

<p>1 Friday, 16 February 2018 2 (10.30 am) 3 THE CHAIRMAN: Yes, Mr Beer. 4 MR BEER: Good morning, sir. Kevin Nicholson and 5 Richard Bennett, please. 6 MR KEVIN NICHOLSON (sworn) 7 MR RICHARD BENNETT (sworn) 8 Questions from MR BEER 9 THE CHAIRMAN: Please sit down, both of you. 10 MR BENNETT: Thank you, sir. 11 MR NICHOLSON: Thank you, sir. 12 MR BEER: Mr Nicholson and Mr Bennett, which way round is 13 it? 14 MR NICHOLSON: Mr Nicholson. 15 MR BENNETT: Mr Bennett. 16 MR BEER: My name is Jason Beer and I ask questions on 17 behalf of the Inquiry. 18 There should be a bundle to your right-hand side 19 entitled Z1, highlighted "Z1 redacted statements". 20 MR BENNETT: Yes. 21 MR BEER: Can you please, Mr Nicholson, look at that, first, 22 and turn up pages 115 onwards. You should have 114 23 right up until 181, a witness statement in your name; is 24 that right? 25 MR NICHOLSON: That's correct, sir, yes.</p> <p style="text-align: center;">Page 1</p>	<p>1 MR NICHOLSON: Yes, sir. 2 MR BEER: The APP for armed policing. 3 MR NICHOLSON: Yes, sir. 4 MR BEER: And the licensing of UK police forces to deliver 5 firearms training, including less lethal weapons 6 training; is that right? 7 MR NICHOLSON: Yes, it is. 8 MR BEER: The College, itself, is responsible for the 9 content of the APP armed policing and the curriculum. 10 MR NICHOLSON: That's right, yes. 11 MR BEER: Thank you. 12 Your statement is, I think, provided in answer to 13 the Inquiry's note, not just on behalf of the College, 14 but on behalf of the NPCC's national armed policing 15 portfolio; is that right? 16 MR NICHOLSON: Yes, it is. 17 MR BEER: Thank you. 18 Mr Bennett. 19 MR BENNETT: Yes. 20 MR BEER: You are, I think, the head of the uniformed 21 policing faculty at the College of Policing. 22 MR BENNETT: That's correct, sir. 23 MR BEER: You have held that function since May 2015? 24 MR BENNETT: That's correct, sir. 25 MR BEER: You were previously an ACC with Thames Valley</p> <p style="text-align: center;">Page 3</p>
<p>1 MR BEER: Is that your signature on 181? 2 MR NICHOLSON: It is, sir, yes. 3 MR BEER: Are the contents of that statement true to the 4 best of your belief? 5 MR NICHOLSON: Yes, they are. 6 MR BEER: Thank you. I think you are a retired chief 7 inspector of the Metropolitan Police; is that right? 8 MR NICHOLSON: Yes. 9 MR BEER: You retired in 2015. 10 MR NICHOLSON: Yes. 11 MR BEER: You are currently the firearms lead within the 12 specialist operations faculty at the College of 13 Policing; is that right? 14 MR NICHOLSON: Yes, sir, that's right. 15 MR BEER: You had, I think, been there on secondment for 16 about 10 years before you retired from the MPS in 2015; 17 is that right? 18 MR NICHOLSON: Yes. It is, sir, yes. 19 MR BEER: So you had been with the College and its 20 predecessor organisations for 17/18 years now. 21 MR NICHOLSON: About 13. 22 MR BEER: 12/13, thank you. 23 Since 2015, I think you have been responsible for 24 managing the team, responsible for the national police 25 firearms training curriculum.</p> <p style="text-align: center;">Page 2</p>	<p>1 Police; is that right? 2 MR BENNETT: That's correct. 3 MR BEER: Your work with the College includes oversight 4 relating to firearms and less lethal weapons, and you 5 are authorised to speak today on behalf of the College 6 in relation to those matters. 7 MR BENNETT: That's correct, sir. 8 MR BEER: Now, I don't think you made a witness statement, 9 but you jointly authored a letter. If you just turn it 10 up in that bundle, please, at pages 106 and 107; is that 11 right? Is that your letter? 12 MR BENNETT: It is. That is my letter. 13 MR BEER: I think it is right, isn't it, that letter 14 enclosed the witness statement of Mr Nicholson? Did you 15 see the witness statement of Mr Nicholson before it went 16 out? 17 MR BENNETT: I did. 18 MR BEER: Did you approve the contents of it, insofar as 19 they were within your knowledge? 20 MR BENNETT: That's correct, yes. I did. 21 MR BEER: Good. 22 It's slightly unusual you are sitting in a jury box 23 and there are two of you. I am going to ask questions 24 that if I think one of you knows the answer better than 25 the other, I will direct it to him, using your name.</p> <p style="text-align: center;">Page 4</p>

<p>1 Sometimes I won't know and I will direct it to both of 2 you. If you work out between yourselves who is best 3 answering, then do that, please. Sometimes it will be 4 both of you and just do it sequentially; okay?</p> <p>5 MR NICHOLSON: Thank you.</p> <p>6 MR BENNETT: Yes.</p> <p>7 MR BEER: Can I start, please, with the issue of previous 8 inquiries, investigations and inquests, arising from the 9 discharge of firearms by police officers resulting in 10 fatalities.</p> <p>11 I think you will both realise that there have been 12 a number of previous investigations, inquiries and 13 inquests where that issue has arisen; is that right, 14 both of you?</p> <p>15 MR NICHOLSON: Yes.</p> <p>16 MR BENNETT: Yes.</p> <p>17 MR BEER: Do you both understand that, in some of those 18 inquiries and inquests, recommendations have been made 19 or the equivalent to recommendations.</p> <p>20 MR BENNETT: Yes.</p> <p>21 MR NICHOLSON: Yes.</p> <p>22 MR BEER: So are you each familiar with, for example, the 23 Azelle Rodney Inquiry?</p> <p>24 MR NICHOLSON: Yes, sir, I am.</p> <p>25 MR BENNETT: Not in a great deal of detail in my case.</p> <p style="text-align: center;">Page 5</p>	<p>1 MR BEER: Now, if we just look at some papers on that, in 2 the folders -- and I think, Mr Bennett, unfortunately, 3 you are going to have to act as usher on this -- it is 4 Z2 and I think it will be the last volume of Z2, so 5 pages 1622 onwards. 1622, which is probably nearly at 6 the back.</p> <p>7 I don't know whether you have that, sir?</p> <p>8 THE CHAIRMAN: I am sure I have it. I don't know that I 9 have it in numbered -- it is here. It's fine. Thank 10 you.</p> <p>11 MR BEER: Sir, 1622, please.</p> <p>12 THE CHAIRMAN: Thank you.</p> <p>13 Yes, thank you.</p> <p>14 MR BEER: Just to familiarise ourselves with what this is --</p> <p>15 THE CHAIRMAN: Yes. I have read this, yes.</p> <p>16 MR BEER: Thank you, sir.</p> <p>17 This is a document, I think, produced by the 18 Metropolitan Police Service, published by the Rodney 19 Inquiry, on 3 June 2014, and it is a schedule or table 20 which sets out, in the first column, the Azelle Rodney 21 Inquiry report paragraph numbers; in the second column, 22 the relevant recommendation that the Rodney Inquiry made 23 and then, thirdly, the Met's response to it; yes?</p> <p>24 MR NICHOLSON: Yes, sir.</p> <p>25 MR BEER: Just to get some background, some introduction,</p> <p style="text-align: center;">Page 7</p>
<p>1 MR BEER: Right.</p> <p>2 Mr Nicholson, were you familiar with the series of 3 recommendations that were made as a result of the Rodney 4 Inquiry?</p> <p>5 MR NICHOLSON: I was familiar with them at the time, sir, 6 yes.</p> <p>7 MR BEER: Okay.</p> <p>8 Have you both heard of the Mark Duggan Inquest?</p> <p>9 MR BENNETT: Yes, I have heard of that. I have heard of the 10 Inquest, yes.</p> <p>11 MR NICHOLSON: Yes.</p> <p>12 MR BEER: Were you each aware of what is called a PFD 13 report, a prevention of future death report, that was 14 made by the coroner hearing the Mark Duggan inquest?</p> <p>15 MR NICHOLSON: Yes.</p> <p>16 MR BENNETT: I can't say I have seen the detail of that 17 report.</p> <p>18 MR BEER: Okay.</p> <p>19 Maybe with that background then, Mr Nicholson first.</p> <p>20 Were you aware, or are you aware, that Mr Chesterman was 21 commissioned by an assistant commissioner in the Met, 22 Mark Rowley, to conduct a review of what was known as 23 Operation Tayport, which was the Metropolitan Police 24 operation in the course of which Mr Rodney died.</p> <p>25 MR NICHOLSON: Yes, I was.</p> <p style="text-align: center;">Page 6</p>	<p>1 I just want to look at the first box on the right-hand 2 side, under "Actioned". He, Mr Rowley says:</p> <p>3 "As you will recall, I commissioned DCC Chesterman 4 to conduct a review of Operation Tayport and provided 5 you with the executive summary of his findings.</p> <p>6 Following a meeting at New Scotland Yard, you [that is 7 Sir Christopher Holland] asked me to appoint a senior 8 MPS officer to look at your recommendations and stated 9 you did not consider DCC Chesterman's report sufficient 10 for purpose of the review of Operation Tayport. I made 11 the point my concern was to ensure that Operation 12 Tayport was examined independently and the national lead 13 for armed policing seemed wholly appropriate."</p> <p>14 That is Mr Chesterman; yes?</p> <p>15 MR NICHOLSON: Yes.</p> <p>16 MR BEER: "The national lead, DCC Chesterman, worked with 17 a non-MPS firearms expert Superintendent Lee Davenport 18 to conduct that independent review and, in doing so, 19 Superintendent Davenport was given open access to the 20 MPS and conducted his review for the national lead with 21 the assistance of senior MPS colleagues.</p> <p>22 "Nevertheless, following that meeting and your 23 concerns that MPS experts in this area should review 24 this operation internally, I commissioned a commander, 25 as he then was, Neil Basu, the head of profession for</p> <p style="text-align: center;">Page 8</p>

1 armed policing in the MPS and an experienced SFC, to
 2 conduct a review of your investigations."
 3 Then over the page to 623, please:
 4 "Commander Basu had worked with senior operational
 5 police leads in the worlds firearms, surveillance and
 6 organised crime."
 7 Then the substance of the recommendations is then
 8 addressed. I am not going to go through all of these
 9 with you. If you go forward to 1629 where this is
 10 considering whether the fact that Azelle Rodney was
 11 wanted should have been included in a briefing pack, the
 12 Met set out the Basu recommendation number 3 and then
 13 Mr Chesterman's recommendation number 4. So it includes
 14 where both of them have spoken about an issue, both what
 15 DAC, or then Commander, Basu said and what Mr Chesterman
 16 said; do you see?
 17 MR NICHOLSON: Yes, sir.
 18 MR BEER: Can we go forwards, please, to 1655. If we in
 19 fact go back to see what the recommendation was, to see
 20 what it was addressing, I think that is lost in the
 21 mists of time. But on --
 22 MR NICHOLSON: Was this the same public protection -- the
 23 first one?
 24 MR BEER: Yes, it sort of slips into something else.
 25 The point I am asking you to look at in particular

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1 is, do you see in the first box on the right-hand side,
 2 where it says, "DCC Chesterman's national recommendation
 3 number 2"?
 4 MR NICHOLSON: Yes, sir.
 5 MR BEER: He says:
 6 "The process that was commissioned by the Met to
 7 self-assess their own compliance with recommendations
 8 that it had been subject to is a process that would have
 9 national benefit. I recommend [this is Mr Chesterman]
 10 that either ACPO armed policing or the College of
 11 Policing commit to managing a national register of
 12 recommendations relating to armed policing."
 13 That is the thing I am focusing on --
 14 MR NICHOLSON: Okay.
 15 MR BEER: -- a recommendation that there be a national
 16 register of recommendations relating to armed policing.
 17 "In response, all forces can give due consideration
 18 as to whether those recommendations have relevance to
 19 their own force. I will consider the most appropriate
 20 means to achieve this aspiration and discuss it with
 21 colleagues in the College of Policing to determine
 22 appropriate ownership and governance."
 23 Do you see that?
 24 MR NICHOLSON: Yes, sir.
 25 MR BEER: Similarly, if you look at 1671, please.

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1 Under DCC Chesterman's observations:
 2 "I have to conclude that I agree that more needs to
 3 be done in relation to extracting the learning from
 4 incidents at an earlier stage and I have suggested
 5 options to achieve this. This is an issue of national
 6 importance and is not restricted to the MPS. This is
 7 a far from simple process, as officers who partake in
 8 post-incident debriefs may be subject to criminal and/or
 9 misconduct investigation and the debrief, itself, could
 10 give rise to allegations of collusions. I will take
 11 personal responsibility to agree a way forward on this
 12 subject in a way that balances the desired outcome of
 13 the Inquiry with the proposed safeguards of those of the
 14 interested parties."
 15 Then lastly, please, page 1673, page 52 of the
 16 internal numbering. The foot of the page, national
 17 recommendation 2:
 18 "The process that was commissioned by the Met to
 19 self-assess is a process that would have national
 20 benefit. I recommend that either ACPO armed policing or
 21 the College of Policing commit to managing a national
 22 register recommendations relating to armed policing."
 23 That is similar to the same paragraph we saw
 24 earlier.
 25 MR NICHOLSON: Yes.

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1 MR BEER: Then:
 2 "DCC Chesterman is currently in the process of
 3 arranging a series of meetings with the College of
 4 Policing on a range of firearms issues. His view is
 5 that a national register of recommendations arising from
 6 inquests, inquiries and post-incident investigations
 7 should be hosted by the College. He will be working
 8 with them to achieve this based on the best practice
 9 currently employed by the MPS."
 10 Now, let's have a long run up to the wicket. In
 11 2014, were you aware of these national recommendations
 12 being made by Mr Chesterman?
 13 MR NICHOLSON: I was aware of them, yes, sir.
 14 MR BEER: Did you play any part in their formulation and
 15 creation?
 16 MR NICHOLSON: Of a national register for recommendations?
 17 MR BEER: Yes.
 18 MR NICHOLSON: Not directly, no.
 19 MR BEER: Okay, but you were aware that he was recommending
 20 a register of recommendations?
 21 MR NICHOLSON: I was party to some discussions about how
 22 that would be facilitated at the time.
 23 MR BEER: Now, today, is there a national register of
 24 recommendations?
 25 MR NICHOLSON: Not a formal one, sir, no.

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1 MR BEER: Do you know why that is?
 2 MR NICHOLSON: I am certainly aware of discussions that have
 3 taken place between Mr Chesterman and the College, and
 4 I have been involved in some of those conversations, as
 5 I have said, regarding how that would logistically be
 6 achieved, about whose responsibility it would be.
 7 So those discussions have taken place and
 8 recommendations are dealt with when they arise, and
 9 there is evidence of that in APP and the curriculum,
 10 et cetera, but it hasn't happened formally and I am not
 11 entirely sure exactly why it has been unachievable, so
 12 no.
 13 MR BEER: How does the College, in the absence of a national
 14 register such as this, manage the analysis of,
 15 consideration of recommendations, the acceptance or
 16 rejection of such recommendations, where they arise from
 17 judicial or quasi judicial, like this, processes?
 18 MR NICHOLSON: Predominantly through the relationship that
 19 we have with national armed policing. So, as I have
 20 said, it is not a formal arrangement. However, the
 21 recommendations generally are released and are focused
 22 on an individual or an organisation or a body and there
 23 is a mechanism, a regular meeting mechanism between the
 24 College and National Armed Policing to consider those
 25 recommendations and to consider how we might progress

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1 them.
 2 As I have said already, that is not a formalised
 3 arrangement, but that is a regular part of the meeting
 4 process.
 5 MR BEER: Would you agree it is not an easy task to identify
 6 outstanding actions, progress with recommendations, or
 7 the lack of it, in order to establish whether progress
 8 has been made or not in the absence of some formalised
 9 national register?
 10 MR NICHOLSON: Yes. I can see that, yes.
 11 MR BEER: Now, the recommendation -- and I will ask
 12 Mr Chesterman a little later today about it because you
 13 have seen that he said he was going to take personal
 14 responsibility for it, so my questions are with that in
 15 mind -- do you know why it is that nearly four years
 16 ago, when that, in those three places in this document,
 17 in a similar public inquiry, doing what we are doing
 18 now, that overarching recommendation hasn't been acted
 19 on?
 20 MR NICHOLSON: Definitively, sir, no, I don't. What I do
 21 know is some of the recommendations and some of the
 22 learning that came out of the Azelle Rodney Public
 23 Inquiry have been actioned. For instance, the
 24 organisational learning debrief, which is now part of
 25 the post-incident procedure is an example of one of the

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1 comments made about forces learning more quickly from
 2 incidents and not waiting until the end of
 3 a post-incident process, or an inquiry such as this,
 4 before we debrief things.
 5 So there is an example there of recommendations
 6 being actioned, what I cannot show you or describe to
 7 you is a formal process for that, and I do take the
 8 point that you are making.
 9 MR BEER: Okay, thank you.
 10 I am going --
 11 MR BENNETT: Would it help if I spoke slightly more broadly
 12 about the role of the College of Policing?
 13 MR BEER: I am sorry to have shut you out, Mr Bennett, is
 14 there anything you want to add? Firstly, do you have
 15 any knowledge of the --
 16 MR BENNETT: No, I haven't got knowledge of this particular
 17 instance, sir, but what I can very briefly mention is
 18 that the College has a relationship with a number of
 19 national police leads in areas that the NPCC coordinates
 20 activity and that where the College obviously is
 21 directly named as -- in a recommendation that obviously
 22 the College takes that role. But what we do find is
 23 a number of areas of policing are subject to
 24 recommendations coming out of coroner's inquests and
 25 other things, and the role the College has taken -- the

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1 approach the College has taken so far has been to work
 2 with the NPCC lead in each of those areas, identify
 3 those elements of the recommendations which can best be
 4 discharged by guidance, curriculum, where appropriate,
 5 and then work with them to deliver that. But the
 6 College hasn't to date accepted it has got a central
 7 role in the coordination of recommendations for the
 8 whole of policing, so it has tried to work with the
 9 national leads in each of those areas where they have
 10 arisen. The role of the College is slightly different
 11 to the role of the preceding body, the National Policing
 12 Improvement Agency, which had a kind of an operational
 13 support role, as well as a role around developing
 14 guidance and curriculum, and it is one of those areas
 15 where I think there is an ongoing conversation about how
 16 the police service in general manages to best manage the
 17 range of recommendations that come out of these sorts of
 18 inquiries in order to improve policing and -- for public
 19 safety.
 20 MR BEER: Okay.
 21 Asking the questions a bit more pointedly then --
 22 MR BENNETT: Yes.
 23 MR BEER: -- this document says that the NPCC lead's view
 24 was that a national register of recommendations arising
 25 from inquests, inquiries and post-incident

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1 investigations should be hosted by the College. It
 2 sounds, from what you said, that you don't share the
 3 national lead's view.
 4 MR BENNETT: I don't think that has been settled. No
 5 decision has been taken within the College to my
 6 knowledge to accept that role on behalf of policing as
 7 a whole because of the range of issues involved, the
 8 size of what is involved and the role of the College,
 9 which I would have to say is evolving over time as it is
 10 a fairly recent organisation and, in terms of the grand
 11 scheme of things, and it is a different organisation to
 12 the NPIA that preceded it.
 13 So there are ongoing conversations between the
 14 College and NPCC about how to manage these issues, but
 15 I don't think a settled position has been agreed as to
 16 how to go about doing that.
 17 MR BEER: Do you know whether, whilst these ongoing
 18 conversations have occurred, whether any interim
 19 solution has been discussed?
 20 MR BENNETT: The college's position is that the interim
 21 solution is that the recommendations would go to the
 22 NPCC lead, the College would work with the NPCC lead to
 23 find the role that the College could play in achieving
 24 the outcomes that the recommendations are intending to
 25 achieve.

