

1 Friday, 28 April 2017
 2 (10.30 am)
 3 MR DAVIES: Good morning, sir.
 4 THE CHAIRMAN: Yes.
 5 MR IAN ARUNDALE (continued)
 6 Questions from MR DAVIES (continued)
 7 MR DAVIES: Just one more issue, Mr Arundale, from me,
 8 please.
 9 Just to make clear, I am expressly not asking you
 10 for your opinion on why the three men were in fact in
 11 Culcheth on 3 March. That is a matter for the tribunal.
 12 **A. Yes, sir.**
 13 Q. All right.
 14 I would just like to understand your evidence on
 15 a separate issue from the point of view of a firearms
 16 commander --
 17 **A. Yes, sir.**
 18 Q. -- or TFC.
 19 Bearing in mind the background of the three
 20 individuals, individually and collectively, bearing in
 21 mind the surveillance activity in Stoke in and around
 22 the G4S security compound and vehicles.
 23 **A. Yes, sir.**
 24 Q. Bearing in mind the surveillance activity in the four
 25 days immediately preceding 3 March.

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1 **A. Yes, sir.**
 2 Q. You have listened to that evidence, including reference
 3 to sledgehammers, hacksaw activity and so on. Bearing
 4 in mind the intelligence picture, as has been
 5 articulated in evidence and bearing in mind the
 6 surveillance activity on the 3rd itself, including the
 7 fact that the vehicle was parked where it was, as it
 8 was, for a period of close to half an hour without
 9 moving.
 10 Have I understood you correctly that a reasonable
 11 TFC in that situation, with that understanding, or
 12 something close to that understanding, reasonably could
 13 have inferred that those men were there that night to
 14 commit armed robbery?
 15 **A. Yes, sir, that is a reasonable assumption for the**
 16 **firearms operation, irrespective of what the motivations**
 17 **of individuals were I would expect a reasonable TFC to**
 18 **assess that that was the situation.**
 19 Q. Yes, and I am not going to ask you about this but it is
 20 on the premise that the circumstances justified
 21 a conclusion that the men were there to commit armed
 22 robbery that night. That you say, when eyes were lost
 23 in particular, that a different contingency should at
 24 least have been considered, for example involving the
 25 use of distraction through ARVs or otherwise?

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1 **A. Yes, sir.**
 2 MR DAVIES: Thank you.
 3 Sir, that completes my questioning.
 4 Can I just say for the record, it may not matter,
 5 but the premise of some of Mr Weatherby's questions was
 6 that J4 in fact ran across the arc of fire of Q9. That
 7 is a question of fact for you to determine, because you
 8 will recall that neither officer saw the other but it is
 9 not a matter it seems to me for Mr Arundale.
 10 THE CHAIRMAN: No, I understand.
 11 MR DAVIES: That completes my questioning.
 12 Thank you, sir.
 13 THE CHAIRMAN: Thank you, Mr Davies.
 14 Ms Whyte.
 15 Questions from MS WHYTE
 16 MS WHYTE: Good morning, Mr Arundale.
 17 **A. Good morning, ma'am.**
 18 Q. Like others I am going to take my questioning through
 19 themes. The first theme I would like to deal with is
 20 the methodology of how someone in your position goes
 21 about compiling the type of report you were required to
 22 compile.
 23 **A. Yes, ma'am.**
 24 Q. I think you have agreed already that coming to the type
 25 of detailed after-the-event assessment that you have

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1 been required to provide can be fraught with the risk
 2 that your views are infected to some degree by what you
 3 know about the outcome.
 4 **A. Yes, ma'am.**
 5 Q. You have explained that you have tried to guard yourself
 6 against that natural tendency when considering many
 7 issues, which I think you will agree are not an exact
 8 science.
 9 **A. Yes ma'am, I would.**
 10 Q. Do you agree that that can be particularly challenging
 11 for an expert such as yourself where there is a fatality
 12 and that the focus, rightly and understandably, will be
 13 on whether the particular death could have been
 14 prevented? It is quite an onerous challenge to combat
 15 against that 20:20 hindsight trap?
 16 **A. Yes, ma'am, and I have tried to concentrate on that**
 17 **throughout and tried not to assess whether the death**
 18 **could have been prevented and make judgments in**
 19 **a slightly different way.**
 20 Q. No, because of course if the subjects have been
 21 disrupted and had gone on to commit a further offence,
 22 for example involving a firearm, before any alternative
 23 arrest strategy could take place, then inevitably the
 24 focus would be around why a particular state might not
 25 have been called earlier?

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1 **A. Yes, ma'am, and that is why my suggestion is disruption**
 2 **can be done in a way and in a form which makes it**
 3 **obvious to the subjects that there is a police presence**
 4 **in the area. My position is the arrest could have taken**
 5 **place at an appropriate time thereafter and be risk**
 6 **assessed.**
 7 Q. I think your position is also that once the car was
 8 stationary on the car park a reasonable commander might
 9 quite properly have decided to effect an arrest then?
 10 **A. Yes, ma'am. There are many milestones within that**
 11 **incident that a commander may have made that decision.**
 12 Q. I suppose the bracket of reasonable judgment, given the
 13 scenario, is quite wide?
 14 **A. Yes, there is a wide variation of views that can be**
 15 **made. I think what I have done is paid emphasis to**
 16 **perhaps what are the main key considerations, such as**
 17 **the loss of eyes, that point in time.**
 18 Q. Yes. Do you agree that those tasked with exercising the
 19 firearm command judgment required in this case -- indeed
 20 most firearms situations -- requires a particular blend
 21 of caution, because of course they are commanding
 22 officers carrying lethal and less lethal weaponry, but
 23 also confidence in their own judgment and decision
 24 making skills because they might need to react quite
 25 confidently and quickly in changing circumstances?

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1 **A. Yes, they would, ma'am.**
 2 Q. It is quite a particular blend, isn't it, that caution
 3 and confidence requirement?
 4 **A. Yes, ma'am.**
 5 Q. Is this therefore correct, that when guarding yourself
 6 against that hindsight trap, you have considered the
 7 tactical, operational and professional judgment of
 8 others, but you have borne in mind that there might be
 9 more than one reasonable approach to such judgments?
 10 That is one way of guarding yourself against too much
 11 hindsight; would that be fair?
 12 **A. Yes, ma'am.**
 13 Q. What else have you done, if you can think of any mental
 14 examples, to guard yourself against that hindsight?
 15 **A. I think what is important is to try not to say what**
 16 **I would have done in the circumstances, because I think**
 17 **anybody in my position could well be tainted by the**
 18 **knowledge of the eventual outcome of this incident.**
 19 **I have tried as far as possible and where it is**
 20 **appropriate to come up with an assessment of the actions**
 21 **of the individuals against their training and what**
 22 **I would expect to see from a reasonable body of**
 23 **commanders in their position.**
 24 Q. Yes, and is that in particular in relation to assessing
 25 the competence of officers such as Z15, whether you

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1 would have come to a different decision than perhaps
 2 Mr Williams had there been a review, et cetera, and to
 3 whether or not the decision to call Strike Amber at
 4 a particular time was correct?
 5 **A. I think I have made slightly different types of**
 6 **observations according to the nature of the issue I have**
 7 **been looking at. My observations in relation to, for**
 8 **example, Z15 and Superintendent Granby in relation to**
 9 **course failure. I have made a slightly different**
 10 **decision -- observation, in terms of (1) there should**
 11 **have been a formal review and (2) in relation to Z15,**
 12 **more of an agreement with Mr Williams that because of**
 13 **the way the failure was written in terms of the**
 14 **fundamental safety failure that could be life**
 15 **threatening, that the short-term decision, I think to**
 16 **a reasonable observer, should have been a suspension**
 17 **until the full facts were known.**
 18 Q. Sorry to talk over you. Those are two situations where
 19 you have come pretty close to indicating what you think
 20 should have happened, ie what you might have done. Is
 21 that fair?
 22 **A. Yes, ma'am, what I tend to try and think about is it is**
 23 **very difficult to say in these instances whether**
 24 **something was right or wrong but occasionally some of**
 25 **the issues get close to that so my opinion and**

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1 **observation in those situations can change or can be**
 2 **different.**
 3 Q. Not saying what you might have done is the outcome of
 4 you applying hindsight. Can you tell us whether you did
 5 anything else when compiling your report to actually
 6 guard yourself against hindsight, and, if so, what it
 7 was?
 8 **A. I think that would have been the mental processes I was**
 9 **going through as I was preparing the report.**
 10 Q. Can I move on then to a different topic --
 11 **A. Sorry, ma'am. Perhaps to say in most instances I would**
 12 **have probably had a peer review or a check of my**
 13 **observations, in this particular instance that didn't**
 14 **take place so everything contained in this report is**
 15 **purely based on my thought processes and my assessment**
 16 **of the situation.**
 17 Q. Roughly how long did it take you to prepare the report,
 18 may I ask?
 19 **A. It took some time, some months. It was a huge amount of**
 20 **documentation and because of the constraints placed upon**
 21 **me it took significantly longer to prepare the**
 22 **documentation than would have been the case if I could**
 23 **have for example had the papers in hard copy, printed**
 24 **them out, copied and pasted --**
 25 Q. Carried them about on the train and so forth, yes.

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1 **A. It was very difficult compared to normal circumstances.**
 2 Q. Yes.
 3 During that period, was this your primary task or
 4 were you busy on other work?
 5 **A. This was my primary task. I did have other things to**
 6 **attend to but this was my main task.**
 7 Q. Thank you, that is very helpful.
 8 Can I move on to a different topic, that of
 9 Superintendent Ellison.
 10 **A. Ma'am.**
 11 Q. I think you were in court when the superintendent gave
 12 his evidence; is that right?
 13 **A. I was, yes.**
 14 Q. You have had a chance to look at his emails, his logs
 15 and his statements, et cetera?
 16 **A. Yes, ma'am.**
 17 Q. Thank you.
 18 Do you, standing where you are, have any concerns
 19 about the way he went through his process as a TFC on
 20 25 January?
 21 **A. In terms of the standard: do I think his actions were**
 22 **reasonable in the circumstances? I do. I would make**
 23 **some observations that some of his opinions and the**
 24 **processes he followed were more based on the wider GMP**
 25 **view of certain issues and processes.**

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1 **In terms of what Mr Ellison did himself, based on**
 2 **the core training of a TFC, I think his approach was**
 3 **reasonable in the circumstances.**
 4 **There are a couple of areas that I would make**
 5 **comment in relation to, which would be particularly in**
 6 **relation to his understanding of MASTS. I don't level**
 7 **that as a personal criticism, I think that is more**
 8 **an observation about the general view of MASTS and what**
 9 **it could do within GMP and the use of CSDC.**
 10 **There are many observations you could suggest as**
 11 **development areas for the force and the individual but**
 12 **overall, particularly in terms of his approach to**
 13 **intelligence and decision making, I thought it was**
 14 **reasonable.**
 15 Q. And paperwork, you have seen his log. You have been
 16 able to compare that to logs you have seen outside of
 17 GMP and other logs from GMP. Would you agree that his
 18 paperwork seemed to be careful, measured and thorough?
 19 **A. Yes, ma'am. As I have said quite clearly in my report,**
 20 **there is no such thing as a perfect log, because the**
 21 **situations they work in, but there are significant areas**
 22 **where his approach has been better than some of the**
 23 **other logs I have seen during this particular review.**
 24 Q. Would you agree that his approach to the working
 25 strategy, threat assessment and contingencies also

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1 appeared to be informed and measured?
 2 **A. Yes, ma'am.**
 3 Q. And noting just at this point for future reference that
 4 his tactical options were obviously recorded in
 5 considerably more detail, weren't they, than for example
 6 Mr Granby's?
 7 **A. Yes, ma'am.**
 8 Q. But he rejected disruption as a tactical option and
 9 arresting Mr Totton, who was the main and only indeed
 10 target at that stage, at his home address because both
 11 he thought displaced risk. Instead he, and I think you
 12 approve of this, factored in disruption into his
 13 contingency?
 14 **A. Yes, ma'am.**
 15 Q. Do you agree that, from his paperwork, it certainly
 16 seems that once a tipping point had been met he was
 17 proposing a strike?
 18 **A. I can't recall the fine detail of his particular**
 19 **paperwork, because my terms of reference were very much**
 20 **to focus on Mr Granby and others who were closer to the**
 21 **3rd. I find it difficult to give a definitive answer in**
 22 **relation to that fine granular question you have just**
 23 **asked.**
 24 Q. We will probably come back to that.
 25 Moving on to general intelligence matters, I think

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1 you agree that it's extremely rare to have specific
 2 evidence that a subject is armed with a firearm?
 3 **A. Yes, ma'am.**
 4 Q. You have said quite a bit in your report about the
 5 relevance of intelligence about the wider OCG. For
 6 example you say in, for the chairman's reference,
 7 paragraphs 235 and 236 that at the planning stage the
 8 wider OCGs should be discussed and that intelligence
 9 about accomplices and associates is of relevance?
 10 **A. Yes, ma'am.**
 11 Q. I think we can all understand the logic of that. That
 12 is in relation to the decision to authorise the
 13 deployment of firearms officers.
 14 Do you think it would have been appropriate to have
 15 included more information about the wider OCG in the
 16 briefing to firearms officers and if so why?
 17 **A. I think, again on the basis that not the fine detail of**
 18 **some of these issues but an accurate portrayal of**
 19 **relevant issues in terms of weaponry, the general**
 20 **approach of the OCG, their counter measures they use**
 21 **against the police during policing operations, all of**
 22 **those sort of issues are very important to include in**
 23 **a briefing for AFOs.**
 24 Q. I think that you disagreed with one of the previous
 25 advisers, Mr Molloy, and thought, as did Mr Sturman,

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1 that the intelligence chronology was a useful document
 2 that it would have been inappropriate not to use in
 3 order to identify the wider OCG?
 4 **A. Yes, ma'am. That is caveatted with irrespective of any**
 5 **errors that might be contained in there --**
 6 Q. Right.
 7 **A. -- that it did contain useful information for AFOs and**
 8 **commanders, not necessarily from an investigative point**
 9 **of view.**
 10 Q. No. I think you also thought that the applications for
 11 RIPA authorities and the authorities themselves were
 12 appropriately considered and properly authorised?
 13 **A. Yes, ma'am. All the ones that I have seen I thought**
 14 **were absolutely in accordance with my understanding of**
 15 **the requirements nationally.**
 16 Q. Can I move on to the threat assessment.
 17 **A. Yes, ma'am.**
 18 Q. We understand from your report and from the oral
 19 evidence that you have given that Mr Grainger's close
 20 association with Mr Totton is plainly a matter of some
 21 pertinence to authorised firearms officers and their
 22 commanders in a case like this?
 23 **A. Yes, ma'am.**
 24 Q. Would you agree that it would be entirely reasonable for
 25 actually an SIO and the firearms commanders to work on

