms, that is not good procedure?</p> <p>15 A. My understanding is the firearms should be recovered</p> <p>16 prior to the initial note.</p> <p>17 THE CHAIRMAN: I think that is in the guidance, isn't it?</p> <p>18 A. Yes.</p> <p>19 MR DAVIES: Yes.</p> <p>20 People may underestimate the practicalities of that</p> <p>21 process; do you agree?</p> <p>22 A. Yes.</p> <p>23 Q. It is one of your decisions in your book that it should</p> <p>24 continue, notwithstanding it was taking about 40 minutes</p> <p>25 per officer? You are nodding, and there were 16</p> <p style="text-align: center;">Page 133</p> | <p>1 Q. Accordingly, you have to prioritise, doing the best you</p> <p>2 can at the time, the principal witnesses who are the</p> <p>3 priority?</p> <p>4 A. Yes.</p> <p>5 Q. Allowing others with the non-conferral advice, to go off</p> <p>6 duty and to give their accounts on a later date, when</p> <p>7 they have had some sleep perhaps?</p> <p>8 A. That was my position.</p> <p>9 Q. Yes.</p> <p>10 The question of which witnesses were selected to be</p> <p>11 principal witnesses was yours?</p> <p>12 A. It was absolutely mine.</p> <p>13 Q. You came under no pressure from me federation rep or</p> <p>14 solicitor to change it?</p> <p>15 A. No.</p> <p>16 Q. Your perception, attending a briefing starting at 11.55</p> <p>17 that night, was there was complete cooperation from the</p> <p>18 police and federation and their solicitors as to the</p> <p>19 principal witnesses and them giving initial accounts?</p> <p>20 A. I felt no resistance at all. In fact my recollection is</p> <p>21 them looking at me, "What do you want?"</p> <p>22 Q. You identified the three and each of them voluntarily,</p> <p>23 once they had released their weapons forensically back</p> <p>24 to storage, provided those written accounts?</p> <p>25 A. Yes.</p> <p style="text-align: center;">Page 135</p> |
| <p>1 firearms officers?</p> <p>2 A. That's correct.</p> <p>3 Q. Had you wished to take initial accounts from each of the</p> <p>4 people who potentially met the strict definition of</p> <p>5 principal officer, you would have had something like 16</p> <p>6 firearms officers?</p> <p>7 A. Yes, absolutely, yes.</p> <p>8 Q. You would have had their commanders, bronze commanders,</p> <p>9 whatever the old language was?</p> <p>10 A. Yes.</p> <p>11 Q. You would potentially also have had eye witness police</p> <p>12 officers from the scene who were performing</p> <p>13 a surveillance role?</p> <p>14 A. Yes.</p> <p>15 Q. So the number could quite quickly get above 25 separate</p> <p>16 potential initial accounts?</p> <p>17 A. Yes.</p> <p>18 Q. Available at the scene to advise these potential</p> <p>19 witnesses you had, on what after all was a Saturday</p> <p>20 night/Sunday morning, two solicitors and two federation</p> <p>21 reps to cover something like 25 separate individuals?</p> <p>22 A. Yes.</p> <p>23 Q. This is the reality, isn't it, of some of these</p> <p>24 post-incident procedures?</p> <p>25 A. Absolutely.</p> <p style="text-align: center;">Page 134</p> | <p>1 Q. Of course I am only representing Q9 but his account is</p> <p>2 relatively full, isn't it, bearing in mind the</p> <p>3 circumstances?</p> <p>4 A. Yes.</p> <p>5 Q. It runs over a number of pages of detail?</p> <p>6 A. I can't -- I haven't seen it since the night, but</p> <p>7 I remember it was a full account.</p> <p>8 Q. We are not talking about a three line, "I reported for</p> <p>9 duty at X time" and so on?</p> <p>10 A. No.</p> <p>11 Q. Indeed the same goes for the other witnesses from whom</p> <p>12 you obtained such initial accounts?</p> <p>13 A. Yes.</p> <p>14 Q. Had you wished to, could you have asked for a copy of</p> <p>15 the briefing that preceded the firearms operation to</p> <p>16 identify key roles and identities?</p> <p>17 A. I could have done, yes.</p> <p>18 Q. Were you aware of the existence of a document of that</p> <p>19 type from your previous policing experience?</p> <p>20 A. Yes, I would have been aware.</p> <p>21 Q. I take it you didn't ask for that on the night?</p> <p>22 A. No.</p> <p>23 Q. Is that because other jobs were taking over?</p> <p>24 A. I had got a lot of jobs that I wanted to do.</p> <p>25 Q. Keep your voice up.</p> <p style="text-align: center;">Page 136</p> |