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1 MR BEER: What are the difficulties or the problems with the
 2 College accepting what the NPCC lead here is suggesting?
 3 MR BENNETT: It is largely about capacity and also about the
 4 role of the College.
 5 MR BEER: Okay, so takes those in reverse order: the role of
 6 the College, are you saying the role of the College is
 7 inconsistent with or isn't broad enough to encompass
 8 hosting a national register of recommendations?
 9 MR BENNETT: The view of the College to date has been that
 10 that is not a role it should take up on behalf of
 11 policing. That the role of the College would be to take
 12 the learning.
 13 So the idea with the recommendations would be
 14 examined by policing, the NPCC would coordinate that
 15 activity. Where it was relevant in terms of guidance,
 16 standards, curriculum, the College would then take
 17 an action away to address those, but the College has
 18 not, to date, agreed that it has a role in coordinating
 19 the activity to review those recommendations.
 20 MR BEER: The other reason you gave was capacity.
 21 MR BENNETT: Yes.
 22 MR BEER: Does that mean resources, ie the number of people
 23 that you have and the cost that it would incur?
 24 MR BENNETT: Yes, if the College were to take on that role,
 25 it would have to restructure to some extent to do it,

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1 but the first issue is it has not actually agreed to do
 2 that role on behalf of policing across the board.
 3 MR BEER: You said that this is the College's view; were you
 4 party to any of these discussions where --
 5 MR BENNETT: Not specifically around this particular
 6 recommendation, but I am aware of the conversations that
 7 have taken place generally, in terms of what the College
 8 role is around recommendations that are made for
 9 policing.
 10 MR BEER: So, in summary, you say, is this right, it is
 11 a good idea, but not for the College of Policing to do?
 12 MR BENNETT: The College of Policing has not accepted that
 13 is its role yet, I think is the best way I would -- the
 14 College accepts --
 15 MR BEER: That is --
 16 MR BENNETT: Yes, the way you put it is one way of putting
 17 it, that --
 18 MR BEER: Is it the right way, though? I am not giving
 19 evidence.
 20 MR BENNETT: Okay.
 21 There is a need for recommendations to be recorded,
 22 audited and progress against them to be checked. The
 23 college has not accepted that is its role.
 24 MR BEER: Today, on behalf of the College, you say that it
 25 wouldn't be right for the College to accept that role

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1 because of its function and because of resources.
 2 MR BENNETT: I would say it is -- the first principle is
 3 around whether it would be a function of the College to
 4 do that. It is not necessarily one of functions of the
 5 College.
 6 If the College were to do it, then obviously there
 7 would be a resourcing implication. But, in the first
 8 instance, it is about the principle involved and whether
 9 or not it is for the College to do that.
 10 MR BEER: The college is now, I think, a creature of
 11 statute, isn't it?
 12 MR BENNETT: It is, yes.
 13 MR BEER: Is there a statutory limitation in play here that
 14 would prevent the College from undertaking this
 15 function?
 16 MR BENNETT: I am not an expert on the statute of
 17 limitations, but I am not aware of there being one.
 18 MR BEER: I just want to explore a little bit the reasons
 19 for the push back, to say that you have not presently
 20 accepted it is the role of the College to do this and
 21 I want to understand the why for that, if I may.
 22 Why isn't it the College's function?
 23 MR BENNETT: The role of the College is to set standards,
 24 guidance, et cetera, but it is not necessarily to
 25 coordinate the activity across the whole of policing.

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<p>1 The college sits alongside other bodies, so the 2 College's approach would be that where a recommendation 3 identifies that there is, as I mentioned before, the 4 need to develop new standards, alter guidance or develop 5 curriculum, then it will undertake that activity, but 6 recommendations very often have other aspects to them as 7 well around coordination and implementation. And for 8 that reason, because the role of the College is only 9 limited in respect of the implementation of 10 recommendations, the College hasn't accepted it should 11 take responsibility for coordinating the entire of 12 policing's response to those recommendations. 13 MR BEER: Okay, I think understand: it is that the reach of 14 the College into policing is not structurally 15 significant enough to be able to take on this function 16 because it couldn't actually perform it? 17 MR BENNETT: It could perform elements of it, but obviously 18 it is not a regulator. Its role is to develop guidance 19 and standards for the members of the national police 20 chief's council to implement and for Her Majesty's 21 Inspectorate of Constabulary to inspect against and for 22 that reason it cannot ensure that all recommendations 23 are implemented. What it can do is it can amend, where 24 appropriate, standards, guidance and curriculum to 25 facilitate their implementation, but it cannot actually</p> <p style="text-align: center;">Page 21</p>	<p>1 a small number, of issues. 2 Command logs is the first of them. 3 We understand that command logs for TFCs and SFCs 4 were introduced in -- the latest edition of them was 5 introduced in April 2012 with a direction that they be 6 mandated for use by 1 November 2012; is that right, 7 Mr Nicholson? 8 MR NICHOLSON: Yes, sir, it is. 9 MR BEER: If we look at them to make sure we have the right 10 ones, volume 1 of Z2. So that is the one which says 11 "pages 1 to 532" on it, and if we go to 225 to start 12 with, is that the TFC log? Do you see the date in the 13 bottom left-hand corner of April 2012, Mr Nicholson? 14 MR NICHOLSON: Yes, sir, it is. 15 MR BEER: I think that runs to page 273. Then, between 274 16 and 294 is the equivalent log for the SFC. 17 MR NICHOLSON: Yes, sir, that's right. 18 MR BEER: We have heard some evidence yesterday, from a GMP 19 chief superintendent with responsibility for firearms 20 within GMP, that the logs, those logs, were "Difficult 21 to work with, bureaucratic and not particularly IT 22 friendly on the GMP IT systems". 23 Is that a complaint that has been made by any other 24 forces, to the College? 25 MR NICHOLSON: Not to my knowledge. It is not, no.</p> <p style="text-align: center;">Page 23</p>
<p>1 achieve the implementation without the assistance of the 2 other two bodies involved. 3 So it is around the extent to which the remit of the 4 College allows it to achieve the outcomes that the 5 recommendations are identifying. 6 MR BEER: Yes, so, say, for example, a recommendation 7 involved up staffing a particular function across the 8 police service, which had significant resource 9 implications, you wouldn't see that as within the 10 College's function to be telling forces about that? 11 MR BENNETT: We would specifically say we cannot do that. 12 What we can do is we can describe the sorts of 13 capabilities staff ought to have and the sort of 14 capabilities forces ought to have, but we cannot tell 15 chief officers how they should structure themselves to 16 achieve those outcomes, but we can describe the sorts of 17 standards of outcomes, if you like, that are there in 18 the public interest to be achieved. 19 MR BEER: Okay, thank you. I will move on, unless there was 20 anything else. 21 Some specifics then, gentlemen. Command logs are 22 the first things I am going to ask about. You should 23 take it as read that the Chairman has read all of your 24 material and so I am not going to go through it line by 25 line, paragraph by paragraph, just pick out a few,</p> <p style="text-align: center;">Page 22</p>	<p>1 MR BEER: Is the College responsible for the production of 2 those logs? 3 MR NICHOLSON: No, the work to -- the original work done in 4 terms of command log standards was done by the NPIA in 5 2008, that was as a result of one of the Stockwell 6 investigations, I believe. So that set a number of key 7 criteria of the standards that should be included in any 8 command log. 9 In 2010, that evolved into the first iteration of 10 the national log, which was again reviewed in 2012 when 11 these were developed. 12 The work to develop these logs was Mr Chesterman's 13 commission and was led by a chief superintendent in 14 South Yorkshire with a team of operationally competent 15 commanders from around the regions in the country to 16 inform what the new logs should look like. So that 17 is -- 18 MR BEER: Sorry, you -- 19 MR NICHOLSON: Sorry, so that is how the log evolved. The 20 format that the log was produced in was predominantly 21 a paper version, that was the original commission. The 22 IT version was developed as a sort of later version of 23 the log to satisfy the needs of some of the more 24 national bodies, the National Crime Agency for instance, 25 who travel around the UK and across boundary and</p> <p style="text-align: center;">Page 24</p>

1 required an IT solution for the log, so the template was
 2 developed as an IT solution.
 3 The log was developed to be modular so that people
 4 could print off as many or as few pages in each of the
 5 areas at they wanted to, so that sort of array of
 6 options -- for want of a better phrase -- was in order
 7 to make it as suitable across the board, to everybody's
 8 needs, in order that they could comply with it so we
 9 could have standardisation of command decision,
 10 recording and actions taken.
 11 MR BEER: Okay, so in terms of responsibility for the
 12 production of it, it is not the College of Policing,
 13 because I don't think it existed in April 2012.
 14 MR NICHOLSON: No, we were the NPJA at the time.
 15 MR BEER: Your predecessor organisation.
 16 MR NICHOLSON: The work was actually funded by National
 17 Armed Policing, is my recollection, undertaken, as
 18 I said, led by South Yorkshire Police and produced at
 19 that point. We host them on an online knowledge centre
 20 within the College for people to use, but we don't per
 21 se have any responsibility for the current iteration of
 22 the log.
 23 MR BEER: So if there were complaints of the type that
 24 I mentioned, you wouldn't be expected, as the College,
 25 to be the recipient of them, would that be right?

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1 MR NICHOLSON: I attend the National Armed Policing meeting
 2 and I am not aware of representations being made at that
 3 meeting since these logs were introduced, to suggest
 4 they were unusable by forces.
 5 MR BEER: I don't think he went that far. He said difficult
 6 to work with, bureaucratic and the electronic version of
 7 them was not easy to use on GMP systems, rather than
 8 them being unusable.
 9 MR NICHOLSON: That is understandable. I remember at the
 10 time they were designed that forces were having IT
 11 issues with the -- with that format of the log.
 12 MR BEER: That was the third of the three complaints made,
 13 just -- and I think he said that some of the glitches
 14 had been overcome.
 15 MR NICHOLSON: Hmm.
 16 MR BEER: But more whether they are paper based or
 17 electronic, the complaint was that they were difficult
 18 to work with and overly bureaucratic; you haven't heard
 19 that complaint made directly to the College or when you
 20 attend national meetings?
 21 MR NICHOLSON: Not by an organisation, sir. I have heard
 22 individuals say they don't suit the style that they
 23 would have chosen to record their decision making in,
 24 but it is a national format and it is not possible to
 25 suit everybody's personal style for recording

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1 information. So I have heard individuals say that they
 2 don't particularly get on with the logs, but I have not
 3 heard an organisation make a representation either to us
 4 or National Armed Policing.
 5 MR BEER: Okay, so it is anecdotal comments that are the
 6 extent of it; is that right?
 7 MR NICHOLSON: Yes.
 8 MR BEER: What is the nature of that? What was the problem
 9 that they had with the logs?
 10 MR NICHOLSON: Predominantly the number of pages and, as
 11 I have already described, the log was designed to be
 12 used in a modular format in order to capture everything
 13 that it was felt the commanders needed to record, if
 14 required. So everything can be printed off and then you
 15 require a certain part of the log, you complete it; if
 16 you don't, then you move on to another part. It was
 17 designed to be as flexible as it could be.
 18 But, predominantly, people, forces, tend to print
 19 them off, bind them, so you are stuck with 56-pages or
 20 whatever it might be, of log, and some people think that
 21 is a lot of command log when they might not use too much
 22 of it.
 23 There is a much shorter version which was designed,
 24 which also encourages people to use a national decision
 25 model, which is an A4 sheet of paper printed on both

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1 sides, which was offered to forces to use in a more
 2 spontaneous context in the early stages of an incident
 3 and before this log was commenced.
 4 MR BEER: That wasn't designed for the type of
 5 pre-planned --
 6 MR NICHOLSON: No, sir, it wasn't.
 7 MR BEER: -- deployments with which we are concerned?
 8 MR NICHOLSON: It was not designed for that purpose, sir,
 9 no.
 10 MR BEER: If you take up volume 1 of Z2, please. So this
 11 will be page 531.
 12 THE CHAIRMAN: Before we do that, one of the specific
 13 complaints, I think, was repetition.
 14 MR BEER: Yes.
 15 THE CHAIRMAN: That they required a lot of repetition. Are
 16 we leaving the logs now?
 17 MR BEER: No, I am still staying with the logs.
 18 THE CHAIRMAN: I will leave it, yes.
 19 MR BEER: 531, please, towards the back of that file. Thank
 20 you.
 21 This is an email from the gentleman that
 22 I mentioned, the chief superintendent, to his SFCs, in
 23 GMP.
 24 If you look at the second paragraph, he says:
 25 "It has been agreed, at Firearms Policy Group, that

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1 all SFCs will complete the electronic national SFC logs.
 2 It is understood these are considered to be difficult to
 3 work with, bureaucratic and not particularly IT friendly
 4 [which is the thing I mentioned to you a moment ago.
 5 Then he says]. We will continue to make representations
 6 at a national level with regard to these views."
 7 To the extent that was done, you haven't heard them,
 8 is that right? Representations, formally at a national
 9 level, on behalf of GMP.
 10 MR NICHOLSON: Not formally at a national level, sir, no.
 11 MR BEER: As the Chairman said, one of the complaints that
 12 was made was the repetition of substantially the same
 13 information in a number of places within the log; is
 14 that a complaint that has been made to you in the past?
 15 MR NICHOLSON: No, sir, I wouldn't say that has even been
 16 made anecdotally, the repetition. Possibly because of
 17 the solution that I suggested earlier on, is that the
 18 logs are modular and can be printed off in a way which
 19 allows you to -- if you feel it is repetitious and you
 20 have already captured the information you require to
 21 demonstrate your decision making, you can use them to
 22 log in that way, in a modular format, so you don't have
 23 to repeat yourself if you feel that is what you are
 24 doing.
 25 MR BEER: Thank you. That folder can be put away, please.

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1 I am going to turn to a separate topic and these are
 2 just a miscellany of things with no particular
 3 connection. A briefing of AFOs, and this is again
 4 directed to you, Mr Nicholson, I think, by a tactical
 5 firearms commander.
 6 Having said the file can go away, in fact I think in
 7 your witness statement file, at pages 125 to 126,
 8 please. Z1, 125 to 126.
 9 I am just doing it from here because it is your
 10 statement, rather than digging out the actual part of
 11 the APP. You are addressing, here, the part of the APP
 12 that provides guidance on the briefing of AFOs.
 13 MR NICHOLSON: Yes.
 14 MR BEER: The APP says:
 15 "All staff involved in situations where AFOs are
 16 deployed must be given as full a briefing as possible."
 17 It sets out the tools for briefing. Under the
 18 heading of "Effective communication of the briefing", it
 19 sets out means of communication. Then, the part I want
 20 to ask you about is at the bottom of the page, namely
 21 briefing content. It reads:
 22 "The briefing should outline the intended course of
 23 action and incorporate a range of contingencies. These
 24 should provide officers with as much clarity as possible
 25 for the role that they may have to undertake and any

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1 tactical parameters which have been set."
 2 Then this sentence:
 3 "The TFC should ensure that information,
 4 intelligence and detail of reliability is included in
 5 the briefing where it is relevant to the working
 6 strategy."
 7 There are some other parts that I am not going to
 8 read. Then, at the end of that paragraph, it says:
 9 "Officers conducting briefings should be mindful
 10 that the content of the briefing may directly affect the
 11 response of armed officers to any subsequent perceived
 12 threat from a subject."
 13 The suggestion at the top of the page there, that
 14 TFCs should ensure that information, intelligence and
 15 detail of reliability is included. We heard yesterday
 16 from the GMP officer, Chief Superintendent O'Hare, that
 17 GMP is moving towards the inclusion of less underlying
 18 intelligence in the briefing of AFOs, rather than what
 19 this sentence here suggests, ie AFOs will be given the
 20 outcome or the product of the commander's consideration
 21 as to, for example, what the ICI of any given subject
 22 is, rather than any of the intelligence upon which that
 23 conclusion was based.
 24 MR NICHOLSON: Okay.
 25 MR BEER: Is that an approach that the College supports?

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1 MR NICHOLSON: To give you a definitive, I would have to
 2 understand exactly what that would exclude from the
 3 information that is provided in the briefing. The APP
 4 is clear: when AFOs are briefed, they should be in
 5 possession of all the information that is relevant to
 6 them carrying out their role and responsibilities during
 7 that deployment.
 8 MR BEER: Just to stop you there, that is a statement that
 9 itself asks a question. Namely, what information is
 10 relevant to an AFO in order for them to carry out their
 11 role effectively and efficiently?
 12 MR NICHOLSON: In terms of the information and intelligence,
 13 they need sufficient information to support the threat
 14 assessment that has been made by the TFC.
 15 MR BEER: Just stopping there, you say sufficient
 16 information to support the threat assessment, rather
 17 than just what the threat assessment is.
 18 MR NICHOLSON: I think it has to be a balance. If there is
 19 weeks and weeks of intelligence development, then it
 20 would be impractical to share that all with an AFO at
 21 the point of briefing, and the reality is that AFOs
 22 would be in briefings for hours and probably would miss
 23 the most pertinent parts of the briefing if you included
 24 too much peripheral detail, if I can describe it as
 25 that.