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1 the basis in this case that Mr Grainger would have been
 2 someone who would understand quite fully what nature of
 3 man he was running with in terms of Mr Totton?
 4 **A. Yes, ma'am, I would.**
 5 Q. In that sense, he is, would you agree, not just
 6 an associate but he is actually an affiliate criminally
 7 and otherwise?
 8 **A. Yes, without getting into definitions I think the most**
 9 **important thing is to be clear when we differentiate**
 10 **between a "subject" and an "associate", but yes I do**
 11 **follow your point.**
 12 Q. Here he was both.
 13 That would be particularly relevant, wouldn't it,
 14 when arresting Mr Grainger alongside Mr Totton for
 15 a conspiracy to commit robbery that you thought would
 16 involve weapons or firearms, that association?
 17 **A. In terms of a dynamic incident, I go back to an earlier**
 18 **point where the greatest threat clearly should inform**
 19 **the way that AFOs approach the task of carrying out**
 20 **arrests. If it is the wider definition of an arrest,**
 21 **a broader consideration, then it might be slightly**
 22 **different. In the firearms situation I fully agree.**
 23 Q. Mr Beer on the 26th asked you whether you agreed that
 24 there was relevant information that could have been used
 25 to present in fairer terms the risk that Mr Grainger

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1 posed when briefing the officers.
 2 **A. Hmm.**
 3 Q. I would like to take that word "fairer" a little
 4 further. Isn't the reality of what the chairman has
 5 heard and what you have told us in the last couple of
 6 days, that although it may be just as unflattering for
 7 GMP, in fact the risk that Mr Grainger contributed to
 8 the planning had been underestimated if anything, rather
 9 than overestimated?
 10 **A. Could you just rephrase that, or make it clearer to me,**
 11 **please?**
 12 Q. Yes. The risk that Mr Grainger posed has been the
 13 subject of molecular analysis in the last few months.
 14 Yesterday and the day before, when answering questions
 15 from Mr Beer and Mr Davies, you agreed that in fact
 16 considerably more information about Mr Grainger's past
 17 and potential previous offending and association with
 18 people like David Totton could have been considered and
 19 provided.
 20 **A. Yes, ma'am.**
 21 Q. In that sense, is it possible that the way in which the
 22 officers were told about the risk from Mr Grainger was
 23 underestimated rather than overestimated?
 24 **A. Yes, ma'am, I think that is a fair point.**
 25 Q. Do you agree that had it been known that

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1 Mr Joseph Travers was likely to be present and therefore
 2 a subject, that that would not have reduced any threat
 3 assessment because of what we know about his
 4 antecedents?
 5 **A. Of course, even if his identity was not known, he should**
 6 **have been classed as an unknown level of threat and the**
 7 **only way really to deal with that unknown level of**
 8 **threat is to make assumptions that it could be high.**
 9 Q. It could be high. I think you explain that in your
 10 report at paragraph 114 and indeed the Manual of
 11 Guidance, it is paragraph 6.13, states that in decision
 12 making considerations should include information
 13 available about the subject's associates.
 14 **A. That's right.**
 15 Q. Here Mr Travers was the brother of Aaron Travers,
 16 himself a very close associate of Mr Totton. That
 17 reinforced the OCG aura of this job, would you agree?
 18 **A. Yes, ma'am.**
 19 Q. Mr Ellison on 21 February said this, and I would like
 20 you to tell the chairman whether you agree with him:
 21 "The AFOs don't need to know all of the nuances and
 22 the ins and outs of each individual. They need to know
 23 that they are potentially faced with vehicles, in that
 24 case two, with the subjects and/or associates who may be
 25 in the vehicle with the intent of committing in that

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1 case a cash in transit robbery.
 2 "The ICI section gives them some indication of the
 3 potential behaviour that a subject or associate might
 4 exhibit, but beyond that they are trained in their own
 5 way as AFOs to respond to what they see before them."
 6 Do you agree with that rather pithy summary of
 7 an ICI for AFOs?
 8 **A. I agree with everything that is said there. There could**
 9 **be a bit more in relation to context wrapped around**
 10 **those issues, but I don't disagree with the statement.**
 11 Q. Whilst we are on briefings, I think your conclusion was
 12 that the briefings that you had analysed in Shire
 13 demonstrated GMP's awareness of the relevant
 14 legislation, in particular around article 2?
 15 **A. Yes, in particular. That was very consistent across all**
 16 **the briefings I saw.**
 17 Q. Can we move on to working strategy.
 18 It is clear from what you have said and written that
 19 you would disagree with a previous adviser like
 20 Mr Molloy, who considered that the working strategy
 21 formulated on 2 March was, to use his words, "...
 22 appropriate and well thought out". You diverge from him
 23 in that, do you not?
 24 **A. Yes, ma'am.**
 25 Q. Can we see if we can agree about whether the following

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1 factors might reasonably have contributed to the
 2 speedier preparation of the working strategy than on
 3 previous occasions. We know that the head of the TFU,
 4 Mr Lawler, had acted as TFC very shortly before, with
 5 his own documented strategy and plan, and that the
 6 intelligence had not changed in the sense that it was
 7 still anticipated that the subjects were going to commit
 8 an armed robbery?
 9 **A. Yes, ma'am.**
 10 Q. We know from the evidence, it will be a matter for the
 11 chairman entirely what he makes of it, that there had
 12 been discussion between Mr Lawler and Mr Granby around
 13 that previous strategy and the plan?
 14 **A. Yes, ma'am.**
 15 Q. Likewise, Mr Sweeney, the SFC, had received some prior
 16 knowledge of what had happened on the 1st and 2nd from
 17 Mr Heywood during the morning of the 2nd?
 18 **A. Yes.**
 19 Q. Both of those things might reasonably have contributed
 20 to the speed of decision making, as long as that
 21 decision making was appropriately audited and
 22 reasonable?
 23 **A. Yes, ma'am.**
 24 Q. If the tactical firearm commander, in this case
 25 Mr Granby, and the SFC, in this case Mr Sweeney, knew

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1 each other well and had worked regularly together on
 2 such operations, their common appreciation of each
 3 other's understanding of tactics and munitions might
 4 also have speeded up the process. Again subject to the
 5 caveats that there needs to be proper consideration and
 6 a proper audit available?
 7 **A. I would fully accept that, ma'am. The caveat I would**
 8 **put on, it might speed it up but that still leaves the**
 9 **requirement to document all the things that they have**
 10 **considered.**
 11 Q. Absolutely. I don't think anyone in the room would
 12 disagree with you, Mr Arundale.
 13 The criticisms you make of this particular working
 14 strategy, as I have understood it, is that you think
 15 there should have been clarity in the working strategy.
 16 That any evidential tipping points in effect must defer
 17 to safety, to operational tipping points. Do you agree
 18 that some commanders at that level, and with the
 19 experience that we know these two had, might consider
 20 that to be implicit?
 21 **A. I acknowledge that in my report, that some observers**
 22 **will say that. My position is very much that because of**
 23 **the nature of this tactic and the risks associated with**
 24 **these operations, it is something that needs to be**
 25 **reinforced, even if that is on every operation with**

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1 **experienced commanders.**
 2 Q. Does that risk making something that requires sometimes
 3 time critical decision more of a paper exercise than it
 4 needs to be?
 5 **A. No, it doesn't. Some of these things can be reinforced**
 6 **in fractions of a second.**
 7 **I think for me there was three key areas there and**
 8 **I could have gone into other issues but I think for me**
 9 **it was the importance that there was an extremely**
 10 **important criminal justice element to this which carried**
 11 **particular risks, that was allowing the criminal**
 12 **enterprise to proceed to a certain point.**
 13 Q. Yes.
 14 **A. The documentation didn't indicate any discussion of that**
 15 **issue.**
 16 Q. That is a very common occurrence isn't it, Mr Arundale,
 17 in a force such as GMP that investigates and arrests
 18 subjects for prolonged acquisitive crime conspiracies,
 19 in particular drug conspiracies --
 20 **A. It is, yes.**
 21 Q. -- which often go hand in hand with firearm
 22 conspiracies. Would you accept that?
 23 **A. I think it is a whole range of criminal offences and yes**
 24 **it is a reasonably common issue. For me what is**
 25 **absolutely important: there needs to be clarity in terms**

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1 of who is approving that particular operation because of
 2 the risks associated with it. I would expect there to
 3 be clarity in terms of who is saying:
 4 "Yes, I am allowing this to run with all the
 5 associated risks and these are control measures."
 6 That for me in this instance would have been the
 7 commanders of this operation.
 8 Q. Might that be one little example of where hindsight has
 9 allowed you to be perhaps Utopian? In the sense that
 10 the sustained public protection emphasis arose after
 11 this incident but has been in force for some time before
 12 today, do you think there is a chance that you are
 13 imposing a focus from 2014 that you are aware of and
 14 know that commanders should be aware of, that was in
 15 writing in a more defined way and therefore in training
 16 perhaps in a more defined way than was the case in 2012?
 17 Is there a risk of that?
 18 A. I hope I haven't done that, it is now within the
 19 firearms manual. Of course it was a fully documented
 20 criminal justice and investigative technique before
 21 that, because many of these issues are not associated
 22 with firearms deployments. There is a long track record
 23 of allowing the criminal enterprise to proceed before
 24 that.
 25 Q. Quite.

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1 A. I think it is such a fundamental issue to a command
 2 decision that commanders would know that there are risks
 3 associated with it, because of course the offence could
 4 be committed, there could be an accident to do with fast
 5 driving of vehicles.
 6 I would expect commanders to acknowledge that,
 7 because what they must do is ensure that they assume
 8 that responsibility at the appropriate level in the
 9 organisation and tell others, "I am approving this, this
 10 is what you are allowed to do and these are the
 11 parameters I am placing on the operation".
 12 I would expect that within the documentation
 13 somewhere.
 14 Q. My understanding is you would expect it within the
 15 working strategy?
 16 A. Yes, because I am saying that because I think in
 17 an ideal situation this is a high level important
 18 decision which is appropriate at the level of chief
 19 officer.
 20 Q. We will have to graciously disagree that that is likely
 21 to have been implicit for officers like Mr Granby and
 22 Mr Sweeney.
 23 Your second criticism of the working strategy was
 24 that it ought to have contained a list of the benefits
 25 and limitations of special munitions. That is as I have

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1 understood your evidence.
 2 A. An acknowledgement of the benefits and limitations, as
 3 is outlined in the standard operation procedure for GMP.
 4 Q. Again, would you agree that perfectly reasonable
 5 commanders at their level and with their experience can
 6 be taken to know what the benefits and limitations are?
 7 Therefore that this again is perhaps over-contributing
 8 to a paper exercise that is not strictly necessary?
 9 A. Hopefully not, that is why all the documentation, the
 10 national and the force documentation, indicates that it
 11 must be recorded so that the decision making is
 12 auditable subsequently. I do fully accept that may well
 13 be within their knowledge and remit.
 14 Q. Yes.
 15 A. Because of investigations and Inquiries such as this, we
 16 have ensured that the training and guidance says,
 17 "Document it and identify why you are making this
 18 decision".
 19 Q. To use Mr Beer's expression, the standing pros and cons
 20 are relatively defined and self-evident aren't they for
 21 the use of special munitions?
 22 A. I think some probably are a little bit more obscure to
 23 people outside the firearms arena I know --
 24 Q. Yes, but we are in the firearms arena, so let's confine
 25 ourselves to that.

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1 A. -- they have been drawn out within this Inquiry, but
 2 again generally the people who are going to be holding
 3 those police officers to account might have an external
 4 focus.
 5 Q. Here I think Mr Sweeney at a separate part of his log,
 6 it is C/500 for anyone that needs it, the operation and
 7 briefing section, gave -- albeit briefly -- his
 8 rationale for using special munitions. He just didn't
 9 put it in the working strategy as you have advocated?
 10 A. Yes.
 11 Q. I think your third criticism of this working strategy is
 12 that you have referred to the national decision making
 13 model and that you think there ought to have been
 14 express reference to that in the sense that commanders
 15 should always bear in mind before conducting something
 16 as serious as a vehicle strike that they need to have
 17 considered and reviewed whether there is a less drastic
 18 way of achieving the working strategy, yes?
 19 A. Yes, ma'am. There has been indication from Mr Thompson
 20 who was concerned about some perhaps of the previous
 21 approaches of GMP, I think it is very good practice --
 22 no matter how familiar commanders are with each other --
 23 to reinforce some of the key, albeit potentially
 24 obvious, points of an operation to ensure that the focus
 25 on making decisions is as expected by the manual and

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1 **training.**
 2 Q. Even though the log that we have seen for both types of
 3 commanders has healthy repeat reminders about the model
 4 and that, I think as you acknowledge in your own report,
 5 some observers might say that is implicit again?
 6 **A. I would accept that, ma'am. I think the position is to**
 7 **try and encourage people not just to have it on the**
 8 **documentation but to reinforce it through good**
 9 **leadership and communication with those they command.**
 10 Q. In fact, if we look at Mr Ellison's working strategy,
 11 which is at G1/2333, his working strategy is remarkably
 12 similar to that of this SFC and TFC, seven out of ten of
 13 the factors related to human safety which was something
 14 you observed in relation to Mr Sweeney/Granby's, there
 15 was no reference to sustained public protection issues,
 16 or cross border considerations, special munitions or the
 17 national decision making model in the working strategy
 18 part. You would therefore be critical of that even if
 19 it might have featured somewhere else in the log in
 20 a different way?
 21 **A. I was not obviously tasked with doing a detailed**
 22 **critique of those two. The SFCs of course that would**
 23 **relate to that particular part of the firearms operation**
 24 **as well.**
 25 Q. Thank you.