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| <p>1 A. Sorry, I apologise. 2 Q. I know it is difficult. 3 A. I had got a lot of jobs I wanted to do that night and 4 I knew I had got to prepare for the following morning, 5 because I wanted – I had got to meet with the 6 ballistics expert. 7 Q. The coroner? 8 A. The autopsy and family, you know, they had only seen 9 police officers. 10 Q. Yes, and of course it is overlooked here but you were 11 having to report difficult news to Mr Grainger's family 12 and there was tension associated with that, wasn't 13 there? 14 A. Well to be fair, I wasn't. But the police were -- 15 Q. Yes. 16 A. -- and there was tension but again that was really the 17 police's role rather than my role. 18 Q. Right. 19 Are you able to help, I suppose yes or no, with the 20 extent of the search at the scene for firearms? 21 A. Not from memory. I certainly asked for the search 22 strategy to be produced. I haven't seen that. What 23 I do know is there was a visual check of the car for 24 firearms, but the car -- I don't think the car was 25 searched because it was given a forklift and taken away</p> <p style="text-align: center;">Page 137</p> | <p>1 A. Absolutely, yes. 2 Q. All right, I understand. 3 As to the 8 March meeting with V53, about which you 4 knew nothing -- 5 A. Yes. 6 Q. -- you have been careful to say that it all rather 7 depends, if I paraphrase your answer, on the purpose of 8 such a meeting with V53? 9 A. Erm -- 10 THE CHAIRMAN: I am not sure that he did say that, actually. 11 MR DAVIES: I am thinking of his long response to Mr Thomas 12 in terms of his reaction. 13 Do you know the purpose of that meeting? 14 A. No. 15 And again, and I really, really want to apologise 16 for that, because that was, as I said before, 17 unprofessional and you know that was, well ... 18 Q. Well your answers are transcribed, I am not going to 19 rehearse it all again. 20 Again, I am not here representing Mr Cousen but do 21 you know what in fact happened in terms of the purpose 22 of advice as to his statement? 23 A. No. 24 MR DAVIES: No. 25 Yes, that is all I ask, thank you.</p> <p style="text-align: center;">Page 139</p> |
| <p>1 for forensic examination. 2 Q. Again, had the IPCC obtained access to the briefing 3 material -- 4 A. Right. 5 Q. -- it would have seen the intelligence giving rise to 6 the operation, wouldn't it? 7 A. I don't know. I don't know what the briefing 8 documents -- sorry, no, yes. I would have -- it would 9 have presumably given the intelligence leading to the 10 operation, yes, sorry. 11 Q. The area of the search was in the end determined by the 12 IPCC not a matter to be directed by the police? 13 A. No. Yes, it was determined by me. 14 What was to my knowledge is that it was apparent 15 there was two other men in custody at Ashton-under-Lyne 16 police station. There was clearly a parallel criminal 17 investigation taking place. Nobody ever suggested to me 18 that the cordons needed -- and I think I had some 19 contacts, because I've got a note saying there are some 20 swabs have been taken, but there was nothing given to me 21 by the police to suggest that there were any -- 22 Q. Your primary focus was on the circumstances of 23 Mr Grainger's shooting -- 24 A. Of the death of Mr Grainger. 25 Q. -- rather than the parallel criminal --</p> <p style="text-align: center;">Page 138</p> | <p>1 MR EVANS: Sir, just briefly, please. 2 Questions from MR EVANS 3 MR EVANS: Mr Donaghy, I ask questions on behalf of Greater 4 Manchester Police and just a very few matters, please, 5 if I may. 6 If you could have your notebook open, please, it is 7 behind our tab 4, page 579, please. You had received 8 information according to your note at about 8.20 on the 9 evening of the 3rd in relation to the fatal shooting; is 10 that right? 11 A. Yes. 12 Q. It is clear, isn't it, from that point on, as you go on 13 to note, involving GMP officers in that shooting, this 14 was going to be an IPCC investigation? 15 A. Yes. 16 Q. You were careful before when you gave your evidence 17 about your understanding of the IPCC having primacy, my 18 word, once you arrived at Claytonbrook, but it was clear 19 to you, wasn't it, before you reached Claytonbrook, this 20 was the IPCC investigating the circumstances? 21 A. This was going to be an independent investigation. 22 Q. Yes. 23 You had the opportunity to speak to Mr Orr, that we 24 can see, at 9.15 and he gave you information. Before 25 you arrived at Claytonbrook, and time wise that seems to</p> <p style="text-align: center;">Page 140</p> |

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| <p>1 have been at about 11.55 or thereabouts. Is that right?</p> <p>2 A. No. Sorry, arrived at -- sorry, yes, yes, sorry, my</p> <p>3 fault.</p> <p>4 Q. Page 581 just helps us with the time you are noting your</p> <p>5 meeting with Cath Bates.</p> <p>6 A. Yes.</p> <p>7 Q. Just this, before then you got to meet and speak with</p> <p>8 Cath Bates, did you have any knowledge of discussions</p> <p>9 between Peter Orr and Cath Bates as to who in</p> <p>10 Peter Orr's estimation the principal officers should be?</p> <p>11 A. I can't recall that and I have made no note of it.</p> <p>12 Q. You have been asked questions then about the process</p> <p>13 then by which you made your decisions as to who the</p> <p>14 principal officers would be.</p> <p>15 A. Yes.</p> <p>16 Q. As far as that decision is concerned, again, your</p> <p>17 recollection was no resistance to accounts being</p> <p>18 provided but you don't doubt what it is Cath Bates has</p> <p>19 noted down in her notebook at least. Is that right?</p> <p>20 A. Yes.</p> <p>21 Q. You were making a decision then at 1.15 in the morning,</p> <p>22 at page 586, if you could just turn to that briefly,</p> <p>23 please.</p> <p>24 At the foot of the page, so it starts five/six lines</p> <p>25 from the bottom, as to making positive decisions as to</p> <p style="text-align: center;">Page 141</p> | <p>1 A. Yes, I think I might have said to him, "Have the</p> <p>2 officers been told about non-conferring?" And I believe</p> <p>3 the PIM said, "Yes, they have been told".</p> <p>4 Q. Thank you very much.</p> <p>5 Page 587, please, you were asked a number of</p> <p>6 questions about the scene and you indicated that you</p> <p>7 attended the following day.</p> <p>8 Can I just ask you, is the entry at 1.45 pm:</p> <p>9 "Geraint Jones, Cheshire took command of the scene,</p> <p>10 Giles Pearce, [something] Peter Orr ..."</p> <p>11 A. "Authorise".</p> <p>12 Q. And you then say the scene and set out a number of</p> <p>13 pieces of information.</p> <p>14 Was this a conversation that you had about the scene</p> <p>15 on the night with somebody at the scene?</p> <p>16 THE CHAIRMAN: Which page are we on now?</p> <p>17 MS PALMER: 587, sir.</p> <p>18 THE CHAIRMAN: 587, Geraint Jones?</p> <p>19 MS PALMER: That is the one.</p> <p>20 A. I think Geraint Jones came to the PIM suite and I was</p> <p>21 talking to him about the scene. That Peter Orr had</p> <p>22 authorised Cheshire to manage the scene before I --</p> <p>23 while I was travelling up to Manchester.</p> <p>24 Q. Did you get some information about the scene on the</p> <p>25 night?</p> <p style="text-align: center;">Page 143</p> |
| <p>1 whom not to require first accounts from. Is that fair?</p> <p>2 A. Yes.</p> <p>3 Q. You were then, as you have told us, the lead</p> <p>4 investigator making those decisions on the ground?</p> <p>5 A. Yes.</p> <p>6 Q. At no stage, you said, I think in your evidence earlier,</p> <p>7 did anyone say to you that officers were tired, such as</p> <p>8 to mean that it impacted on your decision as to who to</p> <p>9 take initial accounts from?</p> <p>10 A. Nobody said that to me, no.</p> <p>11 MR EVANS: Thank you.</p> <p>12 THE CHAIRMAN: Do you have anything to ask?</p> <p>13 MS PALMER: Three please, sir, if I may.</p> <p>14 Questions from MS PALMER</p> <p>15 MS PALMER: First of all if I could ask you to turn to</p> <p>16 page 585 in your notebook. You were being asked</p> <p>17 a number of questions about non-conferring and what you</p> <p>18 understood, the penultimate line on that, shortly before</p> <p>19 12.55 in the morning --</p> <p>20 A. Yes.</p> <p>21 Q. -- says:</p> <p>22 "Officers briefed and not conferring by PIM."</p> <p>23 A. Yes.</p> <p>24 MS PALMER: Does that help you recall as to what you</p> <p>25 understood at the time?</p> <p style="text-align: center;">Page 142</p> | <p>1 A. Yes, yes.</p> <p>2 MS PALMER: Thank you.</p> <p>3 Then just finally, it is less of a question but</p> <p>4 Ms Cartwright suggested to you that a principal officer</p> <p>5 would have included somebody who used the weapon on the</p> <p>6 right arm. From my understanding that is X7 and that is</p> <p>7 in X7's initial account, in fairness to this witness,</p> <p>8 the reference is at F/501, the first account. So in</p> <p>9 fact this witness did get that, just in fairness to him.</p> <p>10 MS CARTWRIGHT: Sir, that is in fact correct --</p> <p>11 THE CHAIRMAN: Thank you.</p> <p>12 MS CARTWRIGHT: -- but I don't think the witness had any</p> <p>13 recollection of that, certainly in the answer he gave.</p> <p>14 THE CHAIRMAN: Right.</p> <p>15 MS CARTWRIGHT: Sir, I have no further questions, thank you.</p> <p>16 THE CHAIRMAN: I have no questions. Thank you very much.</p> <p>17 That is the end of your evidence, thank you for helping</p> <p>18 the Inquiry. You are free to go.</p> <p>19 MS CARTWRIGHT: Sir, there is one more witness.</p> <p>20 THE CHAIRMAN: I think we will take a break. We have been</p> <p>21 going now for an hour and 40 minutes or so I think. How</p> <p>22 long do you expect?</p> <p>23 MS CARTWRIGHT: Sir, I don't envisage I will be all that</p> <p>24 long with Mr Bergmanski.</p> <p>25 It is a specific issue that I am going to address</p> <p style="text-align: center;">Page 144</p> |