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1 So I think it needs to balance the amount of
 2 information they get with what they need to understand
 3 the threat picture, the capability intention of the
 4 subjects that they are dealing with and anything else
 5 that is relevant to decisions that they may have to make
 6 when they are deployed.
 7 MR BEER: Again, that poses a question within it.
 8 MR NICHOLSON: Sorry.
 9 MR BEER: Because if you pitch the answer by reference to
 10 that which is relevant, you need to know what is
 11 relevant.
 12 To take it back to brass tacks then, say the ICI was
 13 as follows: Jason Beer is the subject. It is assessed
 14 that he intends to carry out an armed robbery and it is
 15 assessed that he may have firearms with ammunition, that
 16 he may discharge if challenged. That is the headline.
 17 Would it be sufficient to give that to the AFOs or
 18 should there be a: because he has three previous
 19 convictions for possession of unlawful possession of
 20 weapons, he has previous convictions for using violence
 21 towards police officers, and there is confidential
 22 intelligence reporting upon which basis it is judged
 23 that he has access to weapons and ammunition?
 24 MR NICHOLSON: I think there a distinction to be made.
 25 Where there is sensitive intelligence that is feeding

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1 a TFC threat assessment, then most of the time it will
 2 not be appropriate to share the fine detail with the
 3 AFOs, for a whole host of reasons.
 4 MR BEER: In the example I have just given, would you
 5 suggest that the "Because", the words I gave after the
 6 because section, the previous convictions, the
 7 propensity to use violence and some confidential
 8 intelligence that I have access to weapons and
 9 ammunition, would you call that fine detail?
 10 MR NICHOLSON: No, I wouldn't. I think the confidential
 11 intelligence as part of a briefing would suggest to the
 12 AFOs that there is sufficient integrity, if you like,
 13 veracity, around the information that it just cannot be
 14 shared.
 15 If the briefing was based on previous convictions
 16 and not based on intelligence that suggested something
 17 was or wasn't going to happen today, during this
 18 deployment, then I would probably be requiring a little
 19 bit more information.
 20 So the way TFCs are trained is that they have to
 21 identify and recognise where they are making assumptions
 22 or whether they are basing their assessments on factual
 23 information. The fact that somebody has previous
 24 convictions for firearms offences doesn't necessarily
 25 mean they are going to be carrying one today. If

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1 a commander doesn't know that, then I would expect them
 2 to convey that information to an AFO prior to
 3 deployment, that the threat assessment is based on
 4 previous history rather than intelligence about what we
 5 may face today.
 6 Does that make sense?
 7 MR BEER: The guidance and the College's position is set out
 8 here, that the TFC should ensure that some underlying
 9 information, intelligence and detail of reliability is
 10 provided --
 11 MR NICHOLSON: Yes.
 12 MR BEER: -- rather than just the headline of the TFC's
 13 decision on what that shows.
 14 MR NICHOLSON: Yes, and where that is possible, that
 15 should -- yes.
 16 MR BEER: Looking at it from the other perspective -- and
 17 this is what Mr O'Hare said -- was that if you give some
 18 of the underlying material to AFOs, there is a risk of
 19 them placing disproportionate weight upon it, or I think
 20 he called it "developing their own narrative" around it?
 21 So they would take too much from the fact that I had
 22 a previous conviction, they would read too much into the
 23 fact there is confidential reporting, that I've access
 24 to a gun and ammunition. So he was saying that GMP was
 25 moving towards a more of a headline of the TFC's

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1 decision, rather than giving any underlying material.
 2 MR NICHOLSON: I would see that as a responsibility of the
 3 TFC, to ensure they delivered a briefing which
 4 recognised the effect that it could have. And it is
 5 included further on in the APP that commanders, TFCs
 6 should be well aware that the words they used during
 7 a briefing and the information they give during
 8 a briefing could impact on officer' decisions later on
 9 in that deployment, and I would see that as a TFC's
 10 responsibility, to ensure that the information was
 11 delivered in a balanced, objective and recognising
 12 factual assumption and how it had been evolved.
 13 MR BEER: So you would, on behalf of the College, say that
 14 the guidance addresses the possibility of AFOs making
 15 too much of the underlying detail by the briefing,
 16 itself, having to include a warning against doing that?
 17 MR NICHOLSON: I think it recognises that potential in the
 18 APP, which is the reason for the final part of that
 19 paragraph, sir, yes.
 20 MR BEER: The last question on this: why does the College
 21 recommend that the detail of reliability of the
 22 intelligence is included in the briefing of AFOs?
 23 MR NICHOLSON: Back to the point that I made earlier, that
 24 AFOs need to be reassured that the commander has done
 25 due diligence around the information, intelligence that

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1 they are providing them with because, ultimately, it may
 2 shape some of the decisions they make.
 3 MR BEER: Thank you. Is there anything you wanted to add,
 4 Mr Bennett, to that?
 5 MR BENNETT: No, I think it has been covered.
 6 Having performed the role myself, I am very much
 7 conscious of the picture that you paint at the time of
 8 the briefing will affect the decision making made by
 9 an AFO when faced with a threat and, therefore, there is
 10 a big responsibility on the TFC to ensure that is
 11 an accurate representation of what is known or what is
 12 assumed at the time, otherwise you run the risk of
 13 creating exactly the sorts of issues we have been
 14 talking about here; misconceptions and understandings of
 15 the level of threat that has been presented, so it is
 16 an onerous responsibility.
 17 MR BEER: Thank you.
 18 Can we move, sir, if you are content to --
 19 THE CHAIRMAN: Yes, certainly.
 20 MR BEER: -- thank you -- to a further topic, please.
 21 That of training, and I wonder whether,
 22 Mr Nicholson, you could take up the second volume of Z2.
 23 It is the one that has pages 589 to 590 in it.
 24 I think this should be an email sent by you.
 25 MR NICHOLSON: Yes, sir, it is.

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1 MR BEER: I suspect, in your copy, as with the other core
 2 participants, the distribution list has been redacted
 3 because it is all people's email addresses.
 4 Can you just describe, by job description, who the
 5 recipients were, by class, effectively.
 6 MR NICHOLSON: The recipients were the chief firearms
 7 instructors, in every force in the UK, that were
 8 licensed to deliver training.
 9 MR BEER: So all of the CFIs?
 10 MR NICHOLSON: Yes.
 11 MR BEER: In summary, why did you send the email?
 12 MR NICHOLSON: In summary, I sent the email because learning
 13 from the Inquiry to date had identified an issue with
 14 the way that training records were being communicated
 15 back to forces that officers -- officers were being sent
 16 to forces other than their own to receive training and
 17 there appeared to have been highlighted, during the
 18 Inquiry, a breakdown, if you like, in communication
 19 between the force delivering the training and the host
 20 force of the officer in order to make decisions about
 21 the future deployment of that officer and their
 22 competence to be deployed in certain roles.
 23 MR BEER: How did that get back to you? How did you find
 24 out about that?
 25 MR NICHOLSON: The CFI for the north-west region mentioned

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1 it to me.
 2 MR BEER: Just to read the email, and I've no particular
 3 issues with this. I just want to get out what you did.
 4 MR NICHOLSON: Yes.
 5 MR BEER: You say:
 6 "One of the issues touched on in this Inquiry
 7 relates to training records. I thought it would be
 8 a good opportunity to clarify some of the issues. Where
 9 an officer is trained within their own force, there
 10 a mechanism for recording that training and the
 11 resulting demonstration of competence or otherwise.
 12 This ownership allows the force to make decisions about
 13 development and the officer's deployment or continued
 14 deployment in a given role profile. Where an officer is
 15 trained by another force, eg on a national course, there
 16 is a potential for assessment decisions and results to
 17 become less clear. This can lead to poorly informed and
 18 potentially inappropriate decisions being made regarding
 19 operational deployment. The force delivering the
 20 training will reach a decision on the occupational
 21 competence of an officer based the assessment during
 22 training. The decision to deploy that person
 23 operationally is one for the home force to make. This
 24 decision will usually be informed by the assessment
 25 evidence that they are occupationally competent, but

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1 confirmed by in force processes such as shadowing and
 2 mentoring. This doesn't change if the officer is
 3 a commander undertaking a re-accreditation for
 4 a particular role, having been previously deemed to be
 5 operationally competent and deployable.
 6 "The key to ensuring, where staff are trained
 7 elsewhere, that forces are able to make informed
 8 decisions is that the assessment outcome for individuals
 9 is clearly communicated to the right people. On most
 10 occasions, this will be fairly clear. For example,
 11 where an officer attends a national closed protection
 12 course and is unsuccessful, they will not be deployed as
 13 such by their force.
 14 "It potentially becomes less clear where an officer
 15 is attending an up skilled course and they don't achieve
 16 a higher standard, but also demonstrate a standard lower
 17 than required for their existing role. Examples of this
 18 would be a TFC attends a specialist commander course,
 19 fails the course, but is also deemed not to have
 20 demonstrated competence as a cadre TFC. An SFO
 21 attendance a CTSFO up skill course, fails the CTSFO
 22 elements, but is also deemed to have fallen below the
 23 required standard for existing SFO skills."
 24 Those two examples raise the kind of issues that we
 25 have been considering in the Inquiry.

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1 MR NICHOLSON: Yes, sir.
 2 MR BEER: "In these cases it is essential that the reporting
 3 back to the officer's force makes the assessment
 4 evidence absolutely clear and also highlight potential
 5 vulnerabilities in the continued operational deployment
 6 of the officer in their current role. It is then for
 7 the officer's force to make an informed decision
 8 on further or future deployment in the role.
 9 Particularly in command roles, which are authorised by
 10 the armed policing portfolio holder, this information
 11 should also be provided to the portfolio holder in order
 12 that they can make an informed decision about further
 13 operational deployment. In order to protect yourselves
 14 and your officers, or those trained by you, please
 15 consider the amount of detail you provide following
 16 training and assessment and who you provide that
 17 information to. As a rule of thumb ..."
 18 Then you set out some rules of thumb:
 19 "All decisions supported by appropriate evidence
 20 must be sent to the officer's chief firearms instructor.
 21 Where the training relates to command, PIM and TA roles,
 22 the CFI must inform the portfolio lead. This is the
 23 only way to ensure that records are maintained and it is
 24 not appropriate to give a copy to the officer to take to
 25 the CFI."

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1 Following that, which was in July last year, have
 2 there been any issues with the implementation of what
 3 you recommended?
 4 MR NICHOLSON: No, there haven't, sir, and to be honest it
 5 hadn't be been an issue to that point which had been
 6 identified. We meet -- the team and I meet regularly
 7 with CFIs. We discuss these issues all the time.
 8 I hadn't realised that type of miscommunication was
 9 going on. This was an ideal opportunity to enforce
 10 that. So I have not experienced any issues with it
 11 since or any negative feedback from the email when it
 12 was sent.
 13 MR BEER: Although I am not going to be remotely critical of
 14 this email, which we have all just read and can see the
 15 absolute sense of it; is there any way that this could
 16 be embedded in national doctrine, rather than the
 17 sensible -- if I may say so -- approach of going
 18 straight to the CFIs, ie when the CFIs move on, when you
 19 maybe move on and people forget your email, there is
 20 still something there?
 21 MR NICHOLSON: My intention -- this was an interim measure,
 22 just to make sure that the message was provided. My
 23 intention is to include this in the curriculum
 24 introduction, which all CFIs use as their training
 25 guidance. If it was felt appropriate to include this

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1 type of training guidance within APP, then that is
 2 something that I would consider as well. It is not
 3 particularly contentious for me. It wouldn't matter if
 4 it was out in the public domain. My initial thought was
 5 that it would go in the curriculum because that's where
 6 we host all of our training.
 7 MR BEER: So the curriculum or an update to the APP, or
 8 both, to make sure that it is there for posterity?
 9 MR NICHOLSON: Potentially both, sir, yes.
 10 MR BEER: Thank you.
 11 Can I move to a new topic, please. The CS flameless
 12 expulsion grenade, or CSDC as we have been calling it,
 13 the distraction canister.
 14 I wonder whether we can look, please, at Z2,
 15 page 643. It should be the same file, I think.
 16 This is addressed to you Mr Nicholas. Again, this
 17 is part of your report, following what we have called
 18 the Nicholson review.
 19 So it is dated 13 October 2017, I think, the report.
 20 Can you see at paragraph 8.2.2, you say:
 21 "The lessons emerging from the Inquiry [that is this
 22 Inquiry] have however caused the police service to
 23 reflect on the clarity provided by the code and the
 24 police service's current capacity to scientifically
 25 evaluate emerging and evolving technologies and weapons

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1 systems. This learning will be reflected in the current
 2 review of the code being undertaken by the College of
 3 Policing with the support of the Home Office and other
 4 key stakeholders. GMP has asked for and been granted
 5 representation on the review group."
 6 Then, at 8.2.4:
 7 "The NPCC has published a national circular
 8 recommending that police forces do not use the device in
 9 training or for operational deployment."
 10 We have that, seen that, read it:
 11 "The action taken by the NPCC followed discussions
 12 with and stimulated by GMP."
 13 Then:
 14 "It is presently the intention of the NPCC lead ..."
 15 That is Mr Chesterman that we are going to here
 16 from; yes?
 17 MR NICHOLSON: No, sir, that is DAC Lucy D'Orsi, the
 18 national lead for less lethal weapons.
 19 MR BEER: Right:
 20 "It is presently the intention of the NPCC lead [DAC
 21 D'Orsi of the Met] to formally request CAST to test and
 22 evaluate the CS flameless expulsion grenade in
 23 contemplation of its suitability for future operational
 24 deployment."
 25 Yes.

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<p>1 MR NICHOLSON: Yes, sir. That was the intention at the 2 time. 3 MR BEER: Does it remain the intention? 4 MR NICHOLSON: I am aware recently that they have had the 5 responses to the forces that were the two questions at 6 the bottom of DAC D'Orsi's national circular, there were 7 two questions laying out -- essentially trying to 8 ascertain whether forces felt there was a need for that 9 munition. 10 The conversation that I have had with one of her 11 secretariats since is that forces don't feel it is 12 necessary. Where that is going to lead, I don't know. 13 I just -- there has been a slight change in that 14 intention, potentially, since the circular went out, 15 based on the feedback. 16 MR BEER: Okay, so just grounding what you have said in some 17 evidence, you mentioned her circular. If you take up 18 volume 1 of Z1 and look at page 523, please. 19 MR NICHOLSON: This is -- no, it is not. 20 MR BEER: I think it would be volume 1 of Z2. 21 MR BENNETT: Yes. 22 MR BEER: 523, which is right at the back. This is the 23 circular you were referring to with her two questions at 24 the end of it; is that right? 25 MR NICHOLSON: Yes, sir.</p> <p style="text-align: center;">Page 45</p>	<p>1 those two questions has been received. I haven't seen 2 the detail of it, but I have had a brief conversation 3 and it was suggested to me that there weren't sufficient 4 forces who had identified a need within their STRA for 5 the CSDC, in order to progress that to CAST trials. 6 Whether that decision is going to be made will be 7 a matter for DAC D'Orsi. 8 MR BEER: The minute, or the circular, on its face, says: 9 "It is my intention to ask CAST formally to test and 10 evaluate." 11 Do you know whether it was the intention to go 12 through the other steps required by the code of practice 13 before reintroducing the grenade? 14 MR NICHOLSON: I have no idea, sir. 15 MR BEER: You don't know? 16 MR NICHOLSON: No. 17 MR BEER: Mr Bennett, any idea? 18 MR BENNETT: I don't know, sir. 19 MR BEER: On the face of the circular, it reads as if it was 20 CAST testing and CAST testing alone that was the thing 21 that needed to be done before the grenade was 22 reintroduced; you don't know whether there was any 23 intention to do any of the other things required by the 24 code of practice? 25 MR NICHOLSON: I don't know for a fact, sir. Given that</p> <p style="text-align: center;">Page 47</p>
<p>1 MR BEER: You can see the two questions on 524. 2 MR NICHOLSON: Yes. 3 MR BEER: Just to put this in context, this is a circular of 4 11 September 2017 to all force firearms leads, CFIs and 5 armourers. She says in the first paragraph, on page 6 one: 7 "My recommendation that you do not use such devices 8 is based on my understanding they have never been 9 formally tested or evaluated by CAST. This is likely to 10 be referred to in the conclusions of the Inquiry, 11 itself." 12 Then the two questions she raises are on 524, she 13 says: 14 "It is presently my intention to formally request 15 CAST to test and evaluate the grenade in contemplation 16 of its suitability for future operational deployments. 17 Two questions: do you have an evidence based, ie STRA 18 operational requirement to use the grenade? Do you have 19 any evidence to suggest that the grenade is not a viable 20 less lethal weapon for the police service to consider?" 21 You said that since these have been sent out, there 22 had been a change in position from an intention to 23 reintroduce the grenade, subject to testing. 24 MR NICHOLSON: That is an assumption on my part. What I am 25 aware of is that the feedback that was sought through</p> <p style="text-align: center;">Page 46</p>	<p>1 munition and what its intention is, my assumption, if 2 I was to make one, that it would be subject to medical 3 testing as well, but that is an assumption on my part. 4 MR BEER: Another one of the things that the code requires. 5 Just whilst we are on the minute, if we go back to 6 the first page, please, and look at the and look at the 7 foot of the page, whilst we are here: 8 "Work is ongoing by the College of Policing to 9 revise the code of practice." 10 I think you are involved in that, aren't you? 11 MR NICHOLSON: I am, sir, yes. 12 MR BEER: "The work will include further advice on the 13 process for the evaluation of weapon systems and will 14 reflect the recent organisational learning." 15 Then DAC D'Orsi says this: 16 "Whilst I consider the grenade to be a less lethal 17 weapon, they were also referred to as specialist 18 munitions during the Grainger Inquiry. The specific 19 definitions applied to weapons requiring special 20 authorisation will be considered during the code 21 revision." 22 That may suggest that there was a view that there 23 was confusion or doubt over whether the 2003 edition of 24 the code of practice applied to the flameless expulsion 25 grenade, doesn't it?</p> <p style="text-align: center;">Page 48</p>

1 MR NICHOLSON: You could interpret it that way, sir.
2 MR BEER: Was there such doubt, as far as you were aware?
3 MR NICHOLSON: Not that I am aware, no.
4 I think what recent events have probably highlighted
5 is the -- and it is one of terms of reference that have
6 been set for that rewrite of the code and the evaluation
7 process within it -- is the need to define a specialist
8 munition and a less lethal weapon, and recognise whether
9 and where there is any overlap, and then identify
10 an appropriate evaluation process, given the primary
11 purpose of that munition or weapon and any secondary
12 effects that might subsequently be a result of its use.
13 MR BEER: But as far as you were aware, there wasn't any
14 doubt that the expulsion grenade was a weapon requiring
15 special authorisation?
16 MR NICHOLSON: In my mind, sir, there is no doubt.
17 MR BEER: Thank you.
18 Sir, I wonder whether that is an appropriate moment
19 for the morning break?
20 THE CHAIRMAN: Yes, certainly. We will take a five-minute
21 break at this point, yes.
22 (11.44 am)
23 (A short adjournment)
24 (11.56 am)
25 THE CHAIRMAN: Yes.