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1 Can we move on to tactical options.
 2 Do you think that each of the seven generic options
 3 should always be recorded with the pros and cons in
 4 order to explain after the event the rationale for the
 5 selected option?
 6 **A. No, I don't, ma'am.**
 7 Q. You would agree for example with someone like Chief
 8 Superintendent Sturman that that does risk a rather
 9 routine and systematic paper exercise where it is not
 10 necessary?
 11 **A. Yes, ma'am. I am aware of his reference in his report.**
 12 Q. Yes.
 13 **A. I don't agree with the way that that is framed in terms**
 14 **of the issues he is highlighting at that time, because**
 15 **I think he is referring to the start of the operation on**
 16 **the 3rd in relation to his comments. My opinion is that**
 17 **you don't necessarily have to document all of them.**
 18 **What you should do is consider all relevant options and**
 19 **give an indication as to why some may not be appropriate**
 20 **and why some are appropriate.**
 21 Q. If we look, for example, at Mr Ellison, it is G1/2339,
 22 if you could be provided with that.
 23 THE CHAIRMAN: Sorry G1?
 24 MS WHYTE: 2339, sir.
 25 **A. 2339?**

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1 MS WHYTE: Yes, please, Mr Arundale.
 2 **A. Yes, ma'am, I am there.**
 3 Q. Thank you, they are difficult bundles sometimes to
 4 negotiate so do take your time.
 5 That is the tactical options and plan section of
 6 Mr Ellison's log. We can see that the accepted option
 7 has been described actually not as MASTS, but as
 8 surveillance on Totton supported by an armed capability
 9 to arrest once suspects are positioned to commit the
 10 offence. He says that that supports the working
 11 strategy, potentially secures additional evidence, so he
 12 is thinking by the looks of it about public safety but
 13 also sustained public protection. But that against
 14 that, you need to have the subject and vehicles prior to
 15 departure and then he goes on as we have briefly
 16 discussed to list other options which were absent from
 17 Mr Granby's, including disruption and a different arrest
 18 strategy.
 19 His wording there, would you agree, rather presumes
 20 an arrest by armed officers once evidential points are
 21 met?
 22 **A. Yes, ma'am. As you say, it doesn't mention MASTS and it**
 23 **doesn't specify the nature of what the actual arrest**
 24 **strategy itself would be at that point in time.**
 25 Q. He obviously considered and rejected various options,

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1 but the wording suggests in effect a MASTS strike?
 2 **A. It suggests it, it could suggest other issues as well.**
 3 Q. An absence of alternative written tactical options,
 4 would you agree, doesn't necessarily reflect
 5 a pre-determined approach to the selected option?
 6 **A. No. No, ma'am.**
 7 Q. I have understood from your evidence, but please correct
 8 me if I am wrong, that you somewhat agree with the
 9 previous people who have expressed expert views, such as
 10 Mr Sturman or Mr Molloy, that here, as long as the
 11 process is correct and the record keeping is reasonable,
 12 that MASTS was the appropriate and perhaps even obvious
 13 choice?
 14 **A. As a method of supporting the operation, I absolutely**
 15 **agree with that. Of course when I come to that point**
 16 **what I say is, "... but not necessarily to arrest the**
 17 **subjects".**
 18 Q. No, we will come to that, I appreciate that.
 19 Just in terms of tactical options selection and
 20 decision making, MASTS is the appropriate choice?
 21 **A. It was an appropriate way of doing it. What I do say in**
 22 **my report is there are other methods of supporting**
 23 **a surveillance operation as well as MASTS. I am saying**
 24 **in a force that has that capability it was certainly**
 25 **appropriate, but it could be and would be delivered in**

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1 **different ways in other parts of the country, or**
 2 **potentially by different commanders in GMP depending on**
 3 **the nature of the operation.**
 4 Q. There is enormous regional variation, isn't there?
 5 **A. Yes, ma'am. There could be variation within GMP as**
 6 **well, depending on the nature of the operation.**
 7 Q. Can I move on to contingencies.
 8 **A. Do I need this?**
 9 Q. No, thank you very much. Not for the moment. You may
 10 need your report, because I am going to look at
 11 paragraph 322.
 12 **A. Yes, ma'am.**
 13 Q. There you cite additional contingencies that could have
 14 been identified. Do you mean on 2 March, because the
 15 way you phrased it is, "During Operation Shire", so
 16 I want to make sure I have understood what you are
 17 saying there?
 18 **A. I suppose really this is not -- I am certainly not**
 19 **suggesting this is a definitive list, it is more**
 20 **illustrative of contingencies that could have been**
 21 **considered at various stages. I am not sure here if**
 22 **I am particularly focusing on a particular day, I am**
 23 **probably focusing on the last 36 hours of**
 24 **Operation Shire at this point --**
 25 Q. Are you saying --

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1 **A. -- 24/36 hours.**
 2 Q. I am so sorry, I interrupted you.
 3 **A. The last 24 hours at least of Operation Shire.**
 4 Q. Are you saying that those should have listed somewhere
 5 in a log, if only to be kicked into the medium-sized
 6 grass?
 7 **A. No, I am not, ma'am. What I am suggesting is, from my**
 8 **experience these are the sort of issues which are going**
 9 **through the heads of certainly tactical advisers and**
 10 **sometimes commanders and these are issues that could**
 11 **have been considered. I wouldn't necessarily on every**
 12 **occasion have a full list done.**
 13 **Quite often a short narrative can indicate why**
 14 **a range of tactical options may not be particularly**
 15 **appropriate in a certain operation.**
 16 Q. No, these are contingencies?
 17 **A. Yes, ma'am.**
 18 Q. Indeed we know for example that in terms of loss of
 19 surveillance Mr Ellison did document that as a split
 20 contingency.
 21 **A. Yes, ma'am.**
 22 Q. Can I move on to tipping points.
 23 You observe in your report that Operation Shire was
 24 trying to achieve in effect the difficult decision
 25 making relating to allowing the criminality to run for

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1 a prolonged period with the clearly identified objective
 2 of delivering a greater public safety outcome. We all
 3 know perfectly well what you mean by that. You conclude
 4 that Operation Shire was not in your view negatively
 5 influenced by using evidential tipping points as markers
 6 for requesting an arrest. In that sense I think you say
 7 that was good practice.
 8 **A. Absolutely, ma'am, as long as nobody misunderstood that**
 9 **an evidential tipping point was the tipping point for**
 10 **an arrest as well.**
 11 Q. No.
 12 Can we move then to disruption.
 13 **A. Yes, ma'am.**
 14 Q. I would like to explore with you some of the factors
 15 that might be relevant to disruption to see if we agree
 16 on their potential relevance. Obviously we are very
 17 much in a hypothetical situation and I fully understand
 18 that when asking you these questions.
 19 Would you agree that it would be prudent to have
 20 operated on the basis that subjects such as Mr Totton
 21 and Mr Grainger would, given their organised and
 22 sophisticated -- it might be said -- planning, they
 23 could be expected to know when banks and building
 24 societies in a discrete place might open or close?
 25 **A. Yes, ma'am.**

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1 Q. It is pretty basic, isn't it?
 2 If the SIO and the TFC have intelligence which they
 3 honestly regard as reliable that a robbery is going to
 4 happen some time that day, without knowing where
 5 precisely, and with the proviso that it might actually
 6 be on the Monday, rather than the Saturday, and if
 7 taking that into account, by the late afternoon you have
 8 credible evidence from the surveillance officers that at
 9 least two of the anticipated subjects have come together
 10 with an unknown male and are making off to the same
 11 place in a stolen car where previous recces have
 12 occurred, that that might reinforce the sense that
 13 a robbery may well take place?
 14 **A. I understand that.**
 15 Q. We are agreed on that, aren't we?
 16 **A. Yes, ma'am.**
 17 Q. By going to Culcheth, rather than simply being seen in
 18 Boothtown, the evidential situation had developed,
 19 a little further --
 20 **A. Yes, ma'am.**
 21 Q. -- and public protection concerns might have become
 22 quite acute or been thrown into quite sharp relief?
 23 **A. Yes, ma'am.**
 24 Q. We are firmly then, we are agreed, in the territory of
 25 both operational tipping points and evidential tipping

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<p>1 points coinciding to a degree, with the operational 2 tipping points having primacy? 3 A. Yes, ma'am. 4 Q. That is going to continue to develop and depend on 5 events on the ground? 6 A. Yes, it is. 7 Q. The added difficulty here, would you agree, perhaps 8 unlike that facing Mr Ellison, was that the subject 9 premises remained unidentified right up until the 10 strike? 11 A. Yes, ma'am. 12 Albeit, ma'am, I think that we have a limited sum in 13 terms of potential vehicle-based robberies against cash 14 in transit. 15 Q. Yes, absolutely right. Again, everybody would agree 16 with that observation. 17 If the intelligence remains that there may well be 18 a robbery that day, it remains sensible doesn't it to 19 consider and plan for the target being cash based -- 20 A. Yes, ma'am. 21 Q. -- or retail based? 22 A. Yes, ma'am. 23 Q. Some of those premises in Culcheth were concentrated on 24 a parade and some were just a little further out. 25 A. Yes, ma'am.</p> <p style="text-align: center;">Page 33</p>	<p>1 phones, as we can see from the Shire evidence, they, as 2 we know from Mr Totton, regularly change address, 3 sometimes for a week or two at a time and, 4 notwithstanding the best efforts of the dedicated 5 surveillance team, eyes are lost quite habitually? 6 A. Yes, ma'am. 7 Q. The lay ups of these stolen vehicles, only one of which 8 remained by the time of the 3rd, was a quiet suburban 9 area and there wouldn't always be notice, would there, 10 of them coming together, if it is assumed that 11 Mr Totton, Mr Grainger and Mr Rimmer were operating as 12 a team depending on the surveillance capability, you 13 wouldn't necessarily know when they were all going to 14 come together. Would that be fair? 15 A. That's correct, unless the technical or surveillance 16 capability could give that indication. 17 Q. By 3 March at 6.30 there was an unknown male whose 18 identity was unknown and therefore home address unknown? 19 A. Yes, ma'am. 20 Q. That, what I am going to suggest is an individual and 21 a collective rather determined lifestyle, that is what 22 it is, can have a direct bearing on how easy an arrest 23 might be in another place and in particular at a home 24 address? 25 A. Yes, ma'am.</p> <p style="text-align: center;">Page 35</p>
<p>1 Q. That continuing uncertainty about precisely where it is 2 that your subjects might suddenly go will have a bearing 3 on how you might plan to disrupt them? 4 A. Yes, ma'am. 5 Q. Mr Granby told the Inquiry that he reviewed matters in 6 the wake of closing premises with his SFC but still 7 deemed MASTS to remain the most appropriate option at 8 that stage. I don't know whether you were in court when 9 that was developed? 10 A. Yes, ma'am, I was. 11 Q. I don't think you have suggested that that was 12 unreasonable, just that there should have been 13 additional contingency planning? 14 A. Yes, ma'am. On the basis that MASTS was an appropriate 15 method of supporting the operation at that time. 16 Q. Yes. 17 Would you agree that it is also relevant to decision 18 making around disruption as an ultimate tactical option 19 rather than a contingency that the subjects in question 20 have what I am going to describe as a very elusive 21 lifestyle? 22 A. Yes, ma'am. 23 Q. They hire cars so that they can switch the identity of 24 their car quickly and therefore it is harder to identify 25 them when in a car. They use a myriad of different</p> <p style="text-align: center;">Page 34</p>	<p>1 Q. The merits of disruption in a case like this are these, 2 aren't they, and please indicate whether you agree or 3 disagree. 4 That if there is lot of surveillance, or if there is 5 for some other reason a perceived need not to do a MASTS 6 strike, let's say a group of ten five-year-olds come 7 into the zone, whatever it might be, and disruption is 8 used, and the subjects behave cautiously, they quietly 9 blend off to their home addresses, then the merit of 10 that is that no robbery has taken place, so immediate 11 public protection has been preserved, and at no stage 12 has it been necessary to have armed police with their 13 weapons drawn on the street? 14 A. Yes, ma'am. 15 Q. The risk that can be associated in public with firearms 16 policing has dissipated completely? 17 A. Yes. 18 Q. It might allow, depending on the lifestyle and the 19 circumstances and the resources available, for a safer 20 arrest strategy if evidence exists to justify an arrest? 21 A. Yes. 22 Q. Those are both, one and two, quite short term but 23 obvious advantages and the third and alternative arrest 24 may be quite longer term, but dependent on evidence? 25 A. Yes, ma'am.</p> <p style="text-align: center;">Page 36</p>

1 Q. What are the other obvious merits of disruption in
 2 a scenario like this?
 3 **A. I think the main overriding issue is public safety.**
 4 Q. Yes.
 5 **A. Particularly if surveillance is lost and it is near to**
 6 **a venue where an offence might take place there are huge**
 7 **public safety considerations. I think that is probably**
 8 **the main heading and from there you could articulate**
 9 **a range of particular benefits for it.**
 10 Q. Yes.
 11 **A. The main issue is stopping the offence taking place.**
 12 Q. Yes.
 13 **A. That can be in a range of manners, from being very**
 14 **subtle to very, very overt in relation to it. I would**
 15 **say public safety, officer safety and subject safety,**
 16 **all three, are the key main considerations for**
 17 **disruption.**
 18 **It takes place on other occasions where you don't**
 19 **have the resources to carry out alternative options. So**
 20 **quite clearly if the subjects were going it take a left**
 21 **turn and move into a third force area for example, you**
 22 **might consider a disruption by stopping the subjects**
 23 **even if you didn't meet the evidential criteria because**
 24 **you couldn't be sure of managing the aftermath at the**
 25 **far end. The benefits would be many and varied, but**

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1 **there is also a downside to it as well potentially.**
 2 Q. I would like to come to those. One of them you have
 3 identified which is Culcheth geographically is situated
 4 amid a number of force areas; it doesn't take long for
 5 a determined driver to hit a different force boundary.
 6 Just dealing with what the potential disadvantages
 7 are, we have agreed that it might be difficult to know
 8 precisely where to disrupt, if you don't know whether
 9 the subjects are in the car, or, if they are not in the
 10 car, where they have gone, and if they have got out of
 11 the car, whether or not they might have separated
 12 because there are potentially three of them. In that
 13 sense disruption is potentially quite difficult, because
 14 of an unknown starburst that might have occurred?
 15 **A. What I would say is through good planning for**
 16 **disruption, and there are many options for disruptions,**
 17 **you could mitigate many of these downside factors to the**
 18 **tactic itself.**
 19 Q. Yes, if they have separated and if you don't know
 20 whether any of them are armed and if so how, then what
 21 you potentially have is three obviously dangerous men,
 22 potentially armed in public, out of the car?
 23 **A. Yes, ma'am. You have the option then of do nothing or**
 24 **disruption tactic or anything else which might be**
 25 **appropriate.**

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1 Q. Do you agree with what one officer said, that disrupting
 2 at that stage of an operation was in effect handing over
 3 control to the suspects at a time when surveillance
 4 capacity had been lost?
 5 **A. That doesn't resonate with me at all, ma'am, no.**
 6 Q. You didn't understand what was meant by that?
 7 **A. I think I understand what the individual was trying to**
 8 **say, but it didn't make any sense to me at all in the**
 9 **concept of this sort of operation.**
 10 Q. What do you think he was trying to say?
 11 **A. I think doing nothing and letting subjects run should be**
 12 **a conscious decision on behalf of a firearms commander,**
 13 **I can't say what the officer really meant in relation to**
 14 **this, unless it was an attempt to justify why there**
 15 **wasn't a disruption contingency.**
 16 **What I have been very clear on is that there should**
 17 **have been a disruption contingency or contingencies in**
 18 **this matter.**
 19 Q. Yes.
 20 **A. Very unusually the resources were available for it and**
 21 **the time was available to plan a range of options. That**
 22 **could have led a tactical adviser and the AFOs from**
 23 **Cheshire to scope the area, scope the premises, scope**
 24 **all the potentials that could happen if the subjects did**
 25 **indeed arrive at Culcheth.**

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1 **My opinion is that is far better to have all those**
 2 **ready and in place in case the commander deems they are**
 3 **appropriate to deliver.**
 4 Q. Yes.
 5 **A. If you don't do that, you don't have the option. Your**
 6 **own option is to do a MASTS strike or do nothing.**
 7 Q. Yes, you are describing the planning stage. I am very
 8 much at the how it would look on the ground stage.
 9 **A. But I think you cannot separate the two, because the**
 10 **planning stage will determine the range of options that**
 11 **you have available, the benefits associated with those**
 12 **and it will give an opportunity to mitigate some of the**
 13 **downsides that are apparent in all tactics.**
 14 Q. Yes, of course.
 15 Would you agree that with this type of -- it is my
 16 expression -- high-end criminal the disruption would
 17 have to be pretty subtle, because these are men who are
 18 extremely watchful, extremely surveillance aware, their
 19 antennae are up the entire time, particularly when they
 20 are in the middle of what was suspected to be the final
 21 stages of committing a very serious offence. Do you
 22 agree with that?
 23 **A. What I would agree with, it would have to work. Not**
 24 **necessarily be subtle --**
 25 Q. What does that mean?