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| <p>1 with him relating to the process up to 9 March and 2 obtaining the witness statements, so I don't intend to 3 be all that long. 4 THE CHAIRMAN: We can take five minutes at any stage. 5 MS CARTWRIGHT: Thank you, sir. 6 (3.09 pm) 7 (A short adjournment) 8 (3.20 pm) 9 THE CHAIRMAN: Yes, Ms Cartwright. 10 MS CARTWRIGHT: Mark Bergmanski, please, sir. 11 Sir, the witness's statement will be behind tab 11 12 but you need to go through a number of statements from 13 Mr Quinlan before you get to Mark Bergmanski. 14 THE CHAIRMAN: Thank you. 15 Page 229, is that right, the first one? 16 MS CARTWRIGHT: That's correct, sir. 17 THE CHAIRMAN: Thank you. 18 MR MARK BERGMANSKI (sworn) 19 THE CHAIRMAN: Thank you, Mr Bergmanski. If you would like 20 to sit down please do, so long as you keep your voice 21 up. 22 A. Thank you, I am comfortable to stand at the moment, sir. 23 Questions from MS CARTWRIGHT 24 MS CARTWRIGHT: Good afternoon, Mr Bergmanski. My name is 25 Sophie Cartwright and I ask questions on behalf of the</p> <p style="text-align: center;">Page 145</p> | <p>1 the police before that time? 2 A. Yes, that's correct, sir. 3 Q. With which force, please? 4 A. Several forces, but my last force was Dyfed-Powys Police 5 in Wales. 6 Q. You set out that you were the lead investigator, had you 7 performed the role of the lead investigator in respect 8 of other IPCC investigations? 9 A. Yes, I had, but not of this magnitude. 10 Q. I am not going to ask you questions relating to the 11 process of obtaining the various accounts from Q9 but 12 I wonder if I could take you, please, to your notebook, 13 if you can just assist us with a number of matters and 14 then one of the issues I want to deal with is the 15 process leading up to the provision of the witness 16 statements from the various officers, please. 17 If we could look, please, in bundle Y, please, from 18 folder 3. Can I ask you to turn to page 920 within that 19 bundle. 20 THE CHAIRMAN: Page reference again, please? 21 MS CARTWRIGHT: 920, please, sir. 22 THE CHAIRMAN: Thank you. 23 Yes. 24 MS CARTWRIGHT: We can see on Monday, 5 March 2012 there was 25 a briefing and discussion with SI Amanda Rowe,</p> <p style="text-align: center;">Page 147</p> |
| <p>1 Inquiry. 2 Mr Bergmanski, can I ask you to turn to the folder 3 in front of you, please. Behind tab 11, if you just 4 navigate through and pass the statements of Mr Quinlan 5 that are the first two statements behind tab 11, you 6 will then come to your statement dated 9 October 2012. 7 A. Yes, that's correct, I have it in front of me. 8 Q. Then if we can move on another two pages, we come to 9 your second witness statement dated 29 April 2013. 10 A. That's correct. 11 Q. Can I ask you to confirm are the contents of both of 12 those witness statements true to the best of your 13 knowledge and belief? 14 A. They are, sir. 15 Q. Mr Bergmanski, if we can look in your first witness 16 statement of 9 October 2012, you set out there on 17 5 March 2012 you were informed that you had been 18 allocated the investigation as lead investigator under 19 the supervision and direction of DSI Darren Quinlan. 20 A. That is correct. 21 Q. Can you assist as to how long in March 2012 you had been 22 employed by the IPCC, please? 23 A. I commenced employment with the IPCC in July 2011 and 24 I subsequently left the role in September 2012. 25 Q. Prior to joining the IPCC, had you worked as a member of</p> <p style="text-align: center;">Page 146</p> | <p>1 DSI Quinlan and DSI Donaghy, was this almost by way of 2 a handover as to the events that had occurred over the 3 weekend and Mr Donaghy's involvement? 4 A. It was, but it was also followed by a more detailed 5 critical management meeting later on. 6 Q. Thank you. 7 Can I ask you, we can see that there is a summary in 8 your notes about the team making its way to the car park 9 and you identify a number of officers at that time. We 10 can see: 11 "The team leader as X7, Q9 behind the driver W4, W9 12 behind X7, X7 to driver's side, identified as armed 13 police, saw him slump in his seat. Q9 saw driver lower 14 his arms. Perceived as threat and then fired." 15 Who was giving that information at that time? 16 A. That would have been from DSI Donaghy. He would have 17 provided that as a summary of the events. 18 Q. There was no reference within the accounts provided 19 there as to any reference of other weapons that were 20 discharged. Do you recall whether as part of the 21 handover information that was provided on the Monday, 22 whether there was any account given as to the discharge 23 of the Hatton rounds? 24 A. I can't remember that directly, though I am sure I would 25 have been told.</p> <p style="text-align: center;">Page 148</p> |