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1 MR BEER: Thank you, sir. Mr Bennett, these questions are
2 mainly for you. There is work being undertaken on a new
3 draft code of practice; is that right?
4 MR BENNETT: That's correct, yes.
5 MR BEER: Not a new draft, a new code of practice.
6 MR BENNETT: Yes.
7 MR BEER: Are you involved in that?
8 MR BENNETT: Mr Nicholson is doing most of the detail on it,
9 given the technical nature of quite a lot of the work.
10 MR BEER: Do you have project leadership of it?
11 MR BENNETT: It is not a formal project as such. I have
12 oversight of it, so I have regular conversations with
13 Mr Nicholson about progress that is being made and how
14 we can make better progress, in terms of bringing it to
15 a conclusion.
16 MR BEER: Looking at the high level messages of it, would
17 you agree that in order for it to have a positive impact
18 on armed policing, and policy and practice, it is
19 important that it ensures central oversight, control and
20 governance, in particular in relation to the evaluation,
21 testing and introduction of specialist munitions?
22 MR BENNETT: I think that is definitely one of the outcomes
23 we are trying very hard to achieve, yes.
24 MR BEER: I will come to Mr Nicholson in a moment.
25 Have you detected any desire amongst practitioners,

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1 firearms practitioners, to seek to dilute the force of
2 the code so as to permit individual forces more latitude
3 or discretion to locally acquire, evaluate and authorise
4 the deployment of specialist and less lethal munitions?
5 MR BENNETT: I am not aware of that, no.
6 MR BEER: Mr Nicholson?
7 MR NICHOLSON: No, I am not aware of that.
8 MR BEER: Not aware of any move in that regard?
9 MR NICHOLSON: No, sir, I am not.
10 MR BEER: In the drafting of the code -- I don't want to go
11 through what words you have used, but overall, does the
12 present force of the code on what is required to be
13 done, before specialist or less lethal munitions are
14 authorised for deployment by the police service, remain?
15 MR NICHOLSON: Yes, sir. If anything, it will be reinforced
16 and, as you referred to earlier, where I indicated that
17 greater clarity might be needed, what I actually meant
18 by that was: if you are familiar with the code, if you
19 read it relatively regularly, and you read it from start
20 to finish in the context that it was developed and
21 designed, then I think it is quite clear what the
22 process is and the sort of approval, the development and
23 approval of new weapons systems is quite clear.
24 I think, probably, the issue and the reason why
25 there is a variety of interpretations is that not

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1 everybody does that, and there are various places within
2 the code where acquisition, operational authorisation
3 and the like are mentioned in the same sentence as chief
4 officers, and it could lead people to think there is
5 more autonomy in respect of the approval of weapons for
6 local use than there actually is.
7 I think that is one of the things we are seeking to
8 clarify in addition to the actual process, and
9 developing a sufficiently robust and pragmatic way in
10 which the police service can evaluate centrally the
11 weapons and munitions that are emerging and being
12 evolved because it is -- the operational threats are
13 changing. Not every day, but, you know, with a fairly
14 regular basis and we need to -- we need a process which
15 will keep pace with the operational threats we are
16 facing, to ensure that done with public safety in mind.
17 MR BEER: I understand. To summarise that answer, is this
18 right: if you read the whole of the code, or even the
19 whole of the part of the code that deals with section 4,
20 that deals with the authorisation of the use of
21 specialist munitions, it is clear that chief officers do
22 not have autonomy?
23 MR NICHOLSON: Yes, sir, I think so.
24 MR BEER: You can select some paragraphs from within
25 section 4 and read them alone. There are two of them,

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1 I think, which, read alone and without the paragraphs
 2 that come before and immediately after them, might
 3 suggest that there is autonomy over chief constables?
 4 MR NICHOLSON: You could interpret it that way, sir,
 5 I think.
 6 MR BEER: Thank you.
 7 Now, can I turn then, Mr Nicholson, to your review
 8 of GMP firearms policy and training. We have heard
 9 already you reported in October 2017, and we have your,
 10 I think, 59-page report between Z2, pages 630 to 689.
 11 So Z2, 630 to 689, thank you. You made a series of key
 12 findings, 10 key findings.
 13 MR NICHOLSON: Yes, sir.
 14 MR BEER: Which we have, and I am not going to go through
 15 all of them.
 16 Standing above the report as a whole, could you
 17 outline to the Chairman what you considered to be the
 18 most significant or serious development areas that you
 19 identified in your review of GMP firearms policy and
 20 training?
 21 MR NICHOLSON: I think if I had to describe one thing which
 22 underpins pretty much everything within those key
 23 findings, it would be the absence of standard operating
 24 procedures.
 25 THE CHAIRMAN: Sorry, your voice dropped.

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1 MR NICHOLSON: The absence of standing operating procedures.
 2 MR BEER: Was that the thing that struck you the most?
 3 MR NICHOLSON: Yes, sir, it was.
 4 MR BEER: Why did it strike you the most? What was
 5 significant or serious about it?
 6 MR NICHOLSON: Because without that level of local detail as
 7 to how authorised professional practice is going to be
 8 adopted by a force or by a region, it is very difficult
 9 to ensure standards and standardisation, and to have
 10 a benchmark against which you can monitor compliance
 11 with authorised professional practice and other relevant
 12 documents.
 13 MR BEER: Okay. This is not meant to be a league table or
 14 rating them, but underneath that significant finding,
 15 the absence of SOPs in a range of areas, and we have
 16 read the areas that you identified, any other
 17 significant or serious findings that mark them out from
 18 the rest?
 19 MR NICHOLSON: Without putting them in priority order,
 20 I would say probably the implementation of a command
 21 structure for spontaneous incidents, which is not
 22 necessarily for planned operations, but the sort of
 23 resilience at SFC level, particularly, which had sort of
 24 manifested with an issue of implementing a command
 25 structure and also record keeping.

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1 MR BEER: Okay.
 2 In relation to the first of those supplemental
 3 things you mentioned, can you just turn up page 648,
 4 please. Can you see key finding 3 there, in the box?
 5 MR NICHOLSON: Yes, sir.
 6 MR BEER: Where you find that current governance
 7 arrangements do not provide the clarity required by the
 8 code, in terms of chief officer responsibility, and do
 9 not support the establishment of a forgive firearms
 10 training collaboration.
 11 MR NICHOLSON: Yes, sir.
 12 MR BEER: That is a slightly different issue to the one you
 13 have just mentioned; is that right?
 14 MR NICHOLSON: That is more -- sorry, sir, I thought you
 15 were talking about GMP specific key issues. This is --
 16 it impacts on GMP, but it is a regional issue.
 17 MR BEER: So this is a different thing from that second
 18 level striking finding that you mentioned, which was
 19 about spontaneous deployments?
 20 MR NICHOLSON: Yes, sir, because -- inasmuch as that is
 21 a GMP specific key finding. Whereas this reflects more
 22 on the governance arrangements within the region as
 23 a whole, within the north-west region.
 24 MR BEER: Just so I understand what key finding 3 means: was
 25 there, by the time of your inspection, a GMP officer

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1 providing the clarity required by the code of practice
 2 with responsibility for armed policing in GMP?
 3 MR NICHOLSON: There was, but not in a -- what is the best
 4 way to describe this, not in a joined up way.
 5 The issue with the governance arrangements is that
 6 there is a regional ACC, the armed policing
 7 collaboration in the north-west is a training
 8 collaboration. It is not an operational collaboration
 9 at this point. They may well aspire to that, but at the
 10 moment it is a training collaboration that has been
 11 progressed. So there a region ACC level chief officer
 12 lead with responsibility for training arrangements in
 13 order to ensure that standards are met and capability
 14 and capacity to meet the threats and risk in the region
 15 were being achieved.
 16 MR BEER: Who was that?
 17 MR NICHOLSON: That is ACC Alan Barr, but that was only
 18 probably a couple of weeks, if that, before the review.
 19 Before that, it was ACC Tim Jacques from Lancashire
 20 prior to that. So that is a regional responsibility and
 21 a training responsibility, predominantly. And then,
 22 within each force, there remains a chief officer lead
 23 for operational matters in terms of armed policing,
 24 and --
 25 MR BEER: Who was the ACC with lead responsibility to GMP?

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1 MR NICHOLSON: That was ACC Vanessa Jardine.
 2 MR BEER: And -- sorry, no, you go on.
 3 MR NICHOLSON: So where it becomes unclear is where training
 4 and operations merge. It is not as simple as just
 5 separating training and operations. You know, there are
 6 interdependencies, they are mutually dependent.
 7 So there are some areas, particularly in relation to
 8 the maintenance of competence, which are absolutely
 9 training based and they would be for ACC Alan Barr, but
 10 there are also operational compliance issues in terms of
 11 quality assurance of commanders. There's a portfolio of
 12 maintenance and the annual operation -- maintenance of
 13 operational competence by commanders, as an example,
 14 which I would see as being the local force's
 15 responsibility, in order to determine whether they are
 16 going to operationally deploy those people in the
 17 roles -- in the command roles that I have described.
 18 That can be a little bit confused. The code, in its
 19 first -- in the first instance, sought to achieve
 20 absolute clarity as to where the responsibility and
 21 accountability for armed policing arrangements sat. And
 22 the difficulty with collaborations is that becomes less
 23 clear because operational independence is retained in
 24 most circumstances, but a training collaboration gives
 25 one chief officer the responsibility and accountability

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1 for training arrangements, and that becomes difficult
 2 where the two merge.
 3 MR BEER: Of course, the code was written in 2003, the one
 4 we are working from, when collaboration --
 5 MR NICHOLSON: Weren't a thing.
 6 MR BEER: Wasn't a thing. No, okay.
 7 In terms of the ACC within GMP's responsibility for
 8 operations, ACC Jardine, did your recommendations touch
 9 upon that ACC's leadership and responsibility, in terms
 10 of the code of practice?
 11 Were you satisfied about or concerned about
 12 leadership within the force?
 13 MR NICHOLSON: Some of the strategic direction within the
 14 force, as the report identifies, was not quite as
 15 defined as it could have been.
 16 I am not entirely sure how long ACC Jardine had been
 17 in post. I have it in my mind that was a fairly recent
 18 appointment, so the review was probably the catalyst for
 19 regaining some of that direction.
 20 MR BEER: Had she been out on secondment to Northumbria?
 21 MR NICHOLSON: I don't know, sir. I couldn't say.
 22 So, I think she was a fairly new post holder and was
 23 keen that I certainly met with ACC Jardine, at the
 24 conclusion of the physical review stage in August, and
 25 we had a discussion about some of the issues that I had

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1 identified and were obviously -- was obviously going to
 2 reflect in the report. So there was certainly a -- (a)
 3 an openness to identify issues, and there certainly
 4 seemed to be a willingness to address them once they had
 5 been identified. That was the impression I left with,
 6 sir.
 7 MR BEER: Thank you.
 8 Just dealing with some of your other key findings,
 9 then, if we go back to 647, we have dealt with 1 and 3
 10 already and I just want to turn to 2, if I may:
 11 "In the absence of an appropriately staffed, robust
 12 and occupationally competent regional compliance team,
 13 there is no reliability mechanism for the chief firearms
 14 instructor to ensure that each of the north-west
 15 regions, including GMP, is delivering curriculum
 16 compliant training."
 17 This was a recommendation that went region wide; is
 18 that right?
 19 MR NICHOLSON: Yes, sir. It reflects on the regional
 20 training collaboration arrangements.
 21 MR BEER: You say, in the build up to making this
 22 recommendation, that in the north-west the forces seemed
 23 to be reluctant to achieve operational collaboration and
 24 remained parochial in terms of their training and
 25 operational arrangements; can you explain what you mean

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1 by that?
 2 MR NICHOLSON: In a training collaboration -- the north-west
 3 has been in a training collaboration for a number of
 4 years now.
 5 In a training collaboration, what -- the progress
 6 that should be made should be towards joint training
 7 within the collaboration. So the point of having
 8 a training collaboration is that it achieves
 9 standardisation across the constituent forces, the six
 10 forces in the north-west region in this instance, in
 11 order that -- normally, the aspiration ultimately is
 12 that they will operate soft borders and that complete
 13 interoperability of command and tactical assets, for
 14 want of a better phrase, would be able to be used as
 15 a resource across that region.
 16 In the north-west example, with some exceptions, but
 17 not tactical exceptions, each of the constituent forces,
 18 although the training material is developed centrally
 19 under the watchful eye of the CFI, the training is
 20 actually delivered in the six constitute forces in
 21 isolation. So officers from Lancashire, for instance,
 22 wouldn't attend an armed response vehicle course or
 23 refresher training in Cumbria or one of the other
 24 constitute forces. So they are still very siloed in
 25 terms of their training, receipt and delivery.

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<p>1 In order to achieve the sort of operational benefits 2 that a later collaboration could bring, it would be more 3 sensible for people to train and operate together, and 4 that way they develop trust and confidence and 5 an understanding that everybody is using exactly the 6 same tactics and options and equipment across the 7 region, and then that becomes an easier decision to take 8 when you decide to reduce your borders or boundaries. 9 MR BEER: Thank you. 10 Can we turn to recommendation 4, which is, I think, 11 the one that you put at the top of your list. It's 12 page 654. I call it a recommendation, you are actually 13 keen to stress it is not a recommendation. It is a key 14 finding. 15 MR NICHOLSON: It is not a recommendation, no. 16 MR BEER: Yes. Key finding 4, at page 654: 17 "The current absence of operational standard 18 operating procedures is a vulnerability for GMP and for 19 the north-west region. GMP, together with the 20 north-west region, should undertake a gap analysis of 21 existing SOPs and decide whether to develop regional or 22 force level SOPs and staff the policy and compliance 23 function appropriately." 24 You have explained why this was striking to you; how 25 urgently, did you expect the force, GMP, to undertake</p> <p style="text-align: center;">Page 61</p>	<p>1 suboptimal IT solutions, makes it very difficult to 2 ensure that all relevant records are identified and 3 archived and may bring into question the integrity of 4 records. Standardisation will only be achieved by the 5 dissemination/enforcement of an SOP." 6 This links back to key finding 4; is that right? 7 MR NICHOLSON: Yes. 8 MR BEER: You explained, in the run-up to this key finding, 9 the practices that you found, which was using innovative 10 solutions to actual or perceived problems by completing 11 logs electronically using daybooks, and then after the 12 operation was over, writing it up into a computerised 13 log; what was your impression of how common that was? 14 MR NICHOLSON: Routine, I would say. 15 MR BEER: Routine? 16 MR NICHOLSON: From what I saw. And, again, I didn't have 17 a huge amount of exposure into the force, but from the 18 examples I saw, that was in most cases what was taking 19 place. There were records being made. Not on an IT 20 platform. I am not suggesting that is not the case at 21 any stage, but there were records being made and then 22 transferred on to IT format on to a command log template 23 in order for attention into the Chronicle training 24 record system. 25 MR BEER: So officers, commanders, would set aside some</p> <p style="text-align: center;">Page 63</p>
<p>1 the gap analysis? 2 MR NICHOLSON: As soon as practicable. I think the decision 3 that was being taken, as I left the force and as the 4 report landed, was whether they were going to approach 5 this from a regional SOP point of view or from a GMP SOP 6 point of view. Obviously, still with one eye on that 7 being a collaboration, ultimately. 8 My personal view is that would probably have 9 an impact on the amount of time that it took, not 10 necessarily to do the gap analysis, but to develop the 11 SOPs that they sought to develop. 12 Because the negotiation, et cetera, that is required 13 to identify a SOP that meets the needs and requirements 14 of all six constituent forces in my experience is likely 15 to take longer than if it is a force specific under the 16 direction and control of ACC Jardine, for instance. 17 MR BEER: Thank you. 18 Can we turn to 658, please, which is key finding 5. 19 Which I think is one of your higher level concerns; 20 is that right? 21 MR NICHOLSON: Yes, sir. 22 MR BEER: That you found: 23 "... record keeping by firearms commanders is not 24 standardised, commanders are adapting their methods of 25 record keeping to overcome operational pressures and</p> <p style="text-align: center;">Page 62</p>	<p>1 time, I think you describe as sort of writing up after 2 the events were over, you know, set aside an hour or two 3 in their diary to write up their logs. 4 MR NICHOLSON: That is what appeared to be take place, sir, 5 yes. 6 MR BEER: Can we move to finding 6, please, at page 660. 7 I think this is one of your second level findings in 8 terms of importance; is that right: 9 "The absence of a dedicated or structured firearms 10 intelligence function is negatively impacting on GMP's 11 ability to respond quickly and with the required rigour 12 to emerging firearms intelligence and threat. This is 13 due to the delay in intelligence being known to, and 14 assessed by, firearms commanders in order to inform 15 decision making and mitigation of risks." 16 This concerned, I think in particular, sensitive 17 intelligence; is that right? 18 MR NICHOLSON: Not necessarily, sir, no. 19 MR BEER: Okay, just explain more broadly, then, what key 20 finding 6 concerns. 21 MR NICHOLSON: Right. 22 If I can just explain before I start, this is one of 23 things in the report that I suggest is indicative rather 24 than conclusive, because I didn't spend a huge amount of 25 time with the intelligence professionals. It is not</p> <p style="text-align: center;">Page 64</p>

1 an area of knowledge for me, particularly, either, so
 2 I didn't get into that level of detail.
 3 This is based on interactions with commanders who
 4 are trying to command operations where the intelligence
 5 flow and the timeliness within which firearms related
 6 intelligence within the force was being identified to
 7 a tactical firearms commander, for instance, in order
 8 that they could determine whether a deployment of armed
 9 officers was a potential option in response to the
 10 threat that was -- that existed. And this was
 11 a frustration that was voiced by some of the commanders
 12 that we met, was that they were -- the system wasn't
 13 identifying and included them, if you like, in the
 14 assessment of that intelligence at an early enough
 15 stage.
 16 So, in some instances, a threat or a firearms
 17 related intelligence would go on for a period of time
 18 before they were being informed. By which time, they
 19 were behind the curve, so to speak, and trying to manage
 20 something which had probably developed over a period of
 21 time. Almost spontaneously in the first instance, where
 22 early identification to a TFC and involvement in that
 23 incident would have allowed for -- probably a more
 24 complex plan and more options and contingencies to be
 25 considered.