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1 **A. Stop them, if for example they haven't committed the**
 2 **primary criminal offence we suspect them of, that it is**
 3 **going to stop them from doing it. The ideal situation**
 4 **would be that it will stop them from doing it, in**
 5 **a manner that they are not suspicious that they are**
 6 **actually under surveillance at that particular point in**
 7 **time.**
 8 Q. How are you suggesting that could be down whilst they
 9 are --
 10 **A. That may not be able to be delivered, but what I would**
 11 **say is that would be the ideal situation and scenario**
 12 **and it could be as simple as a police officer walking**
 13 **through Culcheth might be enough to spook them, because**
 14 **from the evidence we have heard, very simple issues in**
 15 **relation to the potential sighting of a police vehicle,**
 16 **or other indications of law enforcement, can spook**
 17 **people in these situations.**
 18 Q. That would be a uniformed officer, if they were in the
 19 car, what walking across the car park directly within
 20 a certain distance?
 21 **A. I am not suggesting that as a planned contingency, but**
 22 **these things happen. During these operations little**
 23 **things can spook an individual and of course you could**
 24 **have an armed police officer walking through the area,**
 25 **you could have --**

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1 Q. And how do you think they might have reacted?
 2 THE CHAIRMAN: You are interrupting the witness.
 3 MS WHYTE: I am so sorry, Mr Arundale. I do not mean to
 4 interrupt.
 5 **A. My point is you can plan this all the way up from**
 6 **considering scenarios from one officer walking through**
 7 **an area, to two officers, to a car driving in, to a high**
 8 **profile entrance with blue lights and two-tone horns, to**
 9 **giving the appearance that a police incident is in**
 10 **progress in the area.**
 11 **There are a whole range of issues that could be**
 12 **considered and are considered as potential disruptions,**
 13 **but I fully agree with you, all of those will have**
 14 **consequences that have to be considered.**
 15 **Even if that consequence is you disclose that**
 16 **a police operation is in place, that could be in certain**
 17 **circumstances better than allowing public safety to be**
 18 **compromised by a team of suspected armed robbers**
 19 **committing an offence.**
 20 Q. Would you agree therefore that a very material factor in
 21 this case is that if attempts at disruption, the precise
 22 type of which could not possibly be known until the last
 23 minute, were observed in any way, by any one of these
 24 suspects, that the unpredictability of how they might
 25 respond would be a very serious factor to consider when

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1 deciding whether or not to engage with disruption as
 2 an option?
 3 **A. Yes, ma'am. It would be a consideration, I agree.**
 4 Q. Because, just stating the obvious, if any one of them
 5 was out of the vehicle and armed, or if they were in the
 6 vehicle and sped off, both of those scenarios might
 7 bring risks to themselves, to the public and to officers
 8 alike?
 9 **A. Yes, ma'am.**
 10 Q. There would be an obvious risk if they did speed off to
 11 pedestrians and other road users, yes?
 12 **A. There could well be, ma'am.**
 13 Q. Yes.
 14 Here real consideration might be given to what
 15 officers might reasonably infer from people like
 16 Mr Totton, and which he confirmed here, which is that he
 17 would have no intention of hanging around if he was
 18 remotely aware of police presence, escape and flight
 19 were always his fancies, if I can put it that way, and
 20 that is the way that people like Mr Totton regularly
 21 operate.
 22 **A. Yes, ma'am. I think that is another indication of why**
 23 **disruption can be extremely effective as well. If it is**
 24 **done thoughtfully, this is a risky business, all the**
 25 **decisions made by firearms commanders can result in**

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1 **untoward occurrences but my view is it should have been**
 2 **seriously considered, because I think this was**
 3 **a situation where it was required.**
 4 Q. At trial Mr Totton told the jury, and the reference is
 5 G2/901, 903 and 911, that in Stoke he had planned for
 6 his own contingency of needing to escape and knowing
 7 which roads were dead ends and which were not.
 8 There is a risk, isn't there, with disruption, if it
 9 is unsuccessful, of a pursuit arising in which indeed of
 10 course the driver of the car, in this case Mr Grainger,
 11 might have lost control and ended up killing any one of
 12 the occupants of the car?
 13 **A. I suppose that is a possibility, but of course the**
 14 **police service is geared up, has the resources and the**
 15 **trained assets to deal with police pursuits.**
 16 Q. We know from the download of the Audi on
 17 21 February 2012, after what was suspected to be a recce
 18 to St Helens that Mr Grainger, and it is K/1040, drove
 19 back and on the East Lincs and this might suggest a fear
 20 by Mr Grainger that he was being surveilled, hit speeds
 21 of 107 and 115 miles an hour, and that's non-motorway --
 22 **A. Yes, ma'am, I have seen that information. Yes, ma'am.**
 23 Q. That therefore gives you a flavour of some of the risks
 24 that would have to be balanced when considering
 25 disruption?

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1 **A. I agree.**
 2 Q. Is another disadvantage that if the car was able to
 3 speed off upon realising or fearing disruption that the
 4 unknown third person in the car might bail unsighted and
 5 therefore the police never know who he is?
 6 **A. Ma'am, I accept that may have happened.**
 7 Q. If the car is quick enough to escape, and is abandoned,
 8 the technical ability to surveil the car will have been
 9 lost?
 10 **A. Yes, ma'am.**
 11 Q. You have referred to operational compromise. I think
 12 everybody understands that that would be a very serious
 13 consideration in deciding whether or not to convert
 14 a potential MASTS strike into a disruption.
 15 **A. Yes, ma'am. But of course I am suggesting that there**
 16 **were significant alternative options to using the MASTS**
 17 **officers and not disclose the MASTS tactical platform in**
 18 **this particular operation.**
 19 Q. By "disclose" you mean alert them to how it works?
 20 **A. Yes, because one of the key principles is that clearly**
 21 **it should be kept as confidential as possible, and there**
 22 **were other assets available.**
 23 Q. It is not a very confidential tactic now, is it,
 24 Mr Arundale?
 25 **A. Not with the discussion in this particular Inquiry, no,**

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1 **but its visibility on the streets is something that**
 2 **police forces do seek to minimise.**
 3 Q. The operational compromise might not just involve those
 4 sort of more sophisticated considerations but might in
 5 fact involve the loss of other types of evidence, cars,
 6 if there had been a weapon in the car, weapon, disposal
 7 of clothing and the like if the determined criminal and
 8 disruption does not work, gets away, it is not just
 9 operational compromise in terms of alerting them to the
 10 police intention or police tactics it is actually
 11 potentially involving the wholesale destruction of
 12 evidence?
 13 **A. Yes, and of course this argument reverses because if**
 14 **a tragic incident had occurred at a Post Office or**
 15 **Sainsbury's supermarket and somebody had been injured or**
 16 **killed similar questions would have been asked in the**
 17 **opposite question, "Why did you not develop a range of**
 18 **appropriate contingencies and consider it?"**
 19 **This is the world of the AFO and the firearms**
 20 **commander, balancing all these difficult decisions and**
 21 **issues.**
 22 Q. I think you would agree that another disadvantage of
 23 disruption over trying to strike when they are all
 24 contained in one car is that it might, if the evidence
 25 justified it, lead to planning of three separate arrests

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1 potentially in different locations which might
 2 themselves present risks and difficulties in terms of
 3 planning?
 4 **A. Yes, but of course some of my observations relate to the**
 5 **fact that the location of the subjects was not known.**
 6 Q. So it is, in terms of disruption, a lot more complicated
 7 than just stopping the offence?
 8 **A. Every single tactic is complicated in terms of its**
 9 **potential outcome because this is about the deployment**
 10 **of armed police officers, so they all carry risks.**
 11 Q. In fact here, once eyes were lost, there was a pause, as
 12 it were, the commanders didn't go in straight away once
 13 eyes were lost, there was a pause whilst they waited and
 14 tried to get more information through use of
 15 surveillance?
 16 **A. There was certainly a pause in the operation, anyway,**
 17 **ma'am.**
 18 Q. I think you fairly in your report acknowledged that any
 19 review around disruption of the type that you have
 20 advocated might not have affected the outcome?
 21 **A. Yes, ma'am.**
 22 Q. Ie that a reasonable commander faced with the same
 23 circumstances after taking that tactical pause at the
 24 point of Amber, faced with the same circumstances and
 25 considering all the issues that you have discussed with

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1 me in the last ten minutes might well have considered
 2 that after hearing that the vehicle was still occupied
 3 that an arrest using MASTS officers was appropriate?
 4 **A. Yes, ma'am.**
 5 Q. Yes.
 6 I think you also said during the first day of your
 7 evidence that as soon as the car became stationary,
 8 likewise, it might have been a reasonable decision to
 9 request an arrest there and then?
 10 **A. Yes I can see commanders making that decision, some**
 11 **commanders.**
 12 MS WHYTE: Sir, I am going to move to CS, we are making very
 13 good progress, we will finish I anticipate well before
 14 lunch in our collapsing timeframe.
 15 Would this be an appropriate moment for a break?
 16 I am entirely in your hands.
 17 THE CHAIRMAN: Yes, it rather depends how much more material
 18 you have. If it is 20 minutes or so we might carry on
 19 but if it is more than that we will take a break.
 20 MS WHYTE: Sir, it might be more than 20 minutes so I would
 21 not like to commit myself.
 22 THE CHAIRMAN: We will take a break.
 23 Five minutes.
 24 (11.39 am)
 25 (A short adjournment)

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1 (11.50 am)
 2 MS WHYTE: Moving on to a new topic, Mr Arundale, and that
 3 is CSDC.
 4 **A. Yes, ma'am.**
 5 Q. You were obviously aware at the time of the preparation
 6 of your first report, late last year, that CSDC had
 7 never been evaluated to national standards and gone
 8 through the very clear process that the code of practice
 9 mandates?
 10 **A. Yes, ma'am.**
 11 Q. Can you help us with how you were aware of that?
 12 **A. Sorry, how --**
 13 Q. Yes, how is it that you were aware of that? It may
 14 sound like a very obvious question.
 15 **A. That is probably because of my knowledge of the firearms**
 16 **world then and last year, because I do a number of**
 17 **things which keep me involved there and my understanding**
 18 **at that time was that that was the case. What I did was**
 19 **I sent one email checking through to CAST just to check**
 20 **my understanding was correct, because if it had changed**
 21 **or there was something I was unaware of clearly that was**
 22 **something I needed to check before I put it in my**
 23 **report.**
 24 Q. Yes. I know that you have said in your report that you
 25 were unaware of what was happening and no one would

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1 contradict that at all, do you think that someone in
 2 your position in 2007 would likewise have been aware
 3 that CSDC was an unauthorised munition, if I can put it
 4 that way?
 5 THE CHAIRMAN: Can I just interrupt for clarity, when you
 6 say "someone in Mr Arundale's position", do you mean
 7 somebody in the position of a serving chief constable or
 8 a superintendent or what?
 9 MS WHYTE: Both. I think you were about to become a chief
 10 constable, weren't you, in 2007 --
 11 **A. 2008 I became a chief constable, in June.**
 12 Q. I think you were DCC at that stage in West Mercia?
 13 **A. Yes, ma'am.**
 14 Q. You would have had a very senior command position within
 15 a police force and as I have understood your evidence,
 16 you would have your ACPO PUF role as well, so you would
 17 be, to use your word, immersed in the firearms world, if
 18 I can put it that way, for policing?
 19 **A. Yes, ma'am. I would expect anybody who was a strategic**
 20 **firearms commander, or particularly the chief firearms**
 21 **officer nominated in accordance with the 2003 code, to**
 22 **be aware, because there is only a few pieces of**
 23 **equipment that are authorised. There is not a big list**
 24 **by any means; it is very, very short.**
 25 **I do accept I am applying my judgment to that**

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1 **particular statement, but certainly I was aware, I would**
 2 **have expected a person in my position to be aware but**
 3 **I was the national lead.**
 4 Q. Quite.
 5 **A. SFCs are trained in relation to the kit and equipment**
 6 **that is available for them nationally, as are most**
 7 **people involved in the operation. I can't put myself in**
 8 **other people's minds, but my expectation is that there**
 9 **was broad knowledge about what was and was not available**
 10 **and how to go about getting kit and equipment approved.**
 11 Q. Right, thank you, that is helpful.
 12 What I asked was whether you would have been aware
 13 in 2007 and you have actually helpfully explained not
 14 only would you have been aware it was unauthorised, but
 15 other people holding command roles or working in the
 16 firearms management and policy and procedure world for
 17 police operations would also probably have been aware
 18 because the list of munitions available is quite slight?
 19 **A. Yes. I slightly caveat to say probably be aware or know**
 20 **where to go to get that question answered, which is**
 21 **perhaps a bit fairer.**
 22 Q. In paragraph 16 of your second report, you list -- do
 23 have it hand if you would like to remind yourself.
 24 **A. Yes, ma'am.**
 25 Q. You list in some detail the overview of how the systems

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1 approach can look in practice, I think is how you have
 2 expressed yourself.
 3 **A. Can look and I was clear to make sure that was**
 4 **illustrative and that that was not necessarily one which**
 5 **would apply to all munitions or weapons systems --**
 6 Q. No.
 7 **A. -- and could be amended, shortened or fast tracked**
 8 **depending on the nature of the technology.**
 9 Q. Is there an obvious and central document, whether it is
 10 code of practice or some other governance document
 11 available --
 12 **A. I think the main document -- sorry, ma'am.**
 13 Q. If I can just finish the question. That sets out these
 14 types of very clear steps that might potentially need to
 15 be engaged in before a force decides whether or not to
 16 use a munition?
 17 **A. Not in the way that I have listed it there, because**
 18 **I have summarised what comes from a number of documents.**
 19 **There were a range of publications which came out from**
 20 **the Home Office Scientific Development Branch in one of**
 21 **its iterations, there is also supplementary documents**
 22 **which came out from the Patten Commission in relation to**
 23 **a worldwide search for less lethal weaponry, which was**
 24 **published I guess in around 2002. There were a large**
 25 **number of documents nationally.**

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1 **Also what happened, and some of these are actually**
 2 **already before the Inquiry, you will see one in**
 3 **particular is the CS spray research document from HOSDB,**
 4 **which does give an indication of all the type of testing**
 5 **which is needed for that particular weapon system.**
 6 Q. What you seem to be describing is a miscellany of
 7 documents of varying status. I am talking about
 8 guidance that forces can have so that they have a better
 9 understanding, if it is necessary, of how to comply with
 10 the type of steps that you have helpfully identified?
 11 **A. Right, and I clearly understand where you are getting**
 12 **at. I don't think there is a simple do-it-yourself**
 13 **guide for police forces, because they were not intending**
 14 **any force to do it themselves.**
 15 **The signpost is the code of practice and the manual**
 16 **which says if you think you are aware of something which**
 17 **requires an operational requirement, assessment and**
 18 **testing, to contact ACPO and/or HOSDB and the Home**
 19 **Office. So that wouldn't be there.**
 20 **The people who were immersed in this on the other**
 21 **side of the fence would have all this information and**
 22 **detail, albeit a lot of it was in the public domain**
 23 **because we circulated all the Taser issues again, which**
 24 **was many years before this decision was made.**
 25 Q. Yes.