1 Q. Can I ask you, were you made aware on the Monday that
 2 there had been an officer that had discharged a CS
 3 dispersal canister into the vehicle?
 4 **A. Yes.**
 5 Q. Did you record that anywhere?
 6 **A. I should point out that I didn't(?) actually attend the**
 7 **scene on the Sunday, where I responded to a request to**
 8 **attend, and though I undertook house-to-house enquiries**
 9 **I was made aware of what had taken place in the car**
 10 **park.**
 11 Q. Did Mr Donaghy hand over on the Monday that there had
 12 been first accounts provided from Q9, X7 the team leader
 13 and Z15 as the officer that had discharged the Hatton
 14 rounds but that he had not had an initial account from
 15 X9, the officer that had discharged CSDC into the
 16 vehicle?
 17 **A. Yes, that is how I understand it.**
 18 Q. Can I ask where you recorded that?
 19 **A. I didn't make a record of that. The record that I have**
 20 **made is as in my book.**
 21 Q. Having been told by Mr Donaghy that there wasn't
 22 an initial account that he had obtained on the night
 23 from X9 as an officer that had discharged a weapon,
 24 namely special munitions, at the scene. What did you do
 25 or set in train to ensure in as timely as possible

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1 a manner that an account was provided by X9?
 2 **A. The situation was in, when I took over the Inquiry, was**
 3 **that the focus and the direction was clearly on**
 4 **obtaining full accounts from all the officers who had**
 5 **been involved. So we undertook steps to make**
 6 **arrangements through the liaison with GMP and the Police**
 7 **Federation to set in being times and arrangements to**
 8 **obtain accounts.**
 9 Q. Can you assist then as to that process, because I think
 10 there are a number of entries within your book that may
 11 cast light on what the process was and the agreement
 12 that had been reached. Could I ask you to turn to
 13 page 922, please.
 14 We can see by reference to your entry on
 15 6 March 2012 a phone call to Karl Thurogood:
 16 "Federation arrange meeting regarding interviewing
 17 of officers."
 18 Then after that a reference to a policy decision re
 19 Derek Fitzpatrick.
 20 Is the reference to the policy decision linked to
 21 the discussion with the Police Federation with
 22 Mr Thurogood?
 23 **A. Not from any recollection, no.**
 24 Q. Can you assist at all as to what was said in the
 25 discussion with the Police Federation on 6 March in

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1 respect of interviewing of officers?
 2 **A. No, I can't.**
 3 Q. Can you give any assistance in respect of your entry on
 4 7 March, please?
 5 We can see reference to, "Open audio recording of
 6 Op Shire to obtain copies". I don't think that relates
 7 to witness statements, does it?
 8 **A. No, it doesn't, no.**
 9 Q. Does that relate to the briefing?
 10 **A. Yes, it does, yes.**
 11 Q. There is reference then to an 11.00 meeting with
 12 Karl Thurogood, GMP federation, requirements and
 13 discussion regarding interviewing of officers?
 14 **A. Yes.**
 15 Q. Are you able to assist us any further as to what was
 16 discussed on 7 March in respect of interviewing of
 17 officers?
 18 **A. My recollection of that is that both Darren Quinlan and**
 19 **myself spoke to Karl Thurogood, who was a federation**
 20 **representative, about our intention to interview the**
 21 **officers involved in the incident and to ensure that the**
 22 **process was actually audio recorded.**
 23 Q. Why was it that the process was to be audio recording,
 24 why was that seen as being necessary?
 25 **A. It was obviously considered good practice and obviously**

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1 **in terms of the interviewing of officers, that would**
 2 **facilitate a better account of events as opposed to**
 3 **officers undertaking the statements on their own. The**
 4 **whole process, the thinking behind it, was that each**
 5 **officer would be interviewed, the process would be**
 6 **recorded for transparency and a detailed account could**
 7 **be obtained from officers.**
 8 Q. By reference to the discussion that was had on 7 March,
 9 was there anything said at that time to give any
 10 indication that that would not be a process that would
 11 be taken forward?
 12 **A. No, my recollection is, is that certainly was not**
 13 **objected to, sir, and we sort of proceeded on the**
 14 **understanding that is how we would progress the enquiry.**
 15 Q. Can I ask you to look at an email, please, it is in
 16 R bundle, file 3, at page 1290. We can see there
 17 an email from Darren Quinlan dated 8 March 2012 at
 18 12.55 pm to Moir Stewart and Steve Reynolds, you are not
 19 CCed into the email, but I think a moment ago you
 20 referenced that Mr Quinlan had been party to the
 21 discussion with the Police Federation.
 22 **A. Hmm.**
 23 Q. We can see that it is to Moir Stewart and
 24 Steve Reynolds. Can you just identify who each of those
 25 individuals are and why it was being sent through to