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1 MR BEER: Thank you.
 2 Can we turn, please, to page 663, where you found:
 3 "The briefing process and documentation for planned
 4 firearms operations requires greater standardisation,
 5 and that this would be supported by the development of
 6 a detailed SOP to include the archiving of all briefing
 7 material."
 8 As part of this finding, you noted that there was
 9 a problem in the description of where the operation was
 10 ASCO or MASTS; is that right?
 11 MR NICHOLSON: Yes, sir.
 12 MR BEER: Again, is this an indicative finding rather than
 13 a conclusive one?
 14 MR NICHOLSON: In as much as it is based on being provided
 15 with four examples of PowerPoint presentations that we
 16 used to support a briefing. Of those four, two of them
 17 were described as ASCO/MASTS, so 50 per cent of ones
 18 I was shown. So it's indicative rather than conclusive,
 19 I would suggest. It is a fairly small sample set.
 20 MR BEER: The problem with those that you saw was that you
 21 thought that those receiving the briefing may have
 22 believed, as a result of the briefing, that
 23 a vehicle-based tactic with some positive intervention
 24 was the pre-determined outcome of the deployment.
 25 MR NICHOLSON: Yes, sir. If I can just put that into

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1 context: that is based on the PowerPoint presentation
 2 that I saw.
 3 In isolation of anything else, I didn't listen to
 4 the recording of the briefing, which may have included
 5 more detail. From the PowerPoint presentations that
 6 I saw, that I was being told supported the information
 7 that was being delivered during the briefing, on those
 8 two examples, the ASCO/MASTS was described as the
 9 tactic, which it isn't. It is an operational platform
 10 from which a number of options and contingencies can be
 11 delivered and, on the action slide of the briefing
 12 presentation, enforced stop and extraction was shown,
 13 and nothing else in terms of contingencies on the ones
 14 I saw, which would lead me to conclude that, from that
 15 briefing, if I had received that briefing in isolation
 16 of knowing anything else about it, it would suggest to
 17 me that is a MASTS tactic rather than platform and that
 18 the preempted end result of that operation is likely to
 19 be an enforced stop and extraction while subjects are in
 20 vehicles.
 21 MR BEER: Thank you.
 22 Page 666, please.
 23 You found:
 24 "The current practice of unstandardised record
 25 keeping and subsequent transference onto electronic logs

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1 for submission and retention is a vulnerability for GMP
 2 and that GMP should identify a system and document with
 3 an SOP, a process that meets operational evidential
 4 requirements. Any system should be supported by
 5 effective IT solutions where necessary."
 6 Was this to do mainly with command logs?
 7 MR NICHOLSON: Yes, sir, it was.
 8 MR BEER: Anything other than command logs?
 9 MR NICHOLSON: No, this was about command logs.
 10 MR BEER: Thank you. In which case, I will move on.
 11 Can you go, please, to 670, to key finding 9.
 12 You found:
 13 "The current arrangements within GMP for monitoring
 14 the completion, quality and submission of command logs
 15 do not support standardised and accurate record keeping,
 16 that GMP should document and enforce a standardised
 17 process which supports the submission and retention of
 18 accurate command logs with all relevant associated
 19 documentation."
 20 Could you explain that a little bit more, please,
 21 key finding 9?
 22 MR NICHOLSON: Yes, sir. That relates to the innovative
 23 solutions that I have suggested are being used by, it
 24 must be said, well-meaning TFCs and SFCs who maybe are
 25 not supported by the IT solutions that their policy

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1 requires them to use, but this is predominantly about
 2 the way that command logs are kept, recorded is not
 3 standardised. So some people use a daybook, some people
 4 will use a paper version of the national log, other
 5 people will use the IT solution.
 6 What --
 7 MR BEER: An IT solution, you mean creating a Word document
 8 or sending an email to themselves, or --
 9 MR NICHOLSON: That is one of things that I witnessed, yes.
 10 That lack of standardisation makes it very difficult
 11 then.
 12 First of all, there is no standard operating
 13 practice in terms of how quickly that is then archived
 14 into the system, what the quality assurance looks like
 15 prior to that happening and a sort of -- almost like
 16 a defined list of some of the supporting documents for
 17 those decisions that are recorded within that log. So,
 18 for instance, community impact assessments, subject
 19 profiles would be a couple of those examples. And in
 20 the absence of knowing what documentation -- because of
 21 the lack of standardisation, in the absence of knowing
 22 which documents support that command log, it is
 23 difficult for anybody to assess whether they have got
 24 a completed file, if that makes sense?
 25 So if I am, for instance, the Chronicle inputter

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1 where they are archiving their command logs and
 2 everything that supports their decision making, if
 3 I don't know what to expect, I can't identify gaps in
 4 the records that are being maintained in order to
 5 support the commanders and, you know, any evidence that
 6 they might have to give a subsequent court case or any
 7 sort of investigation, because there is no defined audit
 8 process. I don't know whether I've got a completed
 9 command log in front of me or the supporting documents.
 10 MR BEER: Thank you. Then, lastly, just for completeness,
 11 on page --
 12 THE CHAIRMAN: Before we do that, I think you said firstly
 13 no standardised operating practice; was there another
 14 point or have you actually covered all that now?
 15 MR NICHOLSON: I think I have just covered that, sir.
 16 THE CHAIRMAN: Right, thank you.
 17 MR BEER: At 672, please, finding 10. I will read it out.
 18 I do not have any questions about it because it is
 19 almost an incidental finding for this Inquiry. It is
 20 not the subject matter of this Inquiry:
 21 "The current GMP arrangements for SFC cover do not
 22 provide the required resilience for the command of armed
 23 deployments, particularly in terms of spontaneous armed
 24 deployments. The SFC role is largely redundant and this
 25 represent a significant vulnerability."

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1 I think that was one of your second level, but
 2 important findings; is that right?
 3 MR NICHOLSON: Yes, sir.
 4 MR BEER: Thank you.
 5 Gentlemen, they are the only questions I ask. Thank
 6 you.
 7 THE CHAIRMAN: Mr Weatherby, do you have some questions?
 8 MR WEATHERBY: Yes, please.
 9 Questions from MR WEATHERBY
 10 MR WEATHERBY: First of all, I am Pete Weatherby and
 11 I represent Gail Hadfield-Grainger, the partner of
 12 Anthony Grainger.
 13 Can I pick up where I think Mr Beer started this
 14 morning, going back to a register of recommendations,
 15 please.
 16 Have I understood you correctly, that you are
 17 broadly supportive of the idea, you just don't think it
 18 should be located within the College of Policing?
 19 MR BENNETT: Yes. I think that would be a fair summary.
 20 MR WEATHERBY: Yes, I mean it really is a matter of common
 21 sense, isn't it, that if there is a register of
 22 registrations, then Inquiries like this, they are not
 23 forgotten, they are not an academic exercise, they have
 24 to be acted on?
 25 MR BENNETT: I think that we have acted on an awful lot of

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1 the recommendations from inquiries.
 2 MR WEATHERBY: Yes.
 3 MR BENNETT: But I don't think there is a single place where
 4 you could go to and, with complete clarity, identify
 5 every single recommendation, the action that had been
 6 taken against it, that they had all been fully
 7 discharged and --
 8 MR WEATHERBY: If there was a register, then, of course,
 9 whoever it was within the policing family could then
 10 comment, express what actions had been taken, as
 11 appropriate, so that people like my client, who have
 12 a very close interest, or the general public or other
 13 members of the policing family, can then see the utility
 14 of an inquiry like this and improvements in safety in
 15 what is a very dangerous area.
 16 MR BENNETT: Yes.
 17 MR NICHOLSON: Yes, sir, accepted.
 18 MR WEATHERBY: One further point on that: if it is not the
 19 College of Policing where this should be located, are
 20 you able to assist the Chair by suggesting where it
 21 should be located?
 22 MR BENNETT: We have had this discussion amongst ourselves
 23 a number of times and policing governance landscape is
 24 extremely complex, and I think it has probably got more
 25 complex over the years, rather than less complex.

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1 So we have a number of players. We have the College
 2 of Policing, whose role, as I mentioned before, is
 3 knowledge, education and standards, so guidance based on
 4 the best available evidence.
 5 We have the NPCC, whose role is to coordinate the
 6 implementation of that. Although each individual chief
 7 constable has operational independence and can make
 8 decisions about whether or not they could comply with
 9 the guidance.
 10 The HMIC are supposed to inspect compliance with the
 11 guidance in general terms.
 12 The role of the Home Office as a coordinating
 13 function has perhaps diminished over the years, as there
 14 has been a move towards localisation, and we have also
 15 had the introduction of PCCs, which bring an interesting
 16 perspective, because although the chief officer has
 17 operational independence, the resourcing of some of
 18 those decisions might actually have an implication.
 19 So I don't think the College is in a position to
 20 suggest who should carry out that function because of
 21 the complexity of the landscape in which we are
 22 currently operating.
 23 MR WEATHERBY: I shall not pursue it with you further.
 24 MR BENNETT: Thank you.
 25 MR WEATHERBY: Can I just pick up a couple of threads from

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1 Mr Beer's questions about your key findings,
 2 Mr Nicholson, and only a few threads because you have
 3 covered it quite comprehensively.
 4 Firstly, I think you said this morning words to the
 5 effect that it is very important to make learning from
 6 incidents very quickly or as quickly as is possible; is
 7 that right?
 8 MR NICHOLSON: In the context of organisational learning
 9 debriefs, sir, I think I was explaining.
 10 MR WEATHERBY: Yes.
 11 MR NICHOLSON: Yes, sir.
 12 MR WEATHERBY: Was it therefore a surprise to you that it
 13 was so long after these events that there was a review
 14 of the type that you were conducting?
 15 Was it a surprise to you when you were presented
 16 with the terms of reference that this had not been done
 17 before by you or somebody of your expertise?
 18 MR NICHOLSON: That is difficult for me to comment on
 19 because obviously, at that stage, I wasn't aware of --
 20 I was aware that Greater Manchester Police had
 21 implemented a team, a GMP team that were looking at the
 22 Inquiry and the findings, in 2012. I wasn't familiar
 23 with the work that they were undertaking and whether
 24 they were doing an internal review that had been
 25 commissioned by GMP, so it's difficult for me to

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1 comment.
 2 MR WEATHERBY: Yes, but given when you arrived with your
 3 terms of reference, given your findings, they hadn't
 4 actually made the changes that were required, had they?
 5 In key areas.
 6 MR NICHOLSON: There was clearly -- some of the issues that
 7 I identified had clearly been identified by the Op Idris
 8 team prior to me coming in. Had they then progressed to
 9 the level that I would have expected, probably not, but
 10 there was certainly evidence that work within GMP was
 11 seeking to identify the issue.
 12 MR WEATHERBY: Seeking to identify.
 13 Can I ask you, having completed this review, have
 14 you been asked to go back and review the progress on it?
 15 MR NICHOLSON: I haven't at this stage, sir.
 16 MR WEATHERBY: Can I, as I say, pick up a couple of threads
 17 just for greater clarification. Mr Beer took you
 18 through the key findings, so I hope I can work very
 19 quickly on this, but in terms of key finding 2 and key
 20 finding 3, your finding on key finding 2 was that there
 21 was an element of parochialism, so the collaboration
 22 that was sought in the training sphere wasn't being
 23 carried through as effectively as it should have been;
 24 is that a fair summary?
 25 In fact, at 9.1.10, you indicate that you were told

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1 by two GMP firearms instructors that the centrally
 2 developed training was being amended prior to delivery
 3 in GMP.
 4 MR NICHOLSON: Yes. My team were told that, sir.
 5 And, again, if I could add some context, if it is
 6 helpful?
 7 The reason why that again says "indicative" rather
 8 than "conclusive", it was two instructors. There is
 9 an acceptance that having been developed centrally and
 10 approved by the CFI for delivery, that training will be
 11 adapted slightly for the environment that it is going to
 12 be delivered in. So a force may be using a different
 13 facility with different resources for that training. So
 14 whilst the training content of the training remains
 15 consistent, there is some flexibility within risk
 16 assessments and depending on the environment that it is
 17 going to be delivered for some changes to be made, and
 18 this was based on the fact that any changes weren't
 19 explained in that way and that there was no evidence
 20 that those changes were being returned to the CFI for
 21 final approval.
 22 MR WEATHERBY: Exactly. So, first of all, the
 23 vulnerabilities that you identified in this finding was
 24 that there was no compliance of what was actually being
 25 delivered within the collaboration, within the

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1 individual forces within the collaboration.
 2 MR NICHOLSON: There was no mechanism for assessing
 3 compliance, yes.
 4 MR WEATHERBY: Yes, no mechanism for assessing compliance,
 5 and that meant that the officer with ownership of the
 6 process, the CFI, couldn't be in a position to know what
 7 he or she should know.
 8 MR NICHOLSON: Not with absolute certainty, sir. I would
 9 say that was a fair assessment.
 10 MR WEATHERBY: Key finding 3:
 11 "The governance arrangement did not provide the
 12 clarity in terms of the chief officer responsibility."
 13 Can you explain how that differs from key finding 2?
 14 I am not quite understanding the difference.
 15 MR NICHOLSON: Right. Key finding 2 is about the practical
 16 delivery in essence of firearms training. So it is very
 17 difficult to assess whether your training is, at the
 18 point of delivery, compliant with the current version of
 19 the national firearms training curriculum, if you
 20 haven't got that compliance in place.
 21 MR WEATHERBY: Yes.
 22 MR NICHOLSON: The key finding 3 is more about chief officer
 23 level strategic direction, I guess, and those sort of
 24 governance arrangements that sit over that, and it is
 25 what I described earlier on, where you have got

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1 a regional ACC with responsibility for training, you
 2 have got existing meeting structures within each force
 3 to discuss operational issues.
 4 MR WEATHERBY: Yes.
 5 MR NICHOLSON: Which have an impact on training. Unless
 6 there is absolute clarity as to how those mechanisms
 7 mesh, if you like, then it is very difficult to assess
 8 whether operational threat and risk is being
 9 appropriately, through that meeting structure, fed into
 10 and evolving your firearms training to meet the
 11 operational requirement that you have got and who is
 12 responsible for that.
 13 MR WEATHERBY: That means the deficits in the mechanism of
 14 compliance with training feeds into the governance of
 15 the whole operational and training package, if I can put
 16 it that way; is that fair?
 17 MR NICHOLSON: I am not entirely sure one feeds into the
 18 other, but they are both --
 19 MR WEATHERBY: Part of the same --
 20 MR NICHOLSON: They both have implications for the delivery
 21 of consistent and compliant standardised training.
 22 MR WEATHERBY: Yes.
 23 Moving on from that, if we go to the code. I am
 24 looking at page 203, and this is the ownership of the
 25 operational policy and practice within the force, rather

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1 than the collaboration; yes?
 2 MR NICHOLSON: Yes.
 3 MR WEATHERBY: So 3.1.1, the nominated senior firearms
 4 officer in each force.
 5 MR NICHOLSON: Sorry, sir, are we --
 6 MR BENNETT: Which bundle are we in here, please, sir?
 7 MR WEATHERBY: Sorry, Z2, I only have one Z2, bundle A.
 8 I guess it is the first one.
 9 THE CHAIRMAN: It is the first one, yes.
 10 MR WEATHERBY: Page 203.
 11 MR BENNETT: It's the other one then.
 12 MR NICHOLSON: That is Z1.
 13 MR BENNETT: Okay.
 14 MR NICHOLSON: Right, sir.
 15 MR WEATHERBY: This is the requirement for somebody at
 16 a high level, an ACC level, taking ownership of the
 17 operational policy and practice; yes?
 18 MR NICHOLSON: Yes, sir.
 19 MR WEATHERBY: So, effectively, the buck stops with him or
 20 her, in terms of the delivery of firearms operations
 21 within that force area.
 22 MR NICHOLSON: Yes, sir.
 23 MR WEATHERBY: Am I right that the deficits that you have
 24 identified in key finding 2 and key finding 3,
 25 therefore, undermine that ownership because the training

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1 feeds into the operational side?
 2 MR NICHOLSON: Yes, sir. It can do.
 3 MR WEATHERBY: Thank you very much. I understand that now.
 4 Okay, can I put that away, please. Can I just then
 5 clarify one further point about command logs.
 6 Key findings 5, 8 and 9, am I right that those can
 7 be read together? The issues raised in 5, 8 and 9
 8 generally refer to command logs and commanders'
 9 standardisation of logs, archiving of logs, integrity of
 10 logs.
 11 MR NICHOLSON: Yes, sir, that would be fair.
 12 MR WEATHERBY: So, in terms of considering a recommendation,
 13 those could all be dealt with by a standard operating
 14 practice; yes?
 15 MR NICHOLSON: Together with a mechanism for assessing
 16 compliance against that.
 17 MR WEATHERBY: Together with a mechanism of assessing
 18 compliance, which could be included in that policy
 19 document; yes?
 20 MR NICHOLSON: Yes, sir.
 21 MR WEATHERBY: Indeed, it could also be dealt with by
 22 a better IT solution, would that be right?
 23 MR NICHOLSON: It could be. If the force wishes to continue
 24 using an IT based command log, then it requires an IT
 25 solution that allows that to happen --

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1 MR WEATHERBY: Indeed, there are big advantages, aren't
 2 there, in having electronic command logs, in terms of
 3 the integrity of the log?
 4 MR NICHOLSON: There can be.
 5 MR WEATHERBY: Yes.
 6 MR NICHOLSON: There can be. Obviously it depends to some
 7 extent on the operational setting and the nature of the
 8 operation that is being commanded, but I can't argue
 9 with the principle that if you commit something to
 10 a format which time date stamps everything you put into
 11 it, then there are benefits to that.
 12 MR WEATHERBY: In this Inquiry, there has been evidence of
 13 ex post facto completion of command logs.
 14 MR NICHOLSON: So I understand, sir.
 15 MR WEATHERBY: A significant solution, or part solution to
 16 that, would be the use of electronic logs.
 17 MR NICHOLSON: It could be, sir.
 18 MR WEATHERBY: Yes.
 19 Can I move on, just to two other areas, and I will
 20 deal with them as swiftly as I can, but they have not
 21 been covered yet this morning.
 22 First of all, I just want to touch on AFOs and
 23 their assessment and training. So I am picking up from
 24 Z1, at page 160.
 25 THE CHAIRMAN: Of which bundle?

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1 MR WEATHERBY: Z1.
 2 THE CHAIRMAN: Z1.
 3 It starts right at the bottom with AFOs. I am not
 4 going to read it out.
 5 MR NICHOLSON: Sorry, sir, I am on post-incident managers,
 6 so it must be different.
 7 MR WEATHERBY: Sorry, bottom of 159.
 8 MR NICHOLSON: Right.
 9 MR WEATHERBY: You deal with the training of AFOs. Can
 10 I just ask you some broad and simple questions, because
 11 it is not clear to me.
 12 Firstly, the selection of AFOs, is there a policy on
 13 the selection of AFOs, in terms of psychological fitness
 14 for that role?
 15 MR NICHOLSON: There isn't a national policy.
 16 MR WEATHERBY: Right.
 17 MR NICHOLSON: The selection arrangements for firearms
 18 officers within each force is for the force to
 19 determine.
 20 MR WEATHERBY: Would you expect there to be a policy on the
 21 selection of AFOs?
 22 MR NICHOLSON: I would expect there to be criteria against
 23 which authorised firearms officers are selected, yes,
 24 and a policy to go with that, yes.
 25 MR WEATHERBY: Yes.