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1 **A. Not in detail but in principle, but clear signpostings**
 2 **of the fact that detailed research and evaluation was**
 3 **required and who to spoke to.**
 4 Q. Can I ask you to look at bundle V --
 5 THE CHAIRMAN: V is that?
 6 MS WHYTE: V, yes. It is the CS exhibits bundles.
 7 Unfortunately my paper copy is not up to date.
 8 1018.
 9 **A. I am not quite there, ma'am.**
 10 MS WHYTE: Take your time, don't worry.
 11 THE CHAIRMAN: This was one that came as an extra third
 12 component, wasn't it?
 13 No, I have V witness statements. I will just check
 14 if it has been added to the back of the second exhibit
 15 file. 1018 you say?
 16 MS WHYTE: Yes, please, sir.
 17 THE CHAIRMAN: I have it, it is in here. It is the spine
 18 that is slightly misleading.
 19 MS WHYTE: Take your time, Mr Arundale, because that looks
 20 like a fairly chunky bundle.
 21 **A. Yes, I am there, ma'am.**
 22 Q. Thank you. Just to provide a bit of context, you having
 23 been so closely involved in the drafting of the 2003
 24 code of practice, you I think provided feedback to the
 25 Home Office, is it, on any revisions that perhaps might

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1 be considered for the next edition?
 2 **A. Yes, ma'am. I do need to I think put this document in**
 3 **context, this is not a document that was submitted.**
 4 **I think from a read of it, it is very obviously a first**
 5 **draft.**
 6 Q. Right.
 7 **A. What I do recall, I think it was probably at the end of**
 8 **a week on a Thursday or Friday I first realised that the**
 9 **NPIA had been tasked and I had seen the draft code.**
 10 **I went home at the weekend and drafted this myself.**
 11 **I think on the Monday morning I sent a copy of my rough**
 12 **draft to the firearms secretariat at West Mercia, just**
 13 **to let them know I am working on this.**
 14 **This was not the document that was submitted. As**
 15 **you will see, there was a whole host of very obvious**
 16 **errors in relation to this, incorrect words and other**
 17 **issues. I suppose if anything what this is, it is not**
 18 **a document people would normally see but these are the**
 19 **thoughts that were in my head on a Sunday morning.**
 20 Q. Thank you for that explanation. Can I ask you please to
 21 look at paragraph 48, which is on 1018.
 22 **A. Yes, ma'am.**
 23 Q. You cite there the existing 4.3.1, which is the very
 24 paragraph that is so central to issues around GMP's
 25 unauthorised use of CSDC.

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1 **A. Yes, ma'am.**
 2 Q. You have clearly on reflection over the years considered
 3 whether that paragraph might benefit -- there is no
 4 hindsight being applied here or criticism, let me make
 5 that absolutely clear -- from rewording, because you, in
 6 paragraph 49, appear to express a concern that the way
 7 in which it is worded. Again, I reiterate I am not
 8 suggesting this is a justification for any findings that
 9 the chairman might make, but the wording might be deemed
 10 to place responsibility for monitoring the availability
 11 of emerging weapons systems with chief officers of the
 12 police. What did you mean by that?
 13 **A. When the code was originally drafted the code, because**
 14 **it is a Home Office code, only initially applies to**
 15 **England and Wales, but effectively Northern Ireland**
 16 **wanted to comply with all guidance in relation to the**
 17 **Police Use of Firearms and Less Lethal Weapons in**
 18 **England and Wales, for political purposes to show that**
 19 **there wasn't any different rules and application or use**
 20 **of force in Northern Ireland compared to England.**
 21 **Also Scotland didn't come within this remit.**
 22 **After the code was drafted there were a number of**
 23 **changes done, so that there were slight amendments or it**
 24 **would be more relevant to Scotland and Northern Ireland,**
 25 **and I think this wording was slightly amended there.**

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1 **I always had that slight niggle that that could be**
 2 **more effectively worded, and that reflects that.**
 3 Q. If we look at what you go on to say, it is:
 4 "The wording places responsibility with chief
 5 officers, which could be counterproductive and result in
 6 individual forces undertaking reviews independent of
 7 ACPO."
 8 **A. Yes, ma'am.**
 9 Q. Was that another consideration?
 10 **A. I don't know whether I submit -- because this probably**
 11 **would have gone to the policing minister or the head of**
 12 **the NPIA or both, I can't quite remember where the final**
 13 **draft letter went or whether I included this.**
 14 Q. At the moment I am just trying to understand what you
 15 meant.
 16 **A. Just in terms of in my head and my thought processes,**
 17 **for me I think it is that second part, chief officers**
 18 **should monitor emerging operational requirements in the**
 19 **forces. Yes:**
 20 "... and the availability of new weapons systems."
 21 **I don't think it is appropriate to task 43 English**
 22 **and Welsh police forces with that responsibility. My**
 23 **view that is a central responsibility, but that is**
 24 **probably an amendment which was because of the wider**
 25 **application of the code but in fact it is not just**

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1 **Northern Ireland and Scotland, other jurisdictions**
 2 **adopted the code in terms of all its principles as well,**
 3 **because there were about I think 58 who were served by**
 4 **the secretariat at that time.**
 5 Q. Thank you for explaining that.
 6 You can put that bundle to one side for now, and you
 7 may need it again.
 8 Can I ask you a little bit about CS RIP.
 9 Are you able to assist us roughly with when RIP
 10 became authorised as such for use by English firearms
 11 police departments?
 12 **A. Right. I suppose the word "authorisation" --**
 13 Q. Is rather loose in this sense?
 14 **A. It is rather loose in this sense.**
 15 **I am aware that in one of the iterations of the**
 16 **manual, certainly prior to 2000 there is a reference to,**
 17 **say:**
 18 **"Appendix A, B and C [just to illustrate, I am not**
 19 **sure which one it was] will list CS munitions which were**
 20 **approved by the Home Secretary ..."**
 21 **And it is empty.**
 22 Q. Right.
 23 **A. At that point the Patten Commission was sitting and it**
 24 **was tasked with reviewing the range of less lethal**
 25 **options available and replace the baton round which was**

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1 **in Northern Ireland.**
 2 **What I think has happened is RIP has effectively**
 3 **been accepted with grandparent rights without the review**
 4 **and evaluation that is now specified by the code.**
 5 **I think you have RIP which hasn't passed through this**
 6 **process, the code of practice which has come in and the**
 7 **two are still there.**
 8 Q. Yes.
 9 **A. And effectively --**
 10 Q. When did it come into use then? That is what I was
 11 asking was when.
 12 **A. I can't tell you off the top of my head. What I can**
 13 **tell you was it was introduced originally as effectively**
 14 **a barricade-penetrating round or a round to be used into**
 15 **premises in hostage situations.**
 16 Q. Dynamic entry?
 17 **A. Yes, not necessarily dynamic entry but in those**
 18 **situations. It was effectively designed to be fired**
 19 **against a wall at the back of the premises, discharge**
 20 **its payload and then either encourage people to go out**
 21 **or to assist an entry into a building by officers.**
 22 Q. Is it your position that in your own view there is
 23 effectively no operational requirement for the use of CS
 24 in MASTS strikes, vehicle strikes?
 25 **A. No, I would say, because you should never say no,**

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1 **because of the things we have learned particularly in**
 2 **firearms issues you think you have covered all bases and**
 3 **then you will get suicide terrorism coming along as**
 4 **something you have never even thought of before.**
 5 **I have considered the use of RIP against a vehicle**
 6 **on one occasion that I can think of, so what I would say**
 7 **is no, all options that are approved should be available**
 8 **for consideration but it should be carefully considered**
 9 **and it should never become a mainstream or integral part**
 10 **of these operations.**
 11 **I have also made a recommendation in my report, it**
 12 **also might now be worth considering whether RIP needs to**
 13 **go through that Home Office procedure because there**
 14 **might be considerations, you know, applicable to RIP**
 15 **which have not yet been formally considered.**
 16 Q. That is what I wanted to ask you.
 17 How is it that, given that the code has been in
 18 existence for quite a long time now, that there is
 19 a place for a munition which is controversial for which
 20 there are only grandparental rights when a formal
 21 process could easily have been achieved by now. Can you
 22 explain to the chair how that has happened?
 23 **A. I can only give a broad opinion on it, which I don't**
 24 **suggest is definitive. I think it is probably down to**
 25 **the fact that the Patten Commission did a worldwide**

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<p>1 search in relation to less lethal options and for some 2 reason RIP was not included in that because it was 3 deemed to be already acceptable in the police service. 4 I won't use the term "approved", but it was 5 certainly held by police forces and certainly considered 6 to be used in siege situations and to a lesser extent 7 vehicles. Really, I suppose, it has slipped the net. 8 It just had the grandparent rights and was not included 9 in a review of the programme. I can't tell you why it 10 happened, it was just one of those issues that 11 occasionally happens. 12 Q. Everyone knows it is used? 13 A. RIP I would say that certainly any tactical adviser and 14 AFO would be aware of it. It was very commonly known. 15 Q. We know from documents that were actually generated as 16 a result of the Inquiry into the death of PC Ian Terry 17 that the NPIA, who have a particular focus on licensing 18 armed policing training, were involved in providing some 19 advice and critical friendship to GMP in 2009. That was 20 done in particular by Mr Alder and, to a lesser extent, 21 Mr Latto. 22 I would just like you to tell me whether you agree 23 with the following propositions that at all stages of 24 that process Mr Alder was plainly aware that GMP were 25 using CSDC and on his view seemed to be the only force</p> <p style="text-align: center;">Page 61</p>	<p>1 A. Yes, ma'am, I would agree with that you. 2 Q. He then expresses his own view and says no other force 3 does it. 4 A. Yes, ma'am. 5 Q. His understanding, rightly or wrongly, when he wrote 6 that email was that GMP as a large urban metropolitan 7 force have been used to using CS canisters in MASTS 8 strikes and appeared to be isolated as a force in their 9 use? 10 A. Yes, ma'am. 11 Q. I don't think it is going to be in dispute but please 12 look at it if you would like to satisfy yourself about 13 it, that the MASTS SOP number 28 for GMP, which was 14 going through various iterations with Mr Alder's 15 assistance referred expressly to CSDC? 16 A. Yes, ma'am. 17 Q. So Mr Alder would know at that point in time that 18 officers were being trained in it, even though his 19 personal view was that there wasn't an operational 20 justified requirement for it? 21 A. Yes, ma'am. 22 Q. We know that Mr Alder sent revisions of the draft SOP to 23 Mr Latto, who was the NPIA firearms training licensing 24 manager? 25 A. Yes, ma'am.</p> <p style="text-align: center;">Page 63</p>
<p>1 using it? 2 A. I don't know that. Certainly from the document I have 3 read, which was his review of the SOP, I would have to 4 check the wording of it, but he certainly did know that 5 GMP were using CS into a vehicle. Without having the 6 document in front of me, I am not quite sure what the 7 wording of that particular SOP was, because I know it 8 was not the final version that we have considered. 9 Q. We will look at it together. 10 Page G2/1860. 11 A. Thank you. 12 Q. 1860. 13 A. Yes, ma'am, I am there. 14 Q. That is an email from Mr Alder on 6 February 2009 to 15 Alan Wood. 16 A. Yes. 17 Q. This has been quoted repeatedly during this Inquiry. 18 Can we turn over the page, please to 1862 and look 19 at the second paragraph: 20 "A MASTS operation has not been authorised in your 21 force since October 2008. That data does nothing to 22 justify the case of inserting a CS canister." 23 A. Yes, ma'am. 24 Q. Which would tend to suggest Mr Alder was aware of the 25 manner of delivery?</p> <p style="text-align: center;">Page 62</p>	<p>1 Q. Quite a senior role. Would you expect someone, given 2 what you have said about the firearms world and 3 awareness of CS, to know that that was not a munition 4 commonly held or authorised? 5 A. I would ma'am, yes. 6 Q. Likewise Mr Alder? 7 A. Yes, ma'am. 8 Q. We know that Mr Alder for example sent a revised draft 9 of the SOP to Mr Latto in March 2009. 10 That's G2, sir, 1944. 11 A. Yes, ma'am. 12 Q. Because Mr Latto wanted to be fully sighted on the 13 developments? 14 A. Yes, ma'am. 15 Q. We know, the reference is G2/1960, that by that stage, 16 Mr Alder was expressing himself as happy that the SOP 17 was almost there, so had become fitter for purpose than 18 it had previously been. 19 Would you also agree that, from the email 20 correspondence that we have seen there, that Mr Alder is 21 actually amending the SOP and inviting the force to 22 consider his amendments because he considers they are 23 necessary? 24 A. Yes, ma'am. 25 Q. In one sense he is attempting in the best possible</p> <p style="text-align: center;">Page 64</p>

1 spirit of being a critical friend to assist in the
 2 authorship of it, although it is not his responsibility,
 3 of course one accepts.
 4 **A. Yes, ma'am.**
 5 Q. The IPCC had these documents as a result of the death of
 6 Mr Terry, and so had they read those documents, they
 7 would have been fully aware of the use of CSDC?
 8 **A. Yes, ma'am.**
 9 Q. Do you know how Mr Alder might know that GMP were the
 10 only force using it? I appreciate you are not in his
 11 mind but would that have been, do you think, from the
 12 firearms world chit-chat or would that have been from
 13 some sort of central document?
 14 **A. Mr Alder's role at that time -- I certainly know his**
 15 **background, he was previously a firearms instructor in**
 16 **West Midlands Police, chief firearms instructor in West**
 17 **Mercia and then a senior adviser for the National**
 18 **Policing Improvement Agency. He would visit almost**
 19 **every force up and down the country, him and his staff,**
 20 **on a regular basis with the licensing process. He would**
 21 **know what was available, what was being used in every**
 22 **force up and down the country.**
 23 **I think his opinion should be given weight.**
 24 Q. Right.
 25 Do you know what if anything Mr Alder did about

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1 GMP's continuing use of such a munition?
 2 **A. No, ma'am, I don't.**
 3 Q. Do you accept that the force STRAs made no secret of the
 4 use and possession of CSDC?
 5 **A. I do, ma'am, yes.**
 6 Q. You say in your report I think that you don't even know
 7 if the details went on the national weaponry database,
 8 do you remember?
 9 **A. I don't know, because I didn't use the database itself.**
 10 Q. No. I would like to just look at that in brief detail
 11 with you. Could you go back to the V bundle.
 12 **A. Yes, ma'am.**
 13 Q. Could I ask you to look at V/360.
 14 **A. I'm sorry, I think it is the wrong one again.**
 15 Q. Bundle V, that's the CSDC bundle for some people?
 16 **A. It is on the top there.**
 17 Q. 360.
 18 **A. Yes, ma'am.**
 19 Q. That is the UK Police Weaponry Database pro forma, which
 20 was submitted and at its header indicated that it needed
 21 to be completed and returned to HOSDB to a person called
 22 Matthew Symonds.
 23 **A. Yes, ma'am.**
 24 Q. We can see on page 361, "Combined tactical systems,
 25 flameless expulsion CS canisters, 20"?