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| <p>1 them, this email?</p> <p>2 A. Mr Moir Stewart, as I understood it, was certainly one</p> <p>3 of -- I think he was in charge of the investigation at</p> <p>4 the time for the IPCC and I think Steve Reynolds was</p> <p>5 a senior investigator for the IPCC.</p> <p>6 Q. We can see Mr Quinlan sets out:</p> <p>7 "I have a met with the Police Federation and they</p> <p>8 have no concerns and support our position that we</p> <p>9 interview the officers on tape and obtain statements.</p> <p>10 They are meeting with the AFOs today and tomorrow and</p> <p>11 they will update me then. I have booked the rooms in</p> <p>12 Sale from 14 March to 22 March and were hoping to do</p> <p>13 three officers per day. I will update you further when</p> <p>14 the federation gets back to me tomorrow."</p> <p>15 Can you assist us, do you have a recollection of</p> <p>16 rooms being booked at the IPCC's offices in Sale for</p> <p>17 that period?</p> <p>18 A. I have a recollection that arrangements were in hand to</p> <p>19 facilitate all these interviews.</p> <p>20 Q. Yes.</p> <p>21 Can I take you, please, to another number of emails</p> <p>22 please in a separate bundle and I want to ask you to</p> <p>23 turn to bundle Y, please, folder 3, where your notebook</p> <p>24 is. Can I ask you to move a little further on to</p> <p>25 page 1041.</p> <p style="text-align: center;">Page 153</p> | <p>1 commence writing their own accounts within the law later</p> <p>2 today or tomorrow. My understanding is that as a group</p> <p>3 they are unlikely to change from this position. I will</p> <p>4 contact you later when I have more information, John."</p> <p>5 Perhaps if we follow through the emails, we can see</p> <p>6 on page 1044, on 12 March 2012 at 08.52 you respond,</p> <p>7 "Noted and thanks".</p> <p>8 Can I ask, we can see your response under 12 March.</p> <p>9 Would that be when you will have seen the email relating</p> <p>10 to --</p> <p>11 THE CHAIRMAN: Sorry, that is a response to the one below,</p> <p>12 isn't it?</p> <p>13 MS CARTWRIGHT: Yes.</p> <p>14 THE CHAIRMAN: Yes.</p> <p>15 MS CARTWRIGHT: You can see the chain again is there, but</p> <p>16 the response at the top, sir.</p> <p>17 THE CHAIRMAN: Sorry, the one at the top, yes, I do</p> <p>18 apologise, I hadn't spotted that. I thought you were</p> <p>19 referring to the one below, yes.</p> <p>20 MS CARTWRIGHT: No.</p> <p>21 Mr Bergmanski, can I ask, 12 March when you sent</p> <p>22 your response, would that have been the same time you</p> <p>23 considered the email relating to 9 March, when you sent</p> <p>24 the response?</p> <p>25 A. Not necessarily.</p> <p style="text-align: center;">Page 155</p> |
| <p>1 We look at the train of emails on page 1041. We can</p> <p>2 see on 8 March 2012, at 8.50 in the morning, Mr Brennan</p> <p>3 emailed you in respect of the visit to Mr Grainger's</p> <p>4 family today, so there is a background contact. Then</p> <p>5 you then respond, "Noted and thanks" at 9.03 on 8 March.</p> <p>6 Pausing there for a moment, were you made aware at</p> <p>7 any point in respect of 8 March that officers were to be</p> <p>8 meeting with the PFOA? Because we can see then</p> <p>9 a reference above that, the following day, on 9 March at</p> <p>10 06.25, to, "Officers seeing members of the Association</p> <p>11 of Police Firearms yesterday"?</p> <p>12 A. Yes, I had no knowledge that that was taking place at</p> <p>13 that stage.</p> <p>14 Q. No.</p> <p>15 Were you aware on 8 March in addition that the AFOs</p> <p>16 were undergoing refresher training in MASTS?</p> <p>17 A. No, I wasn't. No.</p> <p>18 Q. We can see on 9 March, 06.25, Mr Brennan emails you</p> <p>19 copying in Mr Rumney, Mr Preston and Sian Williams in</p> <p>20 respect of statements from firearms officers, and we can</p> <p>21 see set out there:</p> <p>22 "Mark, the firearms officers from last Saturday's</p> <p>23 incident saw members of the Association of Police</p> <p>24 Firearms yesterday. As a result they now do not wish to</p> <p>25 provide statements on audio to the IPCC, but intend to</p> <p style="text-align: center;">Page 154</p> | <p>1 What day would 9 March have been?</p> <p>2 Q. It was a Friday.</p> <p>3 A. A Friday.</p> <p>4 I don't recollect the detail, to be -- all I do know</p> <p>5 is that we were informed that the officers no longer</p> <p>6 wanted to undertake audio witness interviews and I would</p> <p>7 have obviously shared that information with</p> <p>8 Darren Quinlan and others.</p> <p>9 Also it is my recollection I think that he spoke</p> <p>10 directly to the federation.</p> <p>11 Q. Mr Quinlan did?</p> <p>12 A. Yes. Who provided the same information.</p> <p>13 Q. Can I ask then, when you were aware that there had been</p> <p>14 a meeting with the Association of Police Firearms --</p> <p>15 I think it is in fact the PFOA -- were you aware at any</p> <p>16 point that the officer V53, who had been the shooter in</p> <p>17 the Duggan case, had attended as part of that meeting on</p> <p>18 8 March?</p> <p>19 A. No, not at all, sir.</p> <p>20 Q. When were you made aware that V53 had attended on</p> <p>21 8 March?</p> <p>22 A. I have only been made aware since I was told that I was</p> <p>23 required in attendance last week and I read through</p> <p>24 transcripts of the Inquiry, where that information was</p> <p>25 obviously disclosed. That the first time I have known</p> <p style="text-align: center;">Page 156</p> |