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1 Have you seen such a policy in terms of Greater
 2 Manchester Police or is that just outside your remit?
 3 MR NICHOLSON: I haven't seen one, sir.
 4 MR WEATHERBY: Okay. In terms of the training of AFOs --
 5 and again a very broad question, so forgive me if it is
 6 simplistic -- the initial training requires
 7 a demonstration of competence by the AFO within that
 8 initial training; yes?
 9 MR NICHOLSON: Yes.
 10 MR WEATHERBY: Then, once an AFO has become occupationally
 11 competent and operationally competent, they then have to
 12 refresh through a programme each year?
 13 MR NICHOLSON: Yes.
 14 MR WEATHERBY: During the refresher process, is there
 15 equally the requirement to demonstrate competence?
 16 MR NICHOLSON: Yes.
 17 MR WEATHERBY: So it is not simply they have to attend a set
 18 number of training courses, they actually have to
 19 complete work which is assessed and reviewed.
 20 MR NICHOLSON: Their competence is assessed every time they
 21 attend training because it is not only part of the
 22 refreshment of their core skills, it is also
 23 an assessment of their continued competence to deliver
 24 them.
 25 MR WEATHERBY: Yes, so it is actually not a matter of

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1 turning up and doing the course, there is actually
 2 a review of the individual AFO during that process.
 3 MR NICHOLSON: Yes, sir.
 4 MR WEATHERBY: Again, assessed against a criteria --
 5 MR NICHOLSON: The same criteria for refresher training
 6 would be in place as is there for initial training, sir,
 7 yes.
 8 MR WEATHERBY: Yes.
 9 That is all I want to ask you about training.
 10 In terms of other issues with AFOs, complaints or
 11 concerns about unprofessional behaviour, my
 12 understanding is that there is an onus on the individual
 13 AFO and their supervisor to report any issues that could
 14 affect their continuing competence; is that right?
 15 MR NICHOLSON: I think in terms of the AFO, what you are
 16 referring to is a fitness for duty. So if an authorised
 17 firearms officer feels that there is something medically
 18 or psychologically going on within their life or
 19 domestic circumstances, they are duty bound to declare
 20 that to a supervisor in order that a decision can be
 21 made about their future deployment as an AFO. The
 22 supervisory responsibility is partly that, but also the
 23 monitoring of people's -- not competence, but
 24 suitability to remain as firearms officers.
 25 MR WEATHERBY: So to identify, for example, life stresses

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1 that arise. Particular --
 2 MR NICHOLSON: That's a line manager responsibility, in
 3 terms of the supervisor and an individual responsibility
 4 on behalf of the AFO to declare anything which they
 5 think could affect that suitability.
 6 MR WEATHERBY: Yes, and is that a proactive thing? Is it
 7 a duty that supervisors have simply to keep an eye out
 8 for something or is there a proactive process or policy,
 9 or is there guidance on how a supervisor should do that?
 10 MR NICHOLSON: I am not aware of a force who has an SOP
 11 which is specifically about how somebody -- how
 12 a supervisory AFO relationship, if you like, would look
 13 in terms of that monitoring.
 14 It is something that is ingrained in AFOs, in terms
 15 of their suitability, and it is something that
 16 a supervisory responsibility for any police supervisor,
 17 not just a firearms supervisor. So it is routine daily
 18 business, I guess.
 19 MR WEATHERBY: Sure. Okay, I understand that in the general
 20 picture of policing, but here we are obviously talking
 21 about a very specialist part of the policing role, and
 22 one which obviously involves potential lethal force; do
 23 you think there ought to be more guidance or policy in
 24 terms of the ongoing assessment of issues that might
 25 arise on a proactive, rather than reactive basis?

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1 MR NICHOLSON: It something that could be considered.
 2 I mean, that sort of self-reporting is not --
 3 doesn't work in isolation. There is also a requirement
 4 for officers to undertake medical assessment annually.
 5 There is a GP referral scheme, so their GP is informed
 6 that they are an authorised firearms officer, so
 7 anything that might be identified by their GP would be
 8 fed back to the organisation as a responsibility. So
 9 there are a number of mechanisms, professional standards
 10 departments within forces would also monitor, for
 11 instance, if somebody had a use of force complaint, for
 12 instance, against them, then that would be something
 13 that the professional standards department would take
 14 a view on and investigate.
 15 There are a number of things, but what I think you
 16 are getting at is there is not an SOP that brings all of
 17 that together.
 18 MR WEATHERBY: Or even guidance to bring that together, yes.
 19 That is something you think might be useful?
 20 MR NICHOLSON: There is guidance, but it is not -- probably
 21 not in the detail you are suggesting and it is something
 22 that could be considered, sir, yes, I would accept that.
 23 MR WEATHERBY: Yes. Can I again briefly touch on the issue
 24 of MASTS and static cover; is something that you can
 25 assist us with?

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1 MR NICHOLSON: I will do my best.
 2 MR WEATHERBY: Yes. Just let me get a reference, please.
 3 (Pause)
 4 I am referring to page 179, of Z1. It is stated:
 5 "The provision of static cover in the context of
 6 an intervention and the principle of having covering
 7 officer more broadly in armed policing tactics is well
 8 known and widely trained."
 9 This is something that ...
 10 MR NICHOLSON: As a concept, sir, yes.
 11 MR WEATHERBY: As a concept is there to be of use.
 12 But you go on to say, at the bottom of the -- well,
 13 it is the middle of the page. Can you see the
 14 paragraph:
 15 "The manner in which the cover is provided will be
 16 dependent on the circumstances ..."
 17 MR NICHOLSON: Yes.
 18 MR WEATHERBY: "However, the officer performing the covering
 19 role has to be in a position from which they will be
 20 able to identify a threat and respond appropriately and
 21 effectively."
 22 MR NICHOLSON: Yes, sir.
 23 MR WEATHERBY: Is that really the key part of the
 24 consideration of static cover?
 25 MR NICHOLSON: I would suggest that is fundamental to

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1 performing the role. The whole point of a static
 2 covering officer is that, whilst other firsts are
 3 engaged in other tasks which may not be conducive with
 4 them protecting themselves, that somebody provides that
 5 cover for other officers whilst they either tactically
 6 move or negotiate, or go into an arrest phase or
 7 a number of different things.
 8 MR WEATHERBY: Yes.
 9 MR NICHOLSON: The fundamental behind being able to do that
 10 is that you can actually provide the cover and make
 11 reasonable assessments about threat. If you cannot do
 12 that, you are in the wrong place or static cover isn't
 13 appropriate, would be my view.
 14 MR WEATHERBY: Yes.
 15 Static cover from a car puts the officer in
 16 a limited position.
 17 MR NICHOLSON: That depends on the circumstances, the height
 18 of the car and the type of the car, but I understand the
 19 point you are making.
 20 MR WEATHERBY: They are in a fixed position where it is not
 21 as easy if they are in a cover position where they are
 22 not static.
 23 MR NICHOLSON: You could be static within a vehicle and you
 24 could have sufficient vision to provide cover from that
 25 platform.

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1 MR WEATHERBY: Yes.
 2 MR NICHOLSON: The whole point of not being moving is that
 3 you are on a stable platform in order to meet the
 4 requirements of the role.
 5 MR WEATHERBY: Yes, I am not making myself clear.
 6 The point I am trying to discuss with you is that if
 7 you have a cover officer who is not in a car, so the
 8 cover officer is part of a team surrounding a vehicle,
 9 for example, then that officer is obviously much more
 10 flexible in that he or she can move right or left,
 11 forward or backwards, to get a better position.
 12 MR NICHOLSON: I think that is fair, sir, and it is reflect
 13 again in the curriculum, that if you start in a position
 14 in a vehicle, then you should move to a more flexible
 15 position as soon as the opportunity arises.
 16 MR WEATHERBY: Yes.
 17 MR NICHOLSON: Unfortunately, the nature of some deployments
 18 does not allow that immediately. There is a period of
 19 time --
 20 MR WEATHERBY: I accept that, and that was our starting
 21 point, that static cover is an appropriate ...
 22 MR NICHOLSON: Concept.
 23 MR WEATHERBY: Concept, thank you.
 24 In some circumstances.
 25 But I am just trying to explore the limitations of

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1 it.
 2 MR NICHOLSON: Yes.
 3 MR WEATHERBY: So where there is an enforced stop, for
 4 example, a stop on a road, a moving subject/vehicle, it
 5 may be that it would be difficult to have other than
 6 a static cover; would that be fair?
 7 MR NICHOLSON: It may be.
 8 MR WEATHERBY: So if the vehicle is being stopped, initially
 9 at least, a key cover point would be from the vehicle;
 10 yes?
 11 MR NICHOLSON: Yes, sir.
 12 MR WEATHERBY: The key, important part of any cover is to
 13 maximise the viewing point of the officer with cover.
 14 MR NICHOLSON: To enable them to perform the role that they
 15 are there for. Yes, sir.
 16 MR WEATHERBY: So, in terms of an enforced stop for example,
 17 an officer position indeed a vehicle may be able to see
 18 down into the car quite effectively, depending on the
 19 position of the car.
 20 MR NICHOLSON: May well be. Yes, sir.
 21 MR WEATHERBY: That deals with an enforced stop.
 22 The circumstances we are considering here wasn't
 23 an enforced stop, but it was an extraction from
 24 a stationary car, approached from the front. That would
 25 put a person on cover from the car in a wholly different

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1 position, wouldn't it?
 2 MR NICHOLSON: Difficult for me to assess --
 3 THE CHAIRMAN: Mr Weatherby, this is really going back,
 4 isn't it, to the sort of issues that were considered
 5 during the first part of this Inquiry, rather than
 6 recommendations?
 7 I don't want to stop you, but I think if the officer
 8 is reluctant to explore that, I would be inclined to
 9 respect that reluctance.
 10 MR WEATHERBY: Yes, I am obliged by that indication.
 11 Would you just give me a moment?
 12 THE CHAIRMAN: Of course, yes.
 13 (Pause)
 14 MR WEATHERBY: Well, thank you for that indication. I will
 15 move on, but just a final point, really, in terms of
 16 cover generally, static cover in particular. A key
 17 important issue would be for other officers to know
 18 where the static cover or the any cover officer was. In
 19 any policy that is being developed in terms of MASTS and
 20 the use of cover, it would be important to stress,
 21 wouldn't it, that the officers involved in the
 22 extraction or enforced stop, or the stop of a stationary
 23 vehicle, would know where the cover officer was?
 24 MR NICHOLSON: Not precisely, sir, I would argue. The fact
 25 that an officer has been given the responsibility of

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1 providing that cover to allow others the freedom to move
 2 would be something that you would expect everybody to
 3 understand. So if I am tactically moving from one place
 4 to another, I would need to be reassured that somebody
 5 was providing that function.
 6 What I think is very difficult to do, based on
 7 anything that is dynamic and fast moving, is to tell
 8 everybody exactly where that cover officer is going to
 9 be. There has to be a reliance that that officer, based
 10 on their training and their understanding of what their
 11 role is, to find an appropriate position to cover from.
 12 It might, in the circumstances, not be easy to
 13 communicate that at the time, whilst everybody else is
 14 doing something else.
 15 MR WEATHERBY: But the point being, in terms of policy and
 16 developing a MASTS policy, I am right, I think, that the
 17 training that is delivered to AFOs is that officers
 18 should know where a cover officer is because they then
 19 don't travel through the arc of fire.
 20 MR NICHOLSON: That is no different to any other officer
 21 that is moving. That is not explicit to a covering
 22 officer, that is everybody being aware of their arcs of
 23 fire while they are being deployed as a partner team.
 24 MR WEATHERBY: I put my question wrongly then.
 25 So it is important that officers on the operation

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1 know where each other are so they don't travel through
 2 the arc of fire of another one, unless that's --
 3 MR NICHOLSON: To an extent, but that relies to some extent
 4 on people's situational awareness and peripheral vision
 5 because people move, and people don't go to static
 6 locations and just stay there, so it is going to be
 7 fairly fluid.
 8 MR WEATHERBY: So there is a broad common understanding of
 9 where each other is, in terms of --
 10 MR NICHOLSON: There is a broad common understanding that
 11 you need to maintain situational awareness, and
 12 an understanding of your surroundings and where your
 13 colleagues are in order that you don't cross their arcs
 14 of fire, yes.
 15 MR WEATHERBY: Yes, thank you very much.
 16 THE CHAIRMAN: Anything Mr Straw?
 17 MR STRAW: Just a few questions, thank you.
 18 Questions from MR STRAW
 19 MR STRAW: My questions are primarily for Mr Nicholson, but
 20 please do jump in if there is anything you would like to
 21 add, Mr Bennett.
 22 Mr Nicholson, you have already explained that the
 23 local forces should have SOPs to ensure standards or
 24 another a benchmark to ensure compliance; is it
 25 particularly important to ensure standards in this

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1 context where lethal force may be used?
 2 MR NICHOLSON: Yes.
 3 MR STRAW: Does the national policy contain any guidance as
 4 to what should go into the SOPs?
 5 MR NICHOLSON: No, it doesn't, is the short answer to your
 6 question, but the reason for that is it would be very
 7 hard to cater for every SOP that you are describing.
 8 The general principle is that the authorised
 9 professional practice for armed policing provides
 10 strategic principles and, in some respects, more detail
 11 than others.
 12 So, for instance, the post-incident procedure is
 13 extremely detailed as a result of the way that has
 14 evolved.
 15 The general principle is that provides you with your
 16 strategic principles, and SOPs should describe how that
 17 guidance is implemented at a local level. So it is
 18 probably not a national direction that would be expected
 19 that we would tell forces or National Armed Policing
 20 would tell forces how to do that. They determine, based
 21 on their operational requirements and their structures
 22 and everything else, what they need SOPs for and then
 23 they define exactly what the process should look like in
 24 those documents.
 25 So, as a general principle, that is how it works,

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1 but it is very important to provide guidance which would
 2 cater for all of those for every force and every SOP
 3 that they might develop.
 4 MR STRAW: I would just like to explore that by reference to
 5 a few examples. Focusing on the threat assessment which
 6 is given to the AFOs within their briefing, so the
 7 information upon which they judge, or they may judge,
 8 whether or not to discharge their weapon, do you
 9 understand that local forces have a number of different
 10 sources of information which may be more or less
 11 reliable? For example, indictments, trial record sheets
 12 on the one hand, on the reliable hand, and on the other
 13 side, GMPics, OPUS, GMP crime records which may be less
 14 reliable; do you understand there is a range of
 15 information they may have?
 16 MR NICHOLSON: I understand the concept of information and
 17 intelligence is of varying sorts, and some is factual
 18 and some is reported and there is a difference, and
 19 I understand that.
 20 MR STRAW: The person preparing the AFO threat assessment,
 21 the process they should undertake and which sources of
 22 information they should access, whether it is the more
 23 or less reliable ones, presumably that is something for
 24 a local policy to define?
 25 MR NICHOLSON: There is a general principle that if you are

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1 a tactical firearms commander planning an appropriate
 2 response within an armed deployment, that you know as
 3 much about the intelligence that you need to know;
 4 everything you could know, you should know.
 5 MR STRAW: Guidance for the person who is preparing the
 6 threat assessment, in other words as to whether they
 7 should try and access one type of source, the more
 8 reliable source, rather than another one, the less
 9 reliable source; is that something that should be in the
 10 local policy?
 11 MR NICHOLSON: Well, the general principle of the training
 12 that is given to everybody, TFCs specifically in
 13 relation to your question, is that they should do
 14 everything within their gift to ensure that the
 15 information/intelligence they are in possession of, they
 16 do as much as they can to ensure that what can be
 17 factually ratified to turn what they might be assuming
 18 to be the case into hard evidence and fact, they should
 19 do everything they can to achieve that.
 20 The reality is that is not always possible and there
 21 is still going to be a mixture of reliability in terms
 22 of the information/intelligence they are basing their
 23 threat assessment on -- on, sorry.
 24 The point I was making earlier is that should be
 25 clear to AFOs, if I am briefing a group of AFOs, then

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1 I should be absolutely clear as to the fact that I am
 2 basing a threat assessment on an assumption or factual
 3 information or a combination of both.
 4 MR STRAW: You said that is the training for commanders,
 5 threat assessments might be prepared by someone else in
 6 the TFU team, an ordinary firearms officer for example;
 7 is that right?
 8 MR NICHOLSON: No, I would expect the threat assessment, in
 9 the first instance and thereafter, to be prepared by the
 10 TFC. It is their threat assessment against which they
 11 are going to set working strategy and objectives
 12 priorities in order to brief the armed officers as to
 13 how to prioritise their actions in order to achieve the
 14 strategy that they have set. So that, for me, is
 15 absolutely the TFC's threat assessment, ratified at some
 16 stage by an SFC, I accept that, but in the first
 17 instance, developed by the TFC.
 18 MR STRAW: Earlier you described what you considered the
 19 contents of the threat assessment given to AFOs should
 20 be. Is this a fair summary: it should summarise the
 21 threat, so an assessment of the threat, and where
 22 appropriate give a concise summary of key underlying
 23 information?
 24 MR NICHOLSON: Yes, I think that is fair.
 25 MR STRAW: As I understand it, that is not quite what the

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1 APP says, so the APP doesn't give quite that much detail
 2 as to the contents of the threat assessment; would you
 3 agree with that?
 4 MR NICHOLSON: In the armed deployment chapter of the APP,
 5 threat assessment is described in some detail. So the
 6 sort of considerations that would influence a threat
 7 assessment are described in some detail.
 8 MR STRAW: Would you agree that that, so what we have just
 9 discussed as to the contents of the threat assessment,
 10 should be something that goes into the national policy,
 11 particularly if the Chairman feels here that the GMP
 12 understanding of what the content of the threat
 13 assessment should be is perhaps different from your, as
 14 the national expert, understanding of the content?
 15 MR NICHOLSON: Potentially. That is described broadly in
 16 the APP, but as I have said, there is significantly more
 17 detail in the way that the national decision model is
 18 used within the armed deployment chapter of the APP,
 19 which describes most of the considerations that you
 20 would have in developing a threat assessment and
 21 determining who is at risk from the threat that you have
 22 identified.
 23 So there is significant guidance in terms of the
 24 development of a threat assessment, and I think it is
 25 absolutely right that, having determined what your

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1 threat assessment is and identified who is at risk from
 2 that threat, that you brief your rationale for that
 3 conclusion that you have drawn to the AFOs that you are
 4 deploying, so that they understand what they are
 5 deploying against and what the information is.
 6 MR STRAW: Sir, I probably have five or perhaps less minutes
 7 left.
 8 THE CHAIRMAN: It rather depends on whether anybody else has
 9 questions for these two witnesses?
 10 Right. We are going on a little later than we
 11 normally would, do you mind?
 12 MR NICHOLSON: Not at all.
 13 THE CHAIRMAN: You will finish in the next five minutes or
 14 so. Thank you very much.
 15 MR NICHOLSON: No, that is fine. Thank you.
 16 THE CHAIRMAN: Carry on, Mr Straw.
 17 MR STRAW: Moving on to sensitive intelligence, for example
 18 something coming in from National Crime Agency or
 19 perhaps something coming in from a vehicle tracking
 20 device, is there in the national policy any process
 21 defined as to how that intelligence is translated into
 22 the briefing that is given to firearms officers as to
 23 threat?
 24 MR NICHOLSON: The tactical firearms commanders, the
 25 tactical advisers and strategic firearms commanders all

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1 receive presentations during their initial training on
 2 sensitive intelligence. So how it is handled,
 3 essentially. How it is documented and how it is handled
 4 and the concept of briefing using sensitive
 5 intelligence, albeit it sanitised is -- probably for
 6 want an of better phrase. So it is covered within their
 7 training.
 8 Is that the question you are --
 9 MR STRAW: It is more: is there anything within the APP,
 10 within the national policy as to the nuts and bolts, to
 11 ensure that process is as reliable and as accurate as
 12 possible?
 13 MR NICHOLSON: As I said earlier, my area of knowledge is
 14 not necessarily intelligence. There is authorised
 15 professional practice in relation to intelligence
 16 information, intelligence management, et cetera. I am
 17 not aware of authorised professional practice in terms
 18 of specifically sensitive intelligence, if that answers
 19 the question?
 20 MR STRAW: Again, looking at whether this should be national
 21 or local, given that these can raise some quite
 22 difficult issues about sensitive intelligence, would it
 23 be better if that source of guidance appears at
 24 a national level, rather than a local level?
 25 MR NICHOLSON: Following the same principle as other

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1 authorised professional practice does, I wouldn't
 2 disagree with that. I understand there is some national
 3 work going on to consider intelligence and sensitive
 4 intelligence, and probably refine and clarify exactly
 5 what that process would look like. If there is an end
 6 goal that will result in authorised professional
 7 practice, then I think that would be a positive thing.
 8 MR STRAW: The final question in this area, it overlaps with
 9 the others, but it is about the process by which the
 10 threat assessment is quality assured. So if, for
 11 example, as we see appears to happen now in GMP, the
 12 investigations team, for example the robbery team, will
 13 do the research, but then someone from the Tactical
 14 Firearms Unit would create the threat assessment; is
 15 there any process that you are aware of by which the
 16 people from the investigations team who have best
 17 knowledge of the information, best knowledge of the
 18 sensitive information, for example, check the threat
 19 assessment before it is delivered?
 20 MR NICHOLSON: I would expect the relationship between
 21 whoever is leading the investigation and, you know, with
 22 the support of the person that is managing the
 23 intelligence during their discussions with the tactical
 24 firearms commander in the development of potentially
 25 an armed policing contingency or option for resolving

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1 the threat that had been identified, I would expect that
 2 to conclude with a consensus between the SIO, for
 3 instance, and the TFC, as to exactly what the threat is
 4 and what the risks associated with that threat could be
 5 or are.
 6 From that point onwards, at the point where
 7 a tactical firearms commander is asked to discharge
 8 responsibility, in terms of deploying firearms officers
 9 in order to mitigate those threats, then the management
 10 of that threat assessment becomes essentially the TFC's.
 11 That is obviously fed by any new
 12 information/intelligence that comes to light and, every
 13 time that happens, that should be reflected in a review
 14 of the threat assessment to identify whether priorities
 15 have changed, risk has increased or decreased, in order
 16 that the strategy or tactics can reflect that so the
 17 operation remains proportionate and compliant with all
 18 the sort of legislation that you would expect.
 19 So this quality assurance at the outset, tactical
 20 advisers, operational firearms commanders, everybody
 21 within the command chain and the TAC adviser structure
 22 within armed policing is trained in the national
 23 decision model, trained to influence and take part in
 24 the threat assessment, and so there is a continual
 25 quality assurance of threat assessment.