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1 **A. Yes, ma'am.**
 2 Q. That is what GMP inserted on to their pro forma
 3 document.
 4 Can I ask you now to go forward to 366.
 5 **A. 366, yes, ma'am.**
 6 Q. Yes.
 7 Mr Davies, an officer within GMP who was tasked by
 8 GMP upon receipt of your report to try and investigate
 9 further the issue of the use of CSDC within Greater
 10 Manchester Police, in the course of his enquiries
 11 contacted Matthew Symonds, the person whose name is at
 12 the top of the pro forma.
 13 **A. Yes, ma'am.**
 14 Q. This is an email from Mr Symonds to Ryan Mackenzie,
 15 an officer working with Mr Davies, in response to the
 16 email that we see on the next page, 367. Basically
 17 Mr Mackenzie is asking Mr Symonds for some information.
 18 He explains that he is a higher scientific officer
 19 within the mechanical engineering, material science and
 20 civil engineering functional home -- which is quite
 21 a mouthful -- of CAST. He is asked what the pro forma
 22 is for. He says:
 23 "The database pro forma was designed to gather
 24 information regarding types, numbers of operational
 25 weapons and ammunition held by UK police forces."

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1 Which I imagine accords with your understanding?
 2 **A. Yes.**
 3 Q. He then goes on to say in answer to the question what
 4 happened to it after it was sent to yourself:
 5 "Back in 2008 I entered all information received on
 6 to the database.
 7 "Who would you expect to receive these documents
 8 from?
 9 "The armourer, the chief firearms inspector ...
 10 "Why was it required?
 11 "We were requested to carry out this work for the
 12 ACPO Armed Policing Working Group and the pro forma was
 13 used to facilitate this."
 14 Are you able to assist with that?
 15 **A. Yes, I don't know if that is wholly correct. I recall**
 16 **HOSDB volunteering to provide this service and this**
 17 **database to mirror what their international colleagues**
 18 **were doing. This was more of an external focus so that**
 19 **if somebody in Canada for example was going to research**
 20 **a weapon or technology that was in use in the UK they**
 21 **could quickly check to see if it was there and make it**
 22 **that way, because there wasn't really a requirement for**
 23 **ACPO to manage or to need the information in that**
 24 **fashion.**
 25 Q. Right.

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1 **A. I think the point I make in my report, when you go back**
 2 **to the original document at 360, it says the manufacture**
 3 **and then, "... flameless expulsion CS canister".**
 4 **That may not ring any alarm bells with any people**
 5 **reading it, because that could well be a public order**
 6 **technology.**
 7 Q. A canister?
 8 **A. Yes, canisters are used in public order situations**
 9 **albeit they haven't been used for many, many years but**
 10 **they are in storage and CS is used in training**
 11 **situations occasionally.**
 12 **Having said that, if I had seen that I would have**
 13 **asked what it was, because I had never heard of it but**
 14 **perhaps that is just taking it too far. Of course this**
 15 **database doesn't say what that technology, what**
 16 **situations that technology is used in which would ...**
 17 Q. Moving forward, we know that the GMP armourer on
 18 20 December 2011 notified HOSDB of a leaking grenade,
 19 that is at V/723. I would like to look at this
 20 documentation with you, please. It should be the same
 21 bundle, V.
 22 THE CHAIRMAN: It will be a separate file.
 23 MS WHYTE: Sorry, mine is all in one.
 24 **A. It is a separate file.**
 25 **Yes, ma'am, I have it.**

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1 THE CHAIRMAN: Hang on, I haven't.
 2 Yes, thank you.
 3 MS WHYTE: The reply from HOSDB on page 723, on
 4 6 January 2012 copying ACPO_firearms.cos.HQ and
 5 HOSDBweaponsreport, says:
 6 "We recall having been contacted in the past
 7 regarding such products, we have not completed any work
 8 with them so our knowledge and advice is limited,
 9 neither have we been tasked by ACPO to do so. Our
 10 understanding is this is not adopted nationally but
 11 I have copied in ACPO armed policing in case they wish
 12 to take any further action."
 13 On that basis, I fully appreciate you were out of
 14 the chairmanship role by a long chalk by now, ACPO have
 15 been included in email communication about the use of
 16 a munition which has leaked on which HOSDB have not
 17 conducted any work.
 18 **A. Yes, ma'am.**
 19 Q. That would seem to be the sense of that, would you
 20 agree?
 21 **A. Yes, I would.**
 22 Q. The matter we then know was debated by ACPO on
 23 27 January 2012, because the further efforts of
 24 Mr Davies, through one of GMP's detective constables,
 25 has an action to confirm who was the chairman for the

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1 ACPO meeting at that stage and enquiries of
 2 a Sharon Pring, do you recognise that name?
 3 **A. Yes, I do. I actually recall seeing the email, the**
 4 **meeting was chaired by Mr John MacDonald.**
 5 Q. Mr MacDonald I think was the chair at the time and
 6 having scrutinised the minutes for 27 January, we can
 7 see that Mr Smith was there of the emails back in time
 8 about GMP proposed use of the canisters, Mr Dean, who
 9 was the author of the email just before and
 10 Mr MacDonald, the chairman.
 11 The upshot seems to have been CAST not having any
 12 expertise on the product, as we all now know, and the
 13 action was that Mr Dean was to respond to the GMP and
 14 refer them to the manufacturer, and:
 15 "... to suggest that they work closely with their
 16 catalogues in Sussex [Police presumably] to provide
 17 collective feedback. Mr Dean to advise if there was
 18 a national requirement for such equipment this should be
 19 passed through the ACPO regional representative."
 20 There the canister appears to be discussed by the
 21 ACPO firearms group in the full glare of it not being
 22 an authorised munition?
 23 **A. Yes.**
 24 **Although that is a subset of ACPO firearms, that is**
 25 **not the main ACPO firearms meeting by any means.**

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1 **Mr MacDonald was a police staff member in our**
 2 **department.**
 3 Q. Graham Dean in fact did -- just, sir, for your
 4 chronology, 722 to 723 -- notify the armourer at GMP
 5 that ACPO were aware that CAST had not done any work and
 6 advised GMP in accordance with those minutes to consult
 7 the manufacturer.
 8 **A. Yes, ma'am.**
 9 Q. By 2009 the situation seems to be that the NPIA were or
 10 should have been fully aware of GMP's use of this
 11 munition. It was openly disclosed on information going
 12 to a centrally held document that was supposed to inform
 13 the Home Office and, if necessary, ACPO. By 2012 there
 14 can be no doubt that ACPO, the NPIA and the Home Office
 15 Scientific Development Branch were aware of it and the
 16 fact that it had not been through an authorisation
 17 process?
 18 **A. I would disagree with the way you put parts of that,**
 19 **certainly that the -- that disclosure of the database**
 20 **I don't think is a document or a database designed to**
 21 **inform ACPO or the Home Office.**
 22 Q. Put the database to one side then.
 23 **A. But in broad terms I would agree with the other**
 24 **statements that you have made, and I can't explain why**
 25 **it was not taken further.**

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1 Q. There is absolutely no sense, is there, from any of
 2 those organisations, for reasons that we don't know,
 3 that accord with the very serious and real concern that
 4 you have helpfully expressed in your reports about this
 5 munition. There is no sense of that, is there?
 6 **A. No, I can't explain why that is the position.**
 7 Q. You cannot think why that might be?
 8 **A. No, ma'am.**
 9 Q. Thank you for that.
 10 Can I turn then to the issue of competency.
 11 I imagine we are agreed that in the absence of
 12 detailed central guidance about this, the impression
 13 given by your evidence is that there need to be policies
 14 and procedures within local forces for managing
 15 competency and that some aspects of that are essentially
 16 a matter of common sense. I think that was part of the
 17 sense of what you said.
 18 **A. Yes, ma'am, this is the review of any matter which might**
 19 **impinge upon an AFO or a commander's ability to carry**
 20 **out their duties or the implications, the wider**
 21 **implications, thereof.**
 22 Q. If common sense and potential local variation are
 23 denominators, do you agree that the discretion for
 24 example on CFIs, chief firearms instructors, will be
 25 informed by the following.

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1 The nature of any failure by an officer on a course
 2 and any communications from the course providers?
 3 **A. Yes, ma'am.**
 4 Q. The attitude of the individual AFO, his or her
 5 qualifications and experience as an AFO?
 6 **A. To an extent, yes ma'am.**
 7 Q. Well, some officers lack insight and that might be
 8 relevant to consideration of their competency I suppose,
 9 is that fair?
 10 **A. Yes.**
 11 Q. The discretion might depend in part, though should never
 12 be determined by a force's operational requirements. Is
 13 that fair?
 14 **A. Yes, ma'am.**
 15 Q. The discretion will also be informed by the individual
 16 views of, for example, the chief firearms instructor and
 17 possibly the head of the Firearms Unit, head of
 18 operations team, et cetera?
 19 **A. Yes, ma'am.**
 20 Q. Have I understood your evidence to be that because in
 21 your role as the ACPO PUF lead you were able to observe
 22 specialist training, that you feel quite well placed to
 23 express opinions on the course failures of officers such
 24 as X7 or Z15?
 25 **A. I think what I have said is that that has given me**

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1 **an insight into it, but I wouldn't propose myself as**
 2 **being an expert in the component parts of those courses**
 3 **or the impact thereof.**
 4 Q. No.
 5 Have I understood, I was not quite sure from what
 6 you said whether this was right so I would like you to
 7 just clarify it, that you followed live operations when
 8 you were conducting your role as umpire I think in
 9 relation to Uglow and Remount?
 10 **A. No, ma'am. I'm sorry, they are not live operations they**
 11 **are national exercises. They involve the deployment of**
 12 **large numbers of police and military, for example, but**
 13 **they weren't actual live operations. I have commanded**
 14 **live operations myself --**
 15 Q. Of course.
 16 **A. -- but those where I had the national exposure, they**
 17 **were large set piece exercises ranging over many days.**
 18 **They were not live operations.**
 19 Q. Thank you, that is very helpful.
 20 Would you agree that observing training is very
 21 different from receiving it in order to utilise it?
 22 **A. I would.**
 23 Q. And it is very different from providing it in order to
 24 assess someone's competence?
 25 **A. It is ma'am. I would add as well that I have obviously**

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1 **been a player in those training exercises myself as well**
 2 **and been tested in that environment.**
 3 Q. In some of them?
 4 **A. In some of them, as well, so I do know what it is like**
 5 **to be a student as well as what it is like to be**
 6 **a supporter, observer and assessor.**
 7 Q. In fairness though a student with -- I don't mean this
 8 disrespectfully at all -- none of the operational
 9 responsibility for replicating that training in a live
 10 firearms situation?
 11 **A. Sorry, I don't follow your point.**
 12 Q. You may well have played the role of a student in
 13 training, but in doing that, it was never for the
 14 intention of you actually performing anything like the
 15 role that a student would perform in the real firearms
 16 operational world?
 17 **A. I'm sorry, ma'am, yes it was. I was actually a student**
 18 **player for example at West Mercia one of the national**
 19 **Remount exercises held over many days, I was the senior**
 20 **police officer making all the decisions about whether to**
 21 **deploy the military, whether to intervene over a long**
 22 **period of time. So I have been a student in one of**
 23 **those exercises and I did actually then convey that into**
 24 **the operational environment. If I was tasked to do that**
 25 **I would have been the operational commander.**

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1 Q. That would be in a command role?
 2 **A. In a command role. I had to obviously to be an SFC and**
 3 **a commander, I had to go through the processes of**
 4 **training and assessment myself and accreditation, as**
 5 **well as having a national responsibility.**
 6 Q. Yes, I was more concerned with the situation of an AFO,
 7 such as those whose competency you have commented on?
 8 **A. I think that is a very fair reflection, in terms of**
 9 **AFOs. That is why I am very carefully saying in many of**
 10 **these issues that things need to be seriously considered**
 11 **and I am not applying my judgment in terms of what the**
 12 **decision should be.**
 13 Q. No.
 14 Do you agree with Mr Nutter that failure to achieve
 15 a pass for the extreme threat which is trained within
 16 the Met live fire CQC module doesn't automatically cause
 17 an officer's ability to carry out MASTS operations to be
 18 compromised?
 19 **A. I would, ma'am, but what I would say is that that**
 20 **statement doesn't at all affect the opinion that I have**
 21 **given that the nature of some of these failures means**
 22 **that they should be assessed by the force itself**
 23 **formally and not rely on the opinion of one individual**
 24 **outside of the training arena.**
 25 Q. Can we turn then to the individual officers that are of

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1 some relevance to this issue and go to X7 first, the
 2 OFC.
 3 **A. Yes, ma'am.**
 4 Q. Do you agree with Marcus Williams's observation in one
 5 of his statements that, whilst recognising absolutely
 6 the importance and integrity of complying with national
 7 mandatory command training, that in a larger urban
 8 force, partial non-completion of such a course might be
 9 less relevant because the officer in question is
 10 regularly deploying, whereas in a smaller force an OFC
 11 may not get as much operational exposure and practice
 12 and therefore might derive more, potentially, from
 13 refresher training than someone in a busy urban course?
 14 **A. I suppose, first of all, that relies upon the assumption**
 15 **that that larger force is doing it in accordance with**
 16 **national training and expectations. It could be the**
 17 **other way round. It could be that that force is not**
 18 **necessarily complying with the strict letter of national**
 19 **training, but what I would fully accept is that the fact**
 20 **that an officer has not completed the full training is**
 21 **not necessarily a significant issue. It could be that**
 22 **the chief firearms instructor for example could spend**
 23 **an hour with an individual and check their knowledge of**
 24 **certain issues, do a very quick file note and the matter**
 25 **is dealt with and resolved.**