1 **about it. And I remained in charge of the inquiry, as**
 2 **I said, up until about September 2012.**
 3 Q. Thank you.
 4 Can I ask, in terms of when you received this email,
 5 which the email from Mr Brennan seems to reference, that
 6 as a result of the meeting with the Association of
 7 Police Firearms the day before, that the firearm
 8 officers now do not wish to provide statements. We can
 9 see your response of "Noted and thanks", but was there
 10 any request made as the investigators to enquire any
 11 further as to what had taken place at that meeting to
 12 cause the change to perhaps what had been the
 13 understanding as to the process that would be taking
 14 place by way of interviews at Sale?
 15 **A. Again, I don't remember the detail but I would have**
 16 **a conversation with Darren about these developments,**
 17 **that would have been shared with managers within the**
 18 **IPCC and there would have been discussions about what**
 19 **approach we would adopt, clearly.**
 20 Q. Can I ask you, please, to look at another email at
 21 page 1061, please.
 22 It is an email of 13 March, 08.55, from
 23 Darren Quinlan to John Brennan to which you are CCed in:
 24 "John, we were going to start interviewing the
 25 officers this week, we received a call from Karl on

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1 Friday stating that that was too late for the officers.
 2 They wanted to do their statements last week. I was
 3 told that they would be submitted through you on Monday.
 4 Karl is in the office this morning for the service of
 5 the summons on [blank] investigation. If you haven't
 6 received them we will ask him why not."
 7 Do you recall receiving this email?
 8 **A. Again, no. No.**
 9 Q. No.
 10 I think if we then go back into your notes, please,
 11 at the beginning of the Y3 bundle, please, if we look at
 12 page 923, we can see that you have made an entry --
 13 THE CHAIRMAN: Hang on. Yes.
 14 MS CARTWRIGHT: Page 923, at 3.45 in the afternoon, you
 15 received from GMP the various statements from the AFOs
 16 and I am not going to list each, you have listed the
 17 names of each there.
 18 **A. That is correct.**
 19 Q. Could I ask, did you review the statements and note that
 20 there was reference to conferring within each of those
 21 statements?
 22 **A. Certainly not at that time, no.**
 23 **This is still quite early on in the investigation.**
 24 **The statements would have been actually put into the**
 25 **incident room so that they could be inputted on to**

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1 **HOLMES, that would have been my first course of action.**
 2 Q. You wouldn't have spotted at that time that there is
 3 a reference in each of those statements to a degree of
 4 conferring and reference I think to a flip chart?
 5 **A. Not at that time, but obviously subsequently I would**
 6 **have done when I had opportunity to go through the**
 7 **statements.**
 8 Q. Perhaps then if we move forward in your daybook, please,
 9 and if you move forward to page 942, I think you will
 10 see there reference to "Review firearms statements".
 11 I don't think I can see anywhere else before that
 12 reference to reviewing the firearms statements.
 13 Did you do anything further in respect of the
 14 firearms statements when you reviewed them or cause any
 15 other query to be made at that time when you had
 16 considered them?
 17 **A. I obviously started to review them. I cannot say**
 18 **whether at that time I had actually reviewed them all.**
 19 **That was just simply probably the statements that I had**
 20 **actually started to look at.**
 21 MS CARTWRIGHT: Thank you, Mr Bergmanski, those are my
 22 questions.
 23 THE CHAIRMAN: Mr Thomas?
 24 MR THOMAS: Sir, just a few questions.
 25

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1 Questions from MR THOMAS
 2 MR THOMAS: Good afternoon, I represent Anthony's family.
 3 Can I just take matters up in relation to the
 4 liaison between the Mark Duggan officer and the officers
 5 in this case. I appreciate you say you found out about
 6 that very recently.
 7 **A. That's correct.**
 8 Q. Can I approach it from a different perspective, okay,
 9 and what I would like you to assist the chairman with is
 10 this. Taking yourself back to 2012, this is a big
 11 investigation, correct?
 12 **A. Correct, sir.**
 13 Q. All right. There needs to be public confidence and the
 14 IPCC as the watchdog have to ensure there is public
 15 confidence in the investigation, would you agree?
 16 **A. I would agree with that, sir, yes, absolutely.**
 17 Q. What would you have said had representatives, or the
 18 officers themselves, approached you and said, "Look, we
 19 are thinking about having a meeting with the Duggan
 20 officers before we make our statements"? What would you
 21 have said?
 22 **A. I would have said, obviously, based on what I know now**
 23 **that that would be ill judged. And I would have said to**
 24 **them, if I was able to, that if they had wanted such**
 25 **a meeting, it should take place after statements had**

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1 **been provided to us. And that would be based on**
 2 **maintaining the integrity of the accounts that they**
 3 **provided.**
 4 Q. I am going to play devil's advocate if I may with you,
 5 it might be said, "Well, would there have been anything
 6 wrong with these officers meeting other officers who had
 7 been through a similar experience to discuss issues of
 8 welfare?" Would your position still have been the same?
 9 **A. Again, my position is, is that had they wanted to meet**
 10 **that individual after they had provided accounts,**
 11 **I think that would have just provided a much more**
 12 **transparent sort of process and would have -- I would**
 13 **suggest would have provided greater integrity in terms**
 14 **of what actually happened. And, I wouldn't say that --**
 15 **I wouldn't be against any such meeting it was just**
 16 **clearly the timing was ill judged in my view.**
 17 Q. What we haven't been provided with and, again, I am not
 18 sure if you can assist us on this but I will ask it, we
 19 know that a meeting took place. We know it took place
 20 the day before the vast majority of the officers did
 21 their first accounts, okay?
 22 There are no minutes of that meeting. There is no
 23 record of that meeting. If, and here is the question
 24 for you. I appreciate and we have heard what you said
 25 in relation to the timing, you would have preferred that

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1 meeting to have taken place after the statements,
 2 correct? That is what you have just said.
 3 **A. Yes, that is correct.**
 4 Q. Would you also have advised in terms of transparency
 5 that if such a meeting takes place, make sure there is
 6 a minute of it so you won't have a lawyer like me
 7 standing up years later saying, "What was discussed?"
 8 Would that have been wise?
 9 **A. I think the reality of my position is I wouldn't have**
 10 **been in a position to advise them what to do --**
 11 Q. Right.
 12 **A. -- as an IPCC investigator at that time.**
 13 **Clearly it is their decision but I do agree that if**
 14 **that was the position they had adopted having regard to**
 15 **the fact what had happened, having regard to the fact**
 16 **that, you know, these issues would be explored in**
 17 **detail, then clearly transparency should have been at**
 18 **the foremost of what they did and how they did it.**
 19 MR THOMAS: Sir, that is all I ask.
 20 THE CHAIRMAN: Yes, Mr Davies.
 21 Questions from MR DAVIES
 22 MR DAVIES: I am asking questions on behalf of Q9,
 23 Mr Bergmanski.
 24 Left to the IPCC none of these officers would have
 25 been interviewed until at the earliest 14 March.