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1 If, for instance, the tactical firearms commander
 2 briefs an operational firearms commander to discharge
 3 a function and deploy a tactic, and the OFC decides that
 4 the rationale for the threat assessment or the priority
 5 order is wrong, then they are trained to challenge that
 6 appropriately and make sure it is appropriate before
 7 they discharge that function.
 8 MR STRAW: That is what should happen, but is there anything
 9 in the APP or the national policy which requires the
 10 SIO, or whoever else has best understanding of the
 11 intelligence, to check the threat assessment before it
 12 is delivered?
 13 MR NICHOLSON: I am not aware there is a specific line
 14 within either armed policing APP or intelligence APP
 15 that suggests that should happen. It is something
 16 which, from my experience, does happen, but there isn't
 17 a line, a specific line, in the APP that suggests it
 18 should.
 19 MR STRAW: Finally, just a couple of questions about
 20 training on the MASTS strike or MASTS decisive action
 21 that it has been called. Training for commanders,
 22 firstly: are they trained within the national training,
 23 that a MASTS strike is high risk?
 24 MR NICHOLSON: It might not be. So, as I described earlier,
 25 MASTS is an operational platform for which a number of

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1 tactics are going to be implemented potentially or
 2 contingencies. So the MASTS per se is not high risk.
 3 MASTS as a concept is armed officers supporting an armed
 4 or unarmed surveillance operation to a point where they
 5 may be needed to perform a contingency. That
 6 contingency may be an unarmed one, it may be an armed
 7 enquiry level, so it's not necessarily the correlation
 8 between MASTS -- which is not a tactic, it is
 9 a platform -- and the level of threat and risk is very
 10 much dependent on the operational circumstances at the
 11 time and the tactical option that is decided upon by the
 12 tactical firearms commander.
 13 MR STRAW: I deliberately didn't ask whether it was a high
 14 risk, because we have already heard evidence about that,
 15 but it is more about the content of the training; so
 16 whether the training tells the TFCs, other commanders,
 17 that it is a high risk.
 18 MR NICHOLSON: That is not specific.
 19 THE CHAIRMAN: I think this has been covered, hasn't it
 20 Mr Straw?
 21 I mean, we are in danger of going round in circles,
 22 I rather think, because your question seems to
 23 presuppose that it is a high risk situation and what, as
 24 I understand Mr Nicholson to be saying, is it is not
 25 necessarily so in all circumstances. We can go round

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1 and round in circles about this, can't we? Your
 2 question is presupposing something he doesn't agree
 3 with.
 4 MR STRAW: It may be we are not focusing on the same issue.
 5 THE CHAIRMAN: Would you like to focus on the issue you want
 6 to focus on then, and we will get on with it?
 7 MR STRAW: I think he may have been talking about MASTS as
 8 platform generally. Whereas I would like to focus on
 9 MASTS decisive action, so an actual MASTS intervention
 10 or a strike.
 11 MR NICHOLSON: Decisive action can mean a number of things.
 12 It is very -- it is difficult to understand what you are
 13 trying to describe tactically.
 14 So an interception from a MASTS platform could take
 15 a number of forms. Decisive action could mean a number
 16 of things. It is an interaction between armed officers
 17 and subjects.
 18 Taking that decision to have that interaction is
 19 decisive action. It can be an intervention,
 20 an interception, an armed enquiry, a tap on the
 21 shoulder, an arrest without firearms. It can be
 22 a number of things.
 23 To answer the question that you started with, sir,
 24 the commanders are made aware of the implications and
 25 the considerations in respect of every one of the

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1 tactics that they are going to command officers to do.
 2 Now, some of those will be higher risk than others,
 3 depending on the circumstances, the threat at the time,
 4 the public in the vicinity. These things are very, very
 5 flexible and so, as a concept, commanders understand
 6 that there are implications to the tactics that they are
 7 deploying. They have got to be proportionate, they have
 8 been to be considered as one of a number options of
 9 contingencies that allow that proportionality to
 10 continue and for the objective to be safely achieved to
 11 the greatest extent possible, so the concept that MASTS
 12 is high risk is a flawed concept.
 13 It's -- every tactic where you are deploying armed
 14 officers has the potential to be high risk. It just
 15 depends on the circumstances.
 16 MR STRAW: To put it another way then: does the training
 17 include guidance on what factors might increase the
 18 risk. For example, to take this specific scenario, if
 19 the type of MASTS decisive action that we saw here takes
 20 place against a vehicle, where the subjects are in the
 21 vehicle and therefore you may only see the very top of
 22 their head, which also I think took place in the Anthony
 23 Grainger Inquiry, are they given guidance on to the type
 24 of risks that might be involved in that sort of
 25 intervention?

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1 MR NICHOLSON: Yes.
 2 MR STRAW: Sorry, I meant Azelle Rodney.
 3 THE CHAIRMAN: You meant Azelle Rodney. I think we
 4 understood that.
 5 MR STRAW: Yes, appears within training, does it? The
 6 national training.
 7 MR NICHOLSON: These are all implications. It is
 8 impossible, in firearms training curriculum, to describe
 9 every set of circumstances that could possibly exist,
 10 but the key principles and the implications and the
 11 considerations in relation to all of the tactics
 12 described within the curriculum, the firearms commanders
 13 and tactical officers are trained in those
 14 considerations, so they understand those concepts. They
 15 understand the limitations of static cover, for
 16 instance, based on the amount of visibility they have
 17 got of any potential threat. All of those things are
 18 explored and trained, yes.
 19 MR STRAW: Thank you very much.
 20 MR NICHOLSON: Thank you.
 21 THE CHAIRMAN: Am I right in understanding nobody else has
 22 any questions?
 23 MS WHYTE: No, thank you, sir.
 24 THE CHAIRMAN: Thank you very much Mr Nicholson and
 25 Mr Bennett for assisting the Inquiry, that is the end of

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1 your evidence.
 2 MR NICHOLSON: Thank you, sir.
 3 THE CHAIRMAN: It is coming up for quarter past, that clock
 4 is slightly fast, 2.20?
 5 I know you want to make the maximum use of the time
 6 available, I just have to think about court staff and so
 7 on.
 8 MR BEER: 2.20 is fine, sir.
 9 THE CHAIRMAN: Is 2.20 all right?
 10 MR BEER: 2.20 is fine, sir.
 11 (1.16 pm)
 12 (The Luncheon Adjournment)
 13 (2.24 pm)
 14 THE CHAIRMAN: Yes.
 15 MR BEER: Thank you, sir. Simon Chesterman, please.
 16 DCC SIMON CHESTERMAN (sworn)
 17 Questions from MR BEER
 18 THE CHAIRMAN: Thank you, Mr Chesterman. Do sit down.
 19 MR BEER: Mr Chesterman, my name is Jason Beer and I ask
 20 questions on behalf of the Inquiry.
 21 You didn't make a witness statement for us, but you
 22 jointly signed a letter with Mr Bennett, from whom we
 23 heard this morning, which is at page 106 and 107 of our
 24 bundle there, please. If you just turn that up. It
 25 goes on to 108 as well.

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1 **A. It is, yes.**
 2 Q. Before you sent it out, had you seen the evidence of
 3 Mr Nicholson, submitted jointly on behalf of the College
 4 and the NPCC?
 5 **A. Yes, sir.**
 6 Q. All right, thank you.
 7 Can you just tell us in a couple of sentences or
 8 so -- I know, the Chairman knows, but the public may not
 9 know -- exactly who you are and what you do with the
 10 NPCC?
 11 **A. Certainly. Obviously, I am Simon Chesterman. I am the**
 12 **deputy chief constable, serving police officer. I have**
 13 **been a serving police officer now for 34 years, and**
 14 **I have a national responsibility, which is to lead for**
 15 **National Police Chief's Council in relation to armed**
 16 **policing, and that is a role I have been performing for**
 17 **10 years.**
 18 Q. Are you Mr Arundale's immediate successor?
 19 **A. Yes.**
 20 Q. Thank you. Can I start with some general issues,
 21 please, before looking at a small number of issues of
 22 detail.
 23 In your position as national lead in the NPCC for
 24 armed policing, are you content that the recommendations
 25 arising from inquiries, inquests and IPCC investigations

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1 following fatalities involving the police use of
 2 a firearm, including those such as into the deaths of
 3 Azelle Rodney and Mark Duggan, have been implemented or
 4 a decision has been taken not to implement them for good
 5 reason?
 6 **A. Yes, I am content. I think that it is clear that more**
 7 **coordination is required and the recommendations have**
 8 **either been implemented, are in the process of being**
 9 **implemented or have been discarded.**
 10 Q. I think you were in the Inquiry room this morning, when
 11 I took the witnesses to the report prepared by AC Rowley
 12 of the MPS, following successively your review of
 13 Operation Tayport and Neil Basu's review of
 14 Operation Tayport, and the chronology I gave is roughly
 15 right; is that right?
 16 **A. Yes.**
 17 Q. You were commissioned following the report of
 18 Sir Christopher Holland into Azelle Rodney's death by
 19 the Met to the review of Operation Tayport and you
 20 produced a report -- which we do not have, it doesn't
 21 matter -- and then Sir Christopher required somebody
 22 from the MPS to undertake the same or a similar exercise
 23 and Neil Basu did it; is that right?
 24 **A. Yes.**
 25 Q. We have the product of AC Rowley's consideration of both

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1 yours and Mr Basu's reviews before us, published back on
 2 3 June.
 3 If we just look at the issue that I raised this
 4 morning, it is in the third volume of Z2. That will be
 5 to your right-hand side there, the one which has
 6 pages 1056 to 1617 on it. Then, right at the back of
 7 that is the schedule, which starts at 1622.
 8 **A. Okay, yes, got that.**
 9 Q. That is where it starts. It is page 34 on the internal
 10 pagination, which is 1655.
 11 **A. Okay.**
 12 Q. This is picking up a particular concern that
 13 Sir Christopher Holland had about organisational
 14 learning from events such as that, of the death of
 15 Mr Rodney. Your response, shown as DCC Chesterman
 16 national recommendation number 2, was:
 17 "The process that was commissioned by the MPS to
 18 self-assess their own compliance with recommendations
 19 that it had been subject to is a process that would have
 20 national benefit. I recommend that either ACPO armed
 21 policing or the College of Policing commit to managing
 22 a national register of recommendations relating to armed
 23 policing. In response, all forces can give due
 24 consideration as to whether those recommendations have
 25 relevance to their own force area. I will consider the

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1 most appropriate means to achieve this aspiration and
 2 discuss it with colleagues in the College of Policing to
 3 determine the appropriate ownership and governance."
 4 Then Mark Rowley added to that:
 5 "You are currently in the process of arranging
 6 a series of meetings with the College. His [that is
 7 your] view is that a national register of
 8 recommendations should be hosted by the College of
 9 Policing."
 10 **A. Yes.**
 11 Q. Now, the proposal for the a national register of
 12 recommendations hosted by the College of Policing, can
 13 you help us: is it right that in fact there is no
 14 national register in existence as of today?
 15 **A. Okay, can I just first clarify that my recommendation,**
 16 **as far as I recall, was that there should be a national**
 17 **register of recommendations and it should either**
 18 **question hosted in the College or in National Armed**
 19 **Policing. And I don't think national ownership -- and**
 20 **of course I heard Mr Bennett's evidence earlier on --**
 21 **I don't think the national ownership was ever really**
 22 **bottomed out.**
 23 **I am of the opinion, today, that register should be**
 24 **hosted by National Armed Policing and not the College,**
 25 **so I tend to agree with the College that it should sit**

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1 **with the capability lead for the discipline, which is**
 2 **me.**
 3 Q. Just looking back a little bit, to the extent that mark
 4 Rowley is recorded as having said that his view, namely
 5 your view, is that it should be hosted by the College,
 6 he has maybe verbalised you a bit there, has he?
 7 **A. I was not sure where it should sit at the time and that**
 8 **is why, in the recommendation, I was saying this should**
 9 **either sit within the College – it needs to sit at**
 10 **national level, either within the College or within**
 11 **National Armed Policing.**
 12 Q. Okay?
 13 **A. Since then my thoughts on this has crystallised and I am**
 14 **confident it should sit with the capability lead, which**
 15 **is me.**
 16 **Then to answer the specific question which is in**
 17 **relation to is there a national register.**
 18 Q. Yes?
 19 **A. There is an interim solution now in place, which I have**
 20 **initiated within my – I have a support team at national**
 21 **level, and that interim solution is not particularly**
 22 **sophisticated, but it is better than nothing and, in**
 23 **essence, I have an inspector who works for me at**
 24 **national level and a member of police staff, a civilian**
 25 **member of staff and, between them, they maintain**

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1 **a spreadsheet, in essence, and they have trawled back**
 2 **10 years through all inquiries, inquests, IPCC,**
 3 **informally, the Police Complaints Authority, all those**
 4 **recommendations to bring those together into**
 5 **a spreadsheet so we can start to track progress and join**
 6 **the dots between the recommendations.**
 7 Q. You said that is an interim and not necessarily perfect
 8 or ideal solution because it is interim; what do you
 9 have in mind as a longer term or more settled solution?
 10 **A. I have in mind something which may not be achievable and**
 11 **I should point out this national work is not funded, so**
 12 **I do not have a budget for National Armed Policing.**
 13 **And, basically, the way that it works is you**
 14 **negotiate and influence your way through 50 police**
 15 **forces and agencies to get the job done.**
 16 Q. Just to make that clear for those that don't know, there
 17 isn't a central pot of money distributed from the Home
 18 Office or other forces to you?
 19 **A. No.**
 20 Q. In order to do this work, you rely on the good will of
 21 your home force?
 22 **A. That's correct. So I rely on the good will of my own**
 23 **force and, also, when this is national work that needs**
 24 **to be done, obviously I draw together subject matter**
 25 **experts from across the different forces and agencies,**

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1 **and we form, if you like, task and finish groups to get**
 2 **work done, but often there is no funding for that and we**
 3 **have to make do.**
 4 **So, ideally, to answer the specific question, what**
 5 **I would like to see an is organisational learning unit.**
 6 **Such a thing exists within the counter terrorism world,**
 7 **but that is a database which obviously costs money and**
 8 **it is also a team of people who work on organisational**
 9 **learning full-time.**
 10 **Now, I think armed policing is a high risk issue for**
 11 **the police service and there are a number of**
 12 **recommendations need managing and I genuinely think that**
 13 **it is worth doing properly, but clearly budget is**
 14 **an issue, so I can put an interim solution in place at**
 15 **the moment. That is good enough in terms of**
 16 **coordinating and making sure that people are delivering**
 17 **what they are supposed to be delivering, but longer**
 18 **term, I would like to develop that into something more**
 19 **sophisticated in terms of organisational learning.**
 20 Q. That had two elements that you mentioned there. One is
 21 that it was staffed up by people who did it as their day
 22 job, day in, day out.
 23 **A. Yes.**
 24 Q. They could be responsible for -- is this right --
 25 receiving recommendations, IPCC, IOPC investigation

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1 reports, extracting the learning from them, analysing
 2 them, and then disseminating on a national level what
 3 requires to be done?
 4 **A. Yes, and of course we do that now and have done for many**
 5 **years. So, for example, if the IPCC make**
 6 **a recommendation, or the IOPC as it is now, if they make**
 7 **a recommendation as a result of a death or serious**
 8 **injury, we will of course take that recommendation and**
 9 **we have to respond to what was the IPCC in relation to**
 10 **progress, so we have to track what we are doing about**
 11 **it.**
 12 **It is the same with inquests, often coroners will**
 13 **issue a rule 43 letter and we have 56 days in which to**
 14 **respond, and we have to keep the coroner updated on**
 15 **progress. So an example would be body worn video, where**
 16 **there have been recommendations coming out of coroner's**
 17 **inquests in relation to body worn video and armed**
 18 **policing, and we are held to account for delivering**
 19 **against that and we have to report back.**
 20 **So it is not as if nothing is happening now. It is**
 21 **just that it would benefit from better coordination.**
 22 Q. Now, the recommendation that Sir Christopher made and
 23 your response to it, as NPCC lead, was three and a half,
 24 nearly four years ago?
 25 **A. Yes.**