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1 **For me it just needs to be carefully assessed, what**
 2 **did the individual miss, how relevant was it and how**
 3 **does that fit their current knowledge and operational**
 4 **capability?**
 5 **It is that quick assessment. I think it is**
 6 **dangerous just to say, "It is a big force therefore it**
 7 **is okay".**
 8 Q. No, I don't think that is what he was saying.
 9 **A. It could be that that is not necessarily the picture and**
 10 **you have to look at the individual and the issues that**
 11 **were missed.**
 12 Q. Do you agree that a CFI on receiving a student like X7
 13 back from failing an element of the CTSFO course in the
 14 Met would be entitled to set some store before receipt
 15 of the course materials on the communication coming back
 16 from the course providers? So if an email is sent or
 17 a telephone call is made, the CFI is entitled to bear in
 18 mind the contents of that of when deciding how best and
 19 when to proceed?
 20 **A. Yes, ma'am. That would inform the way forward, quite**
 21 **clearly.**
 22 Q. In relation to Mr Granby, the TFC, can I ask you if you
 23 know why it is that the joint services course that he
 24 attended in 2011 is not described as a pass/fail, it is
 25 a competent/not yet competent? Are you able to assist

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1 with why there is that distinction in performance?
 2 **A. I was not involved in the decision making, I can't tell**
 3 **you exactly why. I can tell you what the main**
 4 **considerations are for pass/fail courses.**
 5 **The fact that all the roles we have discussed are**
 6 **voluntary, if an officer is to attend a course and fail**
 7 **and that were to have an impact upon their standing role**
 8 **as a tactical firearms commander, I think you would have**
 9 **a reluctance from many people to put themselves through**
 10 **that test, because they are testing scenarios and**
 11 **situations.**
 12 **I think the terminology to me tells me that this is,**
 13 **"In this environment this individual is not competent,**
 14 **but it doesn't necessarily mean that they are not**
 15 **competent in their home role in their current police**
 16 **force".**
 17 Q. Is the reality of your answer that because it is,
 18 broadly speaking, voluntary continued professional
 19 development, that may explain the wording?
 20 **A. It may, but I wasn't party to the decision so I can't**
 21 **help you other than give that broad indication.**
 22 Q. Thank you.
 23 As I have understood your evidence, you have
 24 concluded that his failure was so significant and so
 25 fundamental to his role that serious consideration

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1 should have been given to removing him from his TFC
 2 duties?
 3 **A. Yes.**
 4 Q. In short, the failure was so obviously serious as to
 5 raise safety or operational concerns?
 6 **A. Yes. The wording, and I accept it is only the words**
 7 **that I have read, particularly on the handwritten**
 8 **feedback sheet that has come from that, the fact that**
 9 **an officer in this situation has not been able to apply**
 10 **the conflict management model and has demonstrated long**
 11 **periods of indecision, that is documented, that is never**
 12 **going to go away.**
 13 **Now my view is --**
 14 Q. You are answering a question -- I'm sorry to cut you
 15 off, but I think --
 16 **A. I'm sorry, I was trying to just justify my opinion.**
 17 Q. We will move on to whether and how it is justified in
 18 a moment. The question I was asking you is: you thought
 19 that it was obviously serious enough to raise safety or
 20 operational concerns?
 21 **A. Yes.**
 22 Q. And you have answered that, I think, "Yes".
 23 **A. Hmm.**
 24 Q. You say in paragraph 158 of your report that you agree
 25 that a not yet competent, and these are your words:

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1 "Doesn't necessarily negate the officer's existing
 2 accreditation as a force TFC."
 3 **A. Yes, ma'am.**
 4 Q. Actually the available literature at the time comes
 5 nowhere near that sort of approach to the issue. It is
 6 U/4 if anyone needs it and it is the letter from
 7 Mr Chesterman accompanying invitations for delegates to
 8 this course:
 9 "If the delegate is assessed as not meeting the
 10 required standard their existing accreditation will not
 11 be affected."
 12 That is how he chose to phrase himself at that
 13 point.
 14 **A. Yes.**
 15 Q. That is quite a long way, isn't it, from the way you
 16 have chosen to express yourself, which is you agree that
 17 a not yet competent does not necessarily negate the
 18 accreditation. Mr Chesterman is saying, and we will
 19 come on to the nuances of it, it doesn't?
 20 **A. Yes, ma'am. Would you like me to explain why I say**
 21 **that?**
 22 Q. Not yet, but I will allow you to -- don't worry, there
 23 will be no difficulty in you saying what you want to say
 24 about this.
 25 The small print on the cause materials, which is U/8

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1 for anyone that needs them, is this. This was not
 2 qualified by Mr Chesterman, but it is on the notes:
 3 "If a critical issue arises which raises safety or
 4 operational concern, this will be notified to the chief
 5 officer of the force."
 6 That is pretty clear, isn't it?
 7 **A. Yes, ma'am.**
 8 Q. Would you agree that someone reading those materials in
 9 2011 would think, "Well ordinarily, someone not quite up
 10 to scratch on this course or not at all up to scratch
 11 will not have their accreditation affected, but if there
 12 is a critical issue which raises safety or operational
 13 concerns, that needs to be notified immediately", with
 14 the clear implication that a review needs to be take
 15 place?
 16 **A. Ma'am.**
 17 Q. Is that what you were in effect trying to say when you
 18 used your choice of words in paragraph 158 of your
 19 report?
 20 **A. I think what I am saying is, I do disagree with the**
 21 **wording of Mr Chesterman's letter, unusually in terms of**
 22 **his position and his opinions, on the basis I would say**
 23 **from a common sense point of view quite often people**
 24 **have a disaster on a course, it happens.**
 25 Q. They have a?

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1 **A. A disaster on a course and things go badly. That is**
 2 **documented. That is disclosable and that is disclosable**
 3 **in proceedings like this.**
 4 **Sometimes that might be a bad performance because**
 5 **they can't deliver those sort of decisions anymore or it**
 6 **could be for a short-term issue. My position is that no**
 7 **it doesn't necessarily negate their existing**
 8 **accreditation, but when something happens that is**
 9 **documented in a way that would raise concerns in the**
 10 **mind of a reasonable observer, my view is that what has**
 11 **to happen is a common sense detailed review of that**
 12 **person's situation.**
 13 **So there is a reasoned decision.**
 14 **I haven't articulated a view further than that, but**
 15 **I view that serious consideration should have been given**
 16 **and whatever the decision, therefore, would have been**
 17 **documented and it would perform the function of an audit**
 18 **trail to justify the force's position.**
 19 **I don't think there should be a passive stance in**
 20 **relation to these issues, I think it should be**
 21 **considered.**
 22 Q. You accept that the course providers for this particular
 23 course are highly specialised practitioners?
 24 **A. Yes, ma'am.**
 25 **I have to caveat this because this is -- one of my**

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1 **strong points in relation to these issues is: they are**
 2 **but they are not necessarily strategic decision makers**
 3 **in relation to the running of a police force.**
 4 Q. They do know from the notes that they are under
 5 an obligation to notify a chief officer if matters are
 6 of sufficient severity that it raises issues of safety
 7 or operations?
 8 **A. Sometimes --**
 9 Q. They are qualified to do that, aren't they?
 10 **A. Sometimes a person's performance may well be an issue**
 11 **that doesn't affect their competence in relation to them**
 12 **being a firearms commander, but because of what has**
 13 **happened, the force might deem them inappropriate to**
 14 **carry out that function for a period of time.**
 15 Q. The course providers, Mr Arundale, would be well aware,
 16 wouldn't they, of the nature of Mr Granby's performance,
 17 because they have assessed it, and they would be well
 18 aware of how it fell short, because they have assessed
 19 that, and they would also be well aware of his role
 20 within GMP?
 21 **A. They would be, but they may not be aware of the**
 22 **implications of that handwritten document being**
 23 **disclosed in subsequent proceedings if an incident**
 24 **resulted in an untoward occurrence.**
 25 Q. Is this another potential issue where you are applying

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1 hindsight, despite battling in a most professional way
 2 not to?
 3 **A. I think I am applying the considered view of a senior**
 4 **police officer and some of this overlays the issue of**
 5 **firearms command, it is decision making in relation to**
 6 **the running of a police force and maintaining public**
 7 **confidence. Sometimes decisions have to be made which**
 8 **take into account the wider issues of an individual's**
 9 **performance, not necessarily their strict competence.**
 10 Q. Do you agree with Mr Whittle, 19 April of this year,
 11 page 179, that if your view about this were correct, he
 12 would have expected the course providers to contact him
 13 and describe the critical issues?
 14 **A. I think that with hindsight in relation to this,**
 15 **a couple things have been picked up and I am not the**
 16 **only person that has made this observation in relation**
 17 **to Mr Granby's performance. There should be formal**
 18 **mechanisms for independent referral directly to a chief**
 19 **firearms instructor and the chief firearms instructor**
 20 **should make sure that considered decisions are made,**
 21 **including the strategic assessment of any feedback on**
 22 **a fail.**
 23 Q. Do you agree that someone in the position of Mr Lawler
 24 would be well situated to assess the circumstances of
 25 Mr Granby's attendance and continuing suitability?

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1 **A. I make no observations in relation to Mr Lawler as**
 2 **an individual, but I would normally expect a person**
 3 **holding that position to give an informed assessment of**
 4 **how high up the organisation the decision should go.**
 5 **I don't refer that answer to Mr Lawler, to the post.**
 6 Q. He had done the course, which helps, doesn't it?
 7 **A. It does in relation to the firearms command issues, but**
 8 **not necessarily the wider implications.**
 9 Q. Indeed the guidance has changed since 2011, U/56. The
 10 2015 literature said:
 11 "Where a delegate is deemed not to have achieved the
 12 necessary standard of occupational competence to be
 13 accredited as a specialist firearms commander their
 14 existing command accreditation will not ordinarily be
 15 affected. Where, however, a delegate's is deemed to be
 16 so far below the required standard that there are
 17 concerns related to operational competency, the matter
 18 will be referred to the senior responsible officer for
 19 the force or agency."
 20 That again suggests that one of the index markers
 21 for failure connects the course provider to the local
 22 force?
 23 **A. Yes, ma'am.**
 24 Q. Mr Chesterman's letter, U/63, in 2016 said:
 25 "The SFC DP has historically been considered to be

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1 continued professional development, therefore without
 2 consequence in terms of existing command accreditation.
 3 Where a TFC candidate is unsuccessful there are a number
 4 of potential assessment outcomes. That outcome,
 5 together with the recommendation regarding future
 6 deployment as a TFC, will be communicated to their force
 7 agency armed policing portfolio holder and CFI. Any
 8 decision regarding operational deployment remains with
 9 the force."
 10 That again, even a year on, in 2016, places a firm
 11 responsibility on the course provider to alert the local
 12 force to a critical issue?
 13 **A. Yes, ma'am. I think you said it was the armed policing**
 14 **portfolio holder, so that would mean the referral to the**
 15 **chief officer in the force, which would allow for**
 16 **strategic consideration of any issues.**
 17 Q. Having performed, and again no disrespect at all to the
 18 nature of your exercise, a paper exercise, on reviewing
 19 the performance of a person by reading their course
 20 notes, you say in paragraph 161 of your report:
 21 "I can state that this should have been brought to
 22 the immediate attention of the chief officer or
 23 nominee."
 24 You appear to be, as it were, knowing better than
 25 the course providers in 2011 who were aware that they

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1 needed to do that if they thought it was necessary?
 2 **A. I am not suggesting that. I am just suggesting from my**
 3 **background and experience I think that was appropriate.**
 4 Q. Well, you are, because you say:
 5 "I can state this should have been brought to the
 6 attention ..."
 7 In fairness, Mr Arundale, you saying that. So you
 8 are, having read some course notes years down the line,
 9 purporting to know better than the very people who
 10 assessed Mr Granby in the course in 2011?
 11 **A. I think I am being clear in stating that as a chief**
 12 **officer in charge of a firearms portfolio in a force**
 13 **I would expect that documentation to be put before me so**
 14 **I could make a reasoned decision.**
 15 Q. I think you might disagree with me then that that might
 16 just be another example of a Utopian air to your view?
 17 **A. I hope it is not.**
 18 Q. Finally, I would just like to make sure I understood
 19 some of the information you provided about your
 20 background and experience. I would like to make it
 21 abundantly clear, both to you and to the chairman, that
 22 this is not some sort of backdoor way of suggesting that
 23 you are not qualified to provide the opinions that you
 24 have. You manifestly are and I wish to make that clear.
 25 **A. Ma'am.**

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1 Q. When you were in a non-firearms operational role,
 2 I think you described you had some investigative
 3 experience towards the beginning of your career, and you
 4 explained that you had investigated armed robberies and
 5 the like. Were those sort of investigations reactive
 6 investigations once the robbery had taken place, or were
 7 they the Shire type?
 8 **A. They would have been mainly reactive, in the main.**
 9 Q. In terms of the firearms training unit in South Wales
 10 and Dyfed, what sort of size were they at the time you
 11 were working there?
 12 **A. When you say size, numerically or --**
 13 Q. A broad sense of it will be more than adequate.
 14 **A. I can't recall in terms of numbers. But you could**
 15 **probably say I think South Wales was probably the eighth**
 16 **or ninth largest force in the country, so within the top**
 17 **quarter. Dyfed-Powys is extremely small, South Wales**
 18 **where my experience was.**
 19 Q. The league table approach that you have helpfully
 20 adopted, where would Dyfed come?
 21 **A. That is going to be right down the bottom.**
 22 Q. So at a different end of business?
 23 **A. I want to make it clear that I don't profess to have**
 24 **experience in a force the same as GMP, you know that**
 25 **from the outset.**

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1 Q. It is just that that I would like to explore in a little
 2 more detail.
 3 How does it follow from what you have said that you
 4 have never been in the situation of a detective like
 5 Mr Cousen acting as an SIO on a job like Shire?
 6 **A. I have done crimes and actions as a detective, but not**
 7 **an Operation Shire type incident as a detective. I have**
 8 **as a strategic commander, but not as a detective.**
 9 Q. Not a very elegantly phrased question, but roughly how
 10 many Shires did you command in respect of firearms
 11 deployments as a TFC? By which I mean months-long
 12 running covert investigation into multiple organised
 13 criminal suspects involving the type of intelligence
 14 gathering that you have seen in this case?
 15 **A. Again, it is very difficult to give you numbers.**
 16 Q. Of course.
 17 **A. Because of course TFCs drift in and out of these**
 18 **according to their availability, like this was**
 19 **Mr Granby's first exposure to Shire I believe on the**
 20 **3rd.**
 21 Q. But not to cases like Shire I think he said.
 22 **A. I can't give you a number. I am not suggesting they are**
 23 **huge vast numbers and of course it is a different era in**
 24 **terms of my TFC experience and resources available.**
 25 Q. I would like to press you just a little on that.