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1 **A. I explained the reason why we had chosen that avenue of**
 2 **approach. It was to ensure that the account that we**
 3 **would eventually obtain would be detailed and would be,**
 4 **I would suggest, more thorough, in terms of the**
 5 **methodology that we would use --**
 6 Q. Did you listen to the question?
 7 **A. Could you repeat?**
 8 Q. Left to the IPCC, none of these witnesses would have
 9 been interviewed until 14 March at earliest, would they?
 10 **A. That is correct, sir, yes.**
 11 Q. Some 11 days after the event.
 12 **A. As I said, sir, we had decided on a certain method by**
 13 **which to obtain accounts.**
 14 Q. The last of those witnesses would have been interviewed
 15 on 22 March, 19 days after the event, left to the IPCC.
 16 Correct?
 17 **A. Correct, sir, yes.**
 18 Q. You were planning to interview the principal witnesses
 19 last, weren't you, those most directly --
 20 **A. That's correct, sir, yes.**
 21 Q. Yes.
 22 As it is, the intervention of the PFOA brought
 23 forward those detailed accounts to 9 March.
 24 **A. Statements were provided following that meeting, yes,**
 25 **that is correct.**

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1 Q. Do you regard a delay of between 11 and 19 days as
 2 satisfactory as part of an investigation?
 3 **A. There were a number of officers to be interviewed, it**
 4 **required resourcing, I think the approach we adopted was**
 5 **practical and realistic at that time.**
 6 Q. A minimum of 11 days' delay was built in to your
 7 process, why couldn't you arrange dates before 14 March?
 8 **A. I don't know, but I am aware of the fact, as you can see**
 9 **from the email, that we had arranged dates, there would**
 10 **have been some sort of discussion around that, with who**
 11 **I don't know.**
 12 Q. It is not as if dates were cancelled by any police
 13 officer. Why were you not, as a priority, on the night
 14 of the event, booking rooms before 14 March to interview
 15 these officers?
 16 **A. As I said, sir, the facts are as they are.**
 17 Q. Please answer the question. Why were you not booking
 18 rooms on the night, 3 March, before 14 March? Simple
 19 question.
 20 **A. On the night of the incident, certainly I can't comment.**
 21 **When I actually took over the investigation, the**
 22 **discussions we had was the approach that we would adopt,**
 23 **which I explained was to audio interview officers and**
 24 **clearly there was then the logistics to arrange.**
 25 Q. We all understand logistics. Why was it taking

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| <p>1 a minimum of 11 days for a national investigative 2 organisation such as your own to find rooms to conduct 3 interviews? 4 A. I don't know, because it never went that far, sir. 5 Q. Yes it did. Because that was the first date you booked. 6 A. I didn't book it. My colleague may have booked it but 7 as said the actual process didn't actually commence 8 because officers chose not to participate in that 9 process. 10 Q. They chose to give statements earlier, giving you as the 11 reason for giving written statements that to wait to the 12 14th was "too late". And it would have been, wouldn't 13 it? 14 A. I don't really understand why it would have been too 15 late. I think the most important thing, and the 16 responsibility of an officer is, if they are worried 17 about that time delay, there is the issue that they can 18 always make their own notes about their involvement as 19 soon after the event as possible. 20 Q. And they made their own detailed statements? 21 A. That is what they chose to do, yes, sir, that's correct. 22 MR DAVIES: Thank you, Mr Bergmanski. 23 Questions from MR EVANS 24 MR EVANS: Mr Bergmanski, could you please be provided with 25 our policy and guidance file, please. If I could just</p> <p style="text-align: center;">Page 165</p> | <p>1 an incident of this nature previously. But clearly 2 within the organisation, I was working with people such 3 as Darren Quinlan and the senior investigators who had, 4 we had several meetings regarding this where issues were 5 discussed about how we intended to get an account. 6 Q. Yes. 7 A. So this was done within a very sort of open framework 8 within the actual organisation itself. 9 Q. Were you familiar then with guidance in here that said 10 that witness statements could be taken either by you, 11 the independent investigative authority, or could be 12 provided by the witnesses themselves? 13 A. Yes, that's right. 14 Q. If we see on page 384, towards the bottom of the page, 15 we can see stage 3, do you see that in bold? 16 A. Yes. 17 Q. Then stage 4? 18 A. Yes. 19 Q. Stage 3, we understand, in terms of the IPCC's position, 20 by the time matters had been discussed on the night of 21 3 March into 4 March, was that initial accounts were to 22 be provided by three officers? 23 A. That is what happened, yes. 24 Q. Yes. Did you become aware of that on the morning of 25 5 March?</p> <p style="text-align: center;">Page 167</p> |
| <p>1 ask you, please, about a few paragraphs in the Manual of 2 Guidance. If you could turn, please, to page 384. 3 Sir, it is the policy file, page 384. 4 THE CHAIRMAN: Yes. 5 MR EVANS: Would we understand that the guidance set out in 6 this document is guidance that you would have been 7 familiar with by the time you assumed the role of lead 8 investigator on 5 March 2012? 9 A. If you mean did I sit down and read this manual? No. 10 Q. That was not quite what I asked. Were you familiar with 11 the guidance set out in this Manual of Guidance? 12 A. Not the detail. But I was familiar with aspects of the 13 manual. 14 Q. You were the lead investigator on 5 March, was your 15 appointment? 16 A. That's correct. 17 Q. How familiar were you then with the guidance set out 18 here in terms of how -- 19 A. Which particular point are you referring to, sir? 20 Q. Let me finish, in terms of how you would manage the 21 investigation that you were appointed to lead? 22 A. How familiar? 23 Q. Yes. 24 A. At that stage, as I explained to you, I may not have 25 done but I had not investigated a -- obviously</p> <p style="text-align: center;">Page 166</p> | <p>1 A. That's correct, sir. 2 Q. We can see at page 4 then, dealing then with detailed 3 accounts, paragraph 7.97, we can see: 4 "Detailed accounts should not normally be obtained 5 immediately, they can be left until the officers 6 involved in the shooting are better able to articulate 7 experience, usually after at least 48 hours." 8 A. That's correct. 9 Q. Paragraph 7.98: 10 "The independent investigative authority [so that is 11 you for these purposes] will wish to have detailed 12 statements from witnesses. These statements may be 13 taken by the authority [you], ..." 14 That is what you were contemplating or discussing in 15 relation to audio recorded interviews; is that right? 16 A. Yes, that's right. 17 Q. But the guidance goes on to say: 18 "... or be provided by the witnesses themselves." 19 That is what happened here? 20 A. Yes, that's correct, sir, yes. 21 Q. The guidance that you were following, and which is set 22 out here as we continue to read that paragraph: 23 "The manner in which the statements are obtained or 24 provided will be decided by individual witnesses, 25 subject to legal advice they receive. Where officers</p> <p style="text-align: center;">Page 168</p> |