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1 **A. Yes.**
 2 Q. I fully understand it is quite some time ago now, and
 3 no one can expect you to remember precise numbers. Is
 4 it likely to be less than 10, more than 50, are you able
 5 to assist in that way at all?
 6 **A. I find it very difficult to say, because a lot of the**
 7 **stuff I have dealt with is drugs work primarily rather**
 8 **than armed criminality but armed criminality in terms of**
 9 **this type of suspected offence was part of it.**
 10 **Sorry, I find it very difficult to give numbers.**
 11 Q. Right.
 12 **A. If I can just perhaps help explain, most of the time,**
 13 **I was abstracted from normal duty to perform TFC duties**
 14 **so that for a block of 12 hours that would be all you**
 15 **would be doing, you wouldn't be distracted. You would**
 16 **carry effectively all the force responsibilities at that**
 17 **time and drift in and out of these issues across**
 18 **South Wales.**
 19 **But perhaps the easiest things, if this is the point**
 20 **you were getting to. No, it was not Greater Manchester.**
 21 **It was a different environment with different**
 22 **challenges.**
 23 Q. I think everybody fully understands that.
 24 When you were a TFC in South Wales, you described
 25 yourself as one of a small number --

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1 **A. Yes.**
 2 Q. -- of trained silvers, is that because the cadre was
 3 small owing to the threat faced by the force in its
 4 operational requirements?
 5 **A. It was a conscious decision on the force I think to have**
 6 **a smaller number, because of the training requirements**
 7 **and the need to keep people current. So a relatively**
 8 **small number of people, and the force's requirement was**
 9 **24 hours.**
 10 Q. Right.
 11 **A. I am sure, like GMP, so to manage that abstraction**
 12 **a relatively small number at that time were qualified.**
 13 Q. I think, please correct me if I am wrong, you referred
 14 during that phase, the 1995 to 2000 silver phase in
 15 South Wales as being one where you were involved in
 16 I think over 100 deployments?
 17 **A. Yes, not just firearms but a silver commander, of course**
 18 **there is a wider issue there.**
 19 Q. Of those, given that you have been able to provide
 20 a sort of guide numerically, how many do you think would
 21 have been pre-planned MASTS deployments?
 22 **A. That would have been a small proportion.**
 23 Q. What does that mean, please?
 24 **A. It is hard to say. It is going to be a small proportion**
 25 **of firearms deployments that are pre-planned in this**

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1 **fashion, in terms of crimes in action. A lot of them**
 2 **would have been pre-planned firearms incidents of**
 3 **a different fashion, but I can't at this point in time**
 4 **give you numerical details.**
 5 Q. Accepting that you cannot provide any details, are you
 6 able to give any sense of how many involved
 7 non-compliance of subjects during a pre-planned MASTS?
 8 **A. It depends what your definition of "non-compliance" is,**
 9 **that is a term that has been used here but I am not**
 10 **quite sure what you mean by non-compliant, because**
 11 **non-compliant is generally used to indicate somebody who**
 12 **is not complying with instructions, rather than somebody**
 13 **who is an active violent aggressor.**
 14 Q. Somebody not complying with instructions.
 15 **A. I think it is a fairly common things in policing, in all**
 16 **policing operations --**
 17 Q. I am sure it is in policing, in terms of pre-planned
 18 MASTS operations when you were a silver, I am trying to
 19 get a sense of what experience you have.
 20 **A. I'm sorry, I can't take you into the details of that.**
 21 **I do not have a recollection of the fine detail of those**
 22 **incidents. Of course I would have been at the scene,**
 23 **ma'am, so I can't recall fine detail.**
 24 Q. Alright.
 25 Moving on to your experience as a gold/strategic

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1 firearms commander, this was in an entirely different
 2 force, West Mercia?
 3 **A. Yes, ma'am.**
 4 Q. That is a force I think which covers parts of
 5 Herefordshire, Shropshire and Worcestershire, is that
 6 right?
 7 **A. Yes, Telford and the Wrekin as well.**
 8 Q. And Telford and the Wrekin, yes. The largest city
 9 being, help us?
 10 **A. Worcester.**
 11 Q. Worcester probably.
 12 You have described how West Mercia had a MASTS
 13 capability that was unique outside of the Met.
 14 **A. I believe it was, inasmuch as the surveillance officers**
 15 **were specialist firearms officers, so we had**
 16 **an integrated MASTS and firearms capability.**
 17 Q. Yes.
 18 **A. Which is somewhat slightly different to GMP.**
 19 Q. Yes. I think you described that as an "enhanced
 20 capability"?
 21 **A. I might have used that word, yes.**
 22 Q. You did.
 23 I just wondered why a force like West Mercia, just
 24 help us, would have that and no other force?
 25 **A. Right, I can't tell you of the decisions that led to it**

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1 **because it was before my time, before I went there, but**
 2 **clearly there was deemed to be an operational**
 3 **requirement for it. There was clearly a desire for West**
 4 **Mercia to be a centre of excellence in relation to armed**
 5 **policing, because it held a national firearms school and**
 6 **had held the national secretariat for many years.**
 7 Q. Yes.
 8 **A. So I can't really tell you the origins of that. What**
 9 **I can tell you is that it did provide a tactical**
 10 **capability which led to a significant range of options**
 11 **for firearms commanders.**
 12 Q. I wanted to know were the officers doing that conducting
 13 surveillance at the same time as acting as MASTS armed
 14 officers?
 15 **A. They had that capability but they could also deploy in**
 16 **the sense of MASTS as has been described in this room as**
 17 **well.**
 18 Q. Is it possibly that West Mercia had that capability
 19 because the operational requirements of the force didn't
 20 support a large number of dedicated full time firearms
 21 officers and therefore it was sensible to have them
 22 multitasking I suppose and being able to conduct
 23 surveillance as well?
 24 **A. These were full time.**
 25 Q. They were all full time AFOs?

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1 **A. This was a complete full time capability.**
 2 **Perhaps the easiest way of describing it, if you**
 3 **could imagine the GMP TFU also been surveillance trained**
 4 **as well.**
 5 Q. Yes. Sometimes conducting those roles in isolation,
 6 potentially, so you might have an AFO but on
 7 a particular day he or she is simply conducting
 8 surveillance, is that possible?
 9 **A. It is possible, but there was an additional surveillance**
 10 **capability as well within the force. This was the high**
 11 **end stuff as well.**
 12 Q. Yes, but you don't know what it was about the
 13 operational requirements of West Mercia --
 14 **A. I was not part of the original decisions to set it up,**
 15 **no, ma'am. I can't help you with that.**
 16 Q. In relation to your firearms commander experience as
 17 a gold commander or strategic commander. You said that
 18 you commanded the majority of the critical operational
 19 incidents that occurred within that force area?
 20 **A. Yes, ma'am.**
 21 Q. I think when you were asked why that was, as I have
 22 understood your answer, it was effectively that you were
 23 the go to effective commander for that region. Is that
 24 a fair summary?
 25 **A. I am not saying for the region, ma'am, not at all. For**

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1 **the force.**
 2 Q. That is what I mean. The force, yes.
 3 How many other SFCs were there in West Mercia during
 4 the time of your role there in --
 5 **A. Normally there would have been three. I think for some**
 6 **of the time there would have been a fourth as well.**
 7 Q. They would presumably need experience and development in
 8 their role?
 9 **A. Yes. Yes.**
 10 Q. Which would mean that they would need to conduct that
 11 role every bit as much as you?
 12 **A. Yes. Yes, ma'am.**
 13 Q. Again I am going to ask you the question and hopefully,
 14 because it is more recent, it might be fresher in your
 15 mind. Roughly how many pre-planned MASTS deployments do
 16 you think you would have conducted in your role as gold
 17 in West Mercia?
 18 **A. Again, it would be foolish to try and put a number on it**
 19 **but it was a fairly frequent occurrence, but nowhere**
 20 **near of the level of GMP.**
 21 Q. Or the type of criminal?
 22 **A. I accept that was the case on some occasions, or perhaps**
 23 **the frequency, ma'am. There was occasions when we**
 24 **deployed against very heavy top end armed criminality,**
 25 **but not necessarily to the frequency in GMP, ma'am.**

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1 Q. The STRA, if I can put it that way, in 2007 would look
 2 very different, wouldn't it for West Mercia --
 3 **A. Yes, ma'am, it would.**
 4 Q. -- than for Greater Manchester.
 5 In terms of your role as the Armed Policing Working
 6 Group lead, can I ask you this: what was the selection
 7 process, how do you come to be selected or elected to
 8 chair a group like that?
 9 **A. First of all there is a national advert for it, there is**
 10 **a request for those expressions of interest and there is**
 11 **the appointment -- it might have been at that time all**
 12 **of the ACPO members or chief constables' council,**
 13 **I can't recall over the years. There was an application**
 14 **process for it, but --**
 15 Q. A competitive process?
 16 **A. Yes, ma'am, I can't recall --**
 17 Q. The details?
 18 **A. -- the details of who else put themselves up for it.**
 19 Q. Your predecessor and your successor by the sounds of it
 20 came from the same force?
 21 **A. Yes, ma'am. They did.**
 22 Q. Is that simply because of the firearms emphasis that
 23 West Mercia has in terms of the school or is there any
 24 other explanation?
 25 **A. That was one part of it, but I think the other issue was**

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1 **the force and particularly the police authority**
 2 **pre-approved that if an individual was appointed to**
 3 **a national role they would support the cost and the**
 4 **abstraction, because the firearms secretariat, the armed**
 5 **policing secretariat, was funded in its entirety by West**
 6 **Mercia as well. As part of the force's decision to try**
 7 **and become and maintain being a centre of excellence in**
 8 **armed policing, the secretariat was there and they would**
 9 **support a chief officer doing that, which not many**
 10 **forces would do.**
 11 Q. From your unique vantage point of having held that role,
 12 are you able to tell us how many other forces would have
 13 had a dedicated SOP for MASTS by late 2011?
 14 **A. I can't, ma'am.**
 15 Q. You don't know, fair enough. I take it from that that
 16 you wouldn't know how GMP's MASTS capability compared to
 17 that of other forces at that time?
 18 **A. No, I wouldn't in detail, ma'am, no.**
 19 Q. I think the NPJA would be represented on the ACPO PUF
 20 working group; is that right?
 21 **A. They were, yes.**
 22 Q. And would attend meetings?
 23 **A. Yes, ma'am.**
 24 Q. Would that be people like Mr Alder and Mr Latto from
 25 a training point of view --

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<p>1 A. They would be there occasionally, but it would normally 2 be the person who was their line manager. 3 Q. Thank you. 4 Finally, in terms of organisational culture, you 5 deal with this in the body of your first report at 6 paragraph 622. I think that in terms of the 7 commissioning of reviews after the incident in Culcheth 8 on 3 March, you considered having looked at the 9 paperwork, although you might have disagreed with some 10 of the conclusions, some aspects of some of the 11 conclusions, you thought that the process itself 12 indicated a very positive commitment to searching for 13 the truth and promptly making informed decisions -- 14 A. Yes, ma'am, I did. 15 Q. -- about the continuing status of key individuals 16 involved, as well as identifying any matters that needed 17 urgent and immediate attention? 18 A. Yes, ma'am. 19 Q. Does that remain your view? 20 A. Yes, ma'am. 21 MS WHYTE: Thank you, Mr Arundale. 22 MR BEER: Sir, in the light of the very modest challenges 23 made to Mr Arundale's core conclusions I don't have any 24 questions for him. 25 THE CHAIRMAN: No.</p> <p style="text-align: center;">Page 101</p>	<p>1 THE CHAIRMAN: Yes. 2 MR BEER: There is also provision made in the letter for 3 closed submissions to be made by the National Crime 4 Agency and GMP on the second day. 5 THE CHAIRMAN: Yes. 6 Thank you very much, Mr Beer. 7 Thank you. There is one particular point I wanted 8 to raise very quickly with Mr Davies actually. 9 MR BEER: Yes. 10 THE CHAIRMAN: Mr Davies, this is not to put you under any 11 kind of pressure at all, just to ask for information. 12 MR DAVIES: Of course. 13 THE CHAIRMAN: It has just occurred to me that I ought to 14 check this with you. 15 In the light of the answers which were provided by 16 Mr Arundale to your questioning in relation to the 17 matter over which we had some legal submissions, do you 18 take the view that it still remains necessary for me to 19 provide detailed reasons for the ruling I gave at the 20 time? 21 MR DAVIES: No, I don't. If I am candid about it. 22 THE CHAIRMAN: Thank you very much, Mr Davies. 23 All right. Are there any other administrative 24 matters that need to be raised at this stage? 25 MR DAVIES: Can I make one observation.</p> <p style="text-align: center;">Page 103</p>
<p>1 Thank you. 2 Thank you very much, Mr Arundale, for assisting this 3 Inquiry and this business. 4 That is the end of your evidence. Thank you. 5 A. Thank you, sir. 6 Housekeeping 7 MR BEER: Sir, that concludes the oral evidence at this 8 stage of the Inquiry. 9 THE CHAIRMAN: Yes. 10 MR BEER: The next stage of the Inquiry is closing 11 submissions. 12 We circulated a letter on 22 February this year 13 saying that it was anticipated that the Inquiry would 14 hear its last day of oral evidence today and therefore 15 written submissions would be due by 4.00 pm on 12 May. 16 THE CHAIRMAN: Yes. 17 MR BEER: That is 14 days from now. 18 They will be cross circulated by the Inquiry to each 19 of the other core participants and there is to be 20 a hearing commencing at 10.00 each day on 17 and 18 May 21 of this year. 22 THE CHAIRMAN: Yes. 23 MR BEER: The letter of 22 February sets out the order in 24 which core participants are to make their submissions 25 and imposes time limits on each of them.</p> <p style="text-align: center;">Page 102</p>	<p>1 Can I say for the record of course, there were legal 2 submissions wholly in the absence of Mr Arundale. 3 THE CHAIRMAN: Yes. 4 MR DAVIES: It may not have been apparent that that was the 5 case and when he was questioned by me as to that narrow 6 issue, of course he was not aware of the content of the 7 legal argument. 8 THE CHAIRMAN: No, quite. 9 MR DAVIES: I raise nothing else. Thank you. 10 THE CHAIRMAN: Thank you, Mr Davies. 11 Mr Beer, that we have been able to complete the 12 process of receiving oral evidence in complete 13 accordance with your planned schedule, our planned 14 schedule, is in my view testimony to the efficiency and 15 to dispatch with which all counsel above all, and I know 16 why others will understand why I say this, yourself and 17 Ms Cartwright but all counsel have approached their 18 tasks. 19 I am grateful to all of them, but particularly to 20 you and Ms Cartwright because you have borne by far the 21 heaviest burden. I do want to place on public record my 22 conviction that you have undertaken your task of 23 presenting, probing and where appropriate challenging 24 the evidence in a scrupulously fair and even-handed way. 25 I should also like finally to thank Mrs Shaw,</p> <p style="text-align: center;">Page 104</p>

1 Mrs Curran, Mr Moon, Mr Morris and all the other members
 2 of the Inquiry's team.
 3 That is all I wish to say at this stage on that
 4 topic.
 5 MR BEER: Thank you very much, sir. That is very generous.
 6 We will see you on the 17th.
 7 THE CHAIRMAN: Thank you very much. We adjourn until the
 8 next hearing on the 17th.
 9 Thank you.
 10 (1.06 pm)
 11 (The Inquiry adjourned until 10.00 am on Wednesday,
 12 17 May 2017)
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