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| <p>1 decide to provide their own statements, then these 2 should be (except in exceptional circumstances) 3 submitted to the independent investigative authority 4 within seven days."</p> <p>5 A. That's right, yes.</p> <p>6 Q. In terms of that seven-day window, the incident here was 7 3 March, officers provided statements or made their 8 statements on 9 March, didn't they?</p> <p>9 A. That's correct.</p> <p>10 Q. You were to receive them via perhaps email, that may not 11 matter, on 13 September?</p> <p>12 A. That is right.</p> <p>13 MR EVANS: 13 March, I beg your pardon. 14 Thank you very much. 15 We see that at Y/923. 16 Thank you.</p> <p>17 THE CHAIRMAN: Yes. 18 Questions from MS PALMER</p> <p>19 MS PALMER: Just very briefly if I may. 20 You were just being asked about 7.98. It is 21 apparent in that that there are two options; is that 22 right?</p> <p>23 A. Yes, there is.</p> <p>24 Q. As the individual with conduct of the investigation, 25 your preferred choice, if it was down solely to you, was</p> <p style="text-align: center;">Page 169</p> | <p>1 A. Yes, I think that is the case, yes.</p> <p>2 Q. In that meeting you had a discussion about the process. 3 Is it right that he then needed to go back and speak to 4 the AFOs to understand their position, because he is 5 essentially their representative rather than the 6 decision maker?</p> <p>7 A. I think that is the case, but the recollection I have, 8 and again I can't -- I don't know the detail, but he was 9 happy with that process and, again, the indication he 10 had was that officers were also happy with that process. 11 But clearly that was before they had had legal advice.</p> <p>12 Q. You were taken to the email from Mr Quinlan on Thursday, 13 8 March, in which he indicated that Karl Thurogood was 14 going back to meet with the AFOs, he has described it as 15 "today" or "tomorrow", so that was the 8th or the 9th. 16 Was it your understanding that that would then get the 17 final decision as to whether they would agree to that 18 process?</p> <p>19 A. Yes, that would be my assumption now, yes.</p> <p>20 Q. That takes you to the Friday and then you have the 21 weekend and the interviews were set to start up on the 22 Wednesday, three working days later?</p> <p>23 A. That's right.</p> <p>24 MS PALMER: Thank you. 25 MS CARTWRIGHT: No further questions. Thank you, sir.</p> <p style="text-align: center;">Page 171</p> |
| <p>1 for the IPCC to take statements?</p> <p>2 A. Yes, it was.</p> <p>3 Q. Although, as has been fairly pointed out -- I don't 4 think you have been asked about it before, you just have 5 now -- it was open to officers to choose to provide 6 their own accounts?</p> <p>7 A. Yes, absolutely.</p> <p>8 Q. At that time there was no compelling powers to ask 9 officers to attend for an interview?</p> <p>10 A. No, there wasn't, sir.</p> <p>11 Q. If we can just explore the timeframe, given you made the 12 decision for your preference, we know that you took over 13 the investigation on Monday, 5 March.</p> <p>14 A. That's correct.</p> <p>15 Q. We know in this case that the officers were off on 16 Monday, 5 March and Tuesday, 6 March, was that something 17 you were aware of at the time?</p> <p>18 A. I was aware that there would have been that respite 19 period, exactly which days I wouldn't necessarily have 20 known, but I assumed they were off during that period.</p> <p>21 Q. Tuesday, 6 March, you phoned Mr Thurogood to arrange 22 a face-to-face meeting?</p> <p>23 A. That's right.</p> <p>24 Q. Which took place the very next day on Wednesday, 25 7 March?</p> <p style="text-align: center;">Page 170</p> | <p>1 Questions from THE CHAIRMAN</p> <p>2 THE CHAIRMAN: At the time when the Police Federation 3 indicated that they had no concerns and fully supported 4 the proposed manner of proceeding by the IPCC, was it 5 then known by them, in other words had they been told, 6 what the likely timescale was for interviews?</p> <p>7 A. I don't know that, sir. I know -- I think there was 8 communication and there were dates that had obviously 9 been suggested. So there would have been an indication 10 of some form of timescale.</p> <p>11 THE CHAIRMAN: Thank you. 12 MS CARTWRIGHT: Thank you, sir. 13 THE CHAIRMAN: That is the end of your evidence. 14 Thank you for helping the Inquiry. You are free to 15 go. 16 Yes, Ms Cartwright. 17 MS CARTWRIGHT: That concludes today's evidence, sir, and 18 I think we will reconvene tomorrow at 10.30 with 19 Mr Arundale. 20 THE CHAIRMAN: Yes, thank you very much. 21 (4.00 pm) 22 (the Inquiry adjourned until 10.30 am the following day) 23 24 25</p> <p style="text-align: center;">Page 172</p> |

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