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1 Q. Could you help the Chairman as to what has happened over
 2 those four years or so, such that you do not have
 3 a solution to the thing that was accepted as a necessity
 4 at that time?
 5 **A. Well, clearly, obviously, we have been in negotiation**
 6 **with the College. We have been talking about ownership**
 7 **of this. I chair a national working group of regional**
 8 **firearms leads, so in terms of a -- if you like,**
 9 **a process for managing recommendations, we have a format**
 10 **at national level, so this work goes on and we discuss**
 11 **recommendations at that level. Where something like**
 12 **body worn video becomes an issue, we set up working**
 13 **groups to deliver against that. So I was reasonable**
 14 **confident that we can, if you like, demonstrate an audit**
 15 **trail that we are taking recommendations seriously and**
 16 **we are acting upon them, without the need for, if you**
 17 **like, a sophisticated database, spending a load of money**
 18 **and having people doing it as a full-time job, tracking**
 19 **progress. That is the panacea, that is where I would**
 20 **like to get to, but obviously we have put this interim**
 21 **solution in place.**
 22 **So throughout this, if you like, intervening period,**
 23 **since the recommendation was made, I am reasonably**
 24 **confident that we have been managing recommendations and**
 25 **we can evidence that we have been improving and learning**

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1 **and developing tactics and capability as a result of**
 2 **those recommendations. There are lots of examples of**
 3 **how the authorised professional practice has moved on**
 4 **and developed as a result of those recommendations.**
 5 **So, as the national lead, I am confident that we**
 6 **have been taking action. What we haven't done,**
 7 **necessarily, is coordinated that activity well enough,**
 8 **which is why, during that period, we have put in this**
 9 **interim solution, which is in effect a spreadsheet and**
 10 **somebody within the office that manages it on our behalf**
 11 **and we track progress.**
 12 Q. Given that we are four years on from the acceptance of
 13 the need for a national register without that having
 14 happened --
 15 **A. Yes.**
 16 Q. -- in a formal sense, what is going to change from
 17 tomorrow then, to make it happen?
 18 **A. That is a really difficult question because, ultimately,**
 19 **if it was that easy, we would have done it by now, but**
 20 **if I am honest with you, the thing that is getting in**
 21 **the way is finance.**
 22 **So, there are, obviously, a range of threats, there**
 23 **are a range of challenges that we face. We are**
 24 **delivering a significant uplift in the number of armed**
 25 **officers at the moment, there is CT money which is**

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1 **flowing into the system to enable that because of the**
 2 **current threat, so we have a range of, if you like,**
 3 **priorities that have to be judged. I have a solution in**
 4 **place for the national database, which is working for**
 5 **us. It is not ideal. The only thing that would really**
 6 **change it is money, if I am honest with you.**
 7 Q. Okay, thank you.
 8 I think you would probably agree that over the last
 9 decade or so, there have been significant changes to the
 10 threat posed by armed criminality?
 11 **A. Yes.**
 12 Q. Including because of the terrorist threat.
 13 **A. Yes.**
 14 Q. That over the last decade or so, there have been changes
 15 and, in particular, there is an enhanced armed policing
 16 response to the threat.
 17 **A. Correct.**
 18 Q. Would you also accept that there has been a recurrence
 19 in the nature of issues, to put it neutrally, or
 20 criticisms, in another way, regarding certain aspects of
 21 armed policing?
 22 **A. Yes, I would accept that.**
 23 Q. Some common themes have maybe emerged over recent years
 24 relating to covert armed policing operations, including
 25 operations such as those which involve the deaths of

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1 Mr Rodney and Mr Duggan?
 2 **A. Yes, I am aware that there are recommendations which**
 3 **have common themes in relation to those issues, yes.**
 4 Q. When did HMIC last carry out any form of national
 5 thematic inspection of the key aspects of armed policing
 6 operations?
 7 **A. Well, the HMIC -- and, again, this is linked to your**
 8 **earlier point which is around the increasing threat. So**
 9 **the HMIC have taken a much more focused interest in our**
 10 **ability to meet that threat. So, for example, they are**
 11 **carrying out inspections in relation to counter**
 12 **terrorism capabilities, but more specifically in**
 13 **relation to the ability of the police service to meet**
 14 **the threat of a marauding terrorist firearms attack, and**
 15 **that touches on a number of the issues that you are**
 16 **alluding to.**
 17 Q. I am not thinking about the Peel inspections?
 18 **A. No.**
 19 Q. I am not thinking about efficiency and effectiveness
 20 inspections concerning the capability of the service to
 21 meet the threat.
 22 I am more concentrating on whether you can recall
 23 the last time there has been a thematic inspection of
 24 armed policing operations, and in particular compliance
 25 with the code of practice 2003, the Manual of Guidance

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1 as it was, the APP as it is now; can you recall one?
 2 **A. No.**
 3 Q. Is there one in your living memory?
 4 **A. I am not aware of one, but that is not to say there**
 5 **hasn't been one. But I am not aware of one.**
 6 Q. I am not going to call it up in the interests of time,
 7 but paragraph 2.3.1 of the 2003 code of practice,
 8 requires HMIC to review and inspect forces' compliance
 9 with the code and the Manual of Guidance; does it follow
 10 that, from your understanding, that paragraph of the
 11 code has not been honoured?
 12 **A. What I would say is that there are a number of agencies**
 13 **involved in this and there are -- clearly the College,**
 14 **as you heard this morning, have a role in, if you like,**
 15 **developing the guidance for the police service.**
 16 **My role is to implement that guidance across forces**
 17 **and the inspectorate have a role in terms of making sure**
 18 **that forces are adhering to the standards that have been**
 19 **set nationally.**
 20 **So they have a role. They have been discharging**
 21 **that role in relation to counter terrorism, which**
 22 **touches on the world that I am leading on, and also, of**
 23 **course, there are the Peel inspections as well. So --**
 24 **but to answer the question and give you a direct answer,**
 25 **specifically: no, I am not aware that such an inspection**

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1 **has taken place and, clearly, it might be timely.**
 2 Q. So you think it might be timely for either HMIC -- and
 3 I am calling them that for short -- to decide to or for
 4 the Secretary of State to require it to conduct
 5 a thematic inspection of armed policing and, in
 6 particular, compliance with the code of practice as it
 7 stands and the APP, to inform improvements,
 8 accountability and maybe set the future direction of
 9 armed policing and practice?
 10 **A. I can see the value that would add, yes.**
 11 **I mean, without wishing to sound defensive, as the**
 12 **national lead, with the network I have with the regional**
 13 **leads and then into the force leads, we have**
 14 **a reasonable grip on what I would call interoperability**
 15 **across those forces and compliance, but of course there**
 16 **will be gaps. But, ultimately, there is a process in**
 17 **place, there is a level of strategic direction at**
 18 **national level. I am not saying that couldn't be**
 19 **improved and I am not saying that all the national**
 20 **guidance is complied with on every single occasion, so**
 21 **I can see the value that checking would add.**
 22 Q. Thank you.
 23 Turning to the code of practice, which is in the
 24 process of revision --
 25 **A. Yes?**

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1 Q. -- what do you consider the code as revised needs to
 2 achieve in relation to the central control and
 3 evaluation of weapons requiring special authorisation?
 4 **A. For me, it needs to achieve clarity, it needs to be very**
 5 **clear about its requirements, in terms of those weapons**
 6 **requiring special authorisation, in terms of how they**
 7 **get approved for use by the police service.**
 8 **Because this is my role, I guess, I do understand**
 9 **what the code says. Rather like Mr Nicholson said this**
 10 **morning, if you consider it in its entirety, to me it is**
 11 **quite clear, but there are some areas, for example, what**
 12 **constitutes a new weapons system as opposed to something**
 13 **that has been previously authorised, that does need to**
 14 **be clarified because, quite clearly, there is some**
 15 **misunderstanding around the country.**
 16 Q. Would you agree that the review of the code, or the
 17 reviewed code, needs to minimise through its language
 18 the potential for inappropriate departures?
 19 **A. Most definitely, yes. I mean, I think that is the key,**
 20 **but that has to be balanced against the threat to make**
 21 **sure that where there an operational requirement for**
 22 **a new capability, the method that we have for approving**
 23 **something for use by the police service is agile enough**
 24 **to keep up with that developing threat. It is a point**
 25 **that Mr Nicholson made, but it is a concern of mine: if**

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1 **we make the approval process to cumbersome and lengthy**
 2 **and bureaucratic, it may take years to get something**
 3 **approved that is required, you know, almost immediately.**
 4 Q. That is still retaining the features of centralised
 5 control over the authorisation of a new weapons system,
 6 is it?
 7 **A. Yes.**
 8 Q. It is meaning that is made more agile, rather than the
 9 move towards the provision of more individualised local
 10 discretion for local acquisition?
 11 **A. Yes. No, I don't agree with individual discretion for**
 12 **local acquisition.**
 13 **I think the point I was trying to make was: if**
 14 **a weapons system has been approved by the Secretary of**
 15 **State for use by the police service, then providing that**
 16 **the equipment that force are procuring complies with**
 17 **the -- if you like with the parameters of what has been**
 18 **approved, then they should be free to procure those**
 19 **issues.**
 20 **If it has not been previously approved, then they**
 21 **shouldn't be procuring those kinds of munitions.**
 22 Q. I think you have previously indicated that you were not
 23 consulted on or informed about GMP's acquisition and use
 24 of the CSDC device?
 25 **A. No, that's correct.**

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1 Q. Have you been able to establish why that was the case?
 2 **A. No, I don't know why that was the case. I didn't know**
 3 **that this munition was in operational use until the**
 4 **incident that the Inquiry is based on.**
 5 Q. Does that mean that you found out shortly after the
 6 incident?
 7 **A. It was as a result of the incident that I realised that**
 8 **it was in operational use.**
 9 Q. Now, I think it was withdrawn or there was a circular
 10 requiring its withdrawal from national use --
 11 **A. Yes.**
 12 Q. -- in 2017, 11 September 2017 --
 13 **A. That's right.**
 14 Q. -- from Lucy D'Orsi; can you help as to the why it was
 15 that sort of five-year delay if there was a realisation
 16 that the weapon was in use, and then it was five years
 17 later that it was withdrawn?
 18 **A. Clearly, there was an IPCC investigation ongoing.**
 19 Q. Yes?
 20 **A. So, clearly, there was that to be taken account of.**
 21 Q. Just to be clear on what you are saying there, so I have
 22 the implication right, are you meaning the fact that it
 23 had not been through the authorisation process did not
 24 come up as an issue in the IPCC's independent
 25 investigation?

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1 **A. No.**
 2 Q. That is the point you were making?
 3 **A. Indeed, yes. Apologies.**
 4 **So I did send an email to forces earlier than the**
 5 **Lucy D'Orsi report advising them that they must comply**
 6 **with the code of practice, and that was a more general**
 7 **point, but it was as a result of --**
 8 Q. It was still in 2017, wasn't it?
 9 **A. It was about a year before Lucy D'Orsi's circular.**
 10 **Just to remind people they had to be compliant with**
 11 **the code of practice.**
 12 **Lucy then followed that up with a -- because,**
 13 **clearly, this is a less lethal issue of which she is the**
 14 **national lead. She followed that up, if you like, with**
 15 **a direction to say that it should not be used until such**
 16 **time as the operational requirement is made out and, as**
 17 **far as I am aware, that operational requirement has**
 18 **still not be made out.**
 19 Q. We heard something of that this morning in answer to DAC
 20 D'Orsi's two questions, in her circular, asking forces
 21 to provide evidence; what response, to your knowledge,
 22 has there been?
 23 **A. To my knowledge, there hasn't been a response to suggest**
 24 **there an operational requirement for that munition.**
 25 Q. From any force?

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1 **A. Not as far as I am aware.**
 2 Q. Does that include GMP?
 3 **A. As far as I am aware, it does, yes.**
 4 Q. Okay.
 5 In the Rodney review document, I wonder whether you
 6 can turn it up. I think you still have the bundle open
 7 there. If you turn up internal pagination 11 to 13,
 8 which is external pagination 1632 to 1634, you will see
 9 that topic 7; do you have that, Mr Chesterman?
 10 So 1632 is the first page.
 11 **A. Okay. Yes, I've got that.**
 12 Q. Sir Christopher had recommended that the use of two car
 13 stops was static cover provided from the alpha car
 14 should be considered. This is a completely separate
 15 issue about stops on a moving vehicle, whether there
 16 should be a three car stop or a two car stop.
 17 **A. Yes.**
 18 Q. That is the context in which it arose.
 19 **A. Yes.**
 20 Q. It was a big issue in the Rodney Inquiry.
 21 There is then a discussion over page 11 and 12.
 22 Then, on 13, under Basu recommendation 6, it
 23 concludes with:
 24 "The MPS will work with and adopt the professional
 25 view of the national policing lead and College of

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1 Policing following its determination of the most
 2 effective and safe way of dealing with armed subjects in
 3 vehicles."
 4 **A. Yes.**
 5 Q. Which is a slightly broader issue than the two car,
 6 three car stop.
 7 **A. Yes.**
 8 Q. Two questions: the "its" in that sentence, "its
 9 determination", do you understand that was meant to
 10 refer to you, as the national policing lead and the
 11 College of Policing?
 12 **A. Yes, that is the way I have read it. Yes.**
 13 Q. "A determination" makes it sound like there was going to
 14 be a decision on this issue, was there a decision on the
 15 broader issue of the most effective and safe way of
 16 dealing with armed subjects in vehicles?
 17 **A. There was certainly a degree of work that took place, as**
 18 **a result of this recommendation.**
 19 Q. Yes.
 20 **A. When you say "a determination", I think the problem with**
 21 **that is it is such a broad subject that when we**
 22 **reviewed -- because we have carried out a review in**
 23 **relation to dealing with subjects in vehicles, in**
 24 **relation to the two car/three car, but also in relation**
 25 **to things like how you stop a vehicle, the safest way to**

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1 **stop a vehicle, because clearly if you are performing**
 2 **an enforced stop, it is quite a dynamic, kinetic method**
 3 **of dealing with somebody, and we were looking for, with**
 4 **working with CAST, to look at different ways of stopping**
 5 **vehicles, whether that was by some kind of electrical**
 6 **means or tyre deflation, et cetera.**
 7 Q. Sorry to speak over you, Mr Chesterman.
 8 **A. Yes?**
 9 Q. Was that review that you spoke about, focused on
 10 stopping moving vehicles?
 11 **A. It was a review of the enforced stop tactic, to see if**
 12 **there was a safer way of doing it and that review took**
 13 **account of the learning from around the world, but also**
 14 **thinking in relation to things like tyre deflation**
 15 **techniques and whether there were -- whether there was**
 16 **any emerging technology around a safer way to stop**
 17 **a vehicle, rather than the kinetic means of using**
 18 **vehicles to box it in.**
 19 Q. We are not concerned, in this Inquiry, with an enforced
 20 stop. It is an intervention in relation to a vehicle
 21 that has already stopped and parked.
 22 **A. Yes.**
 23 Q. Did the review address that kind of tactic?
 24 **A. No, it didn't, because clearly the -- if you like, the**
 25 **catalyst for that review was the Azelle Rodney incident,**

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1 **which was an enforced stop on a moving vehicle and, of**
 2 **course, the issue of static cover, the using three cars,**
 3 **et cetera, were all explored during the course of that**
 4 **inquiry.**
 5 **The static vehicle is interesting because, you know,**
 6 **whether it is a vehicle or a building or a shed, you**
 7 **know, it is a structure where there are -- there is**
 8 **a threat and there are people, so they are approached in**
 9 **much the same way, in terms of challenging the**
 10 **individuals and trying to get them safely out of the**
 11 **vehicle, or building or structure.**
 12 **So the review was very much around the kinetic and**
 13 **dynamic enforced stop.**
 14 Q. I see. So this sentence here, where it says:
 15 "Its determination of the most effective and safe
 16 way of dealing with armed subjects."
 17 That should be in moving vehicles, effectively.
 18 **A. Yes. I think so, yes.**
 19 Q. Does it follow from that there has not been, in the
 20 recent past, and both Rodney and Duggan involved
 21 enforced stops of moving vehicles, any specific
 22 attention by the College or by your portfolio on the
 23 issue that concerns this Inquiry, namely some decisive
 24 action taken against subjects inside a parked vehicle?
 25 **A. Yes. No, there hasn't been a review into that, no.**

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1 Q. You mentioned that it is not an unusual scenario because
 2 a car is a structure not dissimilar to a shed, an office
 3 or a house; to your knowledge, has there been any work
 4 done on the approaches that might be taken to cars as
 5 opposed to the kind of structures that you mention?
 6 **A. Not to my knowledge. I mean, the only thing I would say**
 7 **is that, clearly, when you are facing subjects who are**
 8 **in a vehicle, a static vehicle, a lot depends on the**
 9 **threat in relation to what -- how you are going to**
 10 **respond to them. So, for example, there will always be**
 11 **an element of containment, to make sure the threat is**
 12 **contained and the people cannot escape.**
 13 **Then officers are trained too use the national**
 14 **decision model to decide on the level of force they can**
 15 **lawfully use, what is proportionate and necessary,**
 16 **et cetera, to deal with those subjects in that vehicle**
 17 **and react accordingly. So there is a range of**
 18 **approaches, if you like. It's not just simply one**
 19 **approach: they are in a static vehicle, therefore you**
 20 **must carry out this tactic.**
 21 **It is, you know, contain the threat and then deal**
 22 **with the subjects according to how they behave.**
 23 Q. In our Inquiry, for example, the chairman heard evidence
 24 which may -- it is obviously a matter for him in due
 25 course -- suggest that there was not a settled view on

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1 the object of the intervention, that most officers said,
 2 as you have just said, that the object initially was to
 3 contain the subjects in the vehicle, you didn't want
 4 a starburst with them running in different directions or
 5 getting out of the vehicle at all, so the object was,
 6 number 1, containment.
 7 **A. Yes.**
 8 Q. At the same time, they broke a window and threw
 9 a grenade in, which had the effect of getting people out
 10 of the vehicle, so whilst simultaneously pursuing
 11 an object of containment, they did something that made
 12 people leave the car, as well.
 13 **A. Hmm.**
 14 Q. Is that approach, of what officers might do in relation
 15 to subjects in a car, addressed in the APP in any way?
 16 **A. It is more addressed in the actual curriculum in itself,**
 17 **dealing with subjects in vehicles. The APP touches on**
 18 **it, but not in any great detail.**
 19 Q. No. In the curriculum, in what way is it addressed?
 20 **A. Well, clearly there is guidance to help develop training**
 21 **products for officers in relation to dealing with**
 22 **subjects in vehicles, but without the curriculum in**
 23 **front of me, I can't take you through the detail.**
 24 Q. Chapter and verse, no.
 25 **A. Take you through the details.**

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1 **But I am confident there is a reasonable level of**
2 **detail in there from which lesson plans, et cetera, can**
3 **be developed, and the main issue, really, is to assess**
4 **the threat and react accordingly.**
5 **The problem, of course, with somebody in a vehicle**
6 **is seeing their entire body, if you understand what**
7 **I mean?**
8 Q. Yes, and in particular the hands.
9 **A. Yes, indeed.**
10 Q. So the review and the determination -- and you have
11 explained that determination is probably not the right
12 phrase to use because it makes it sound like a final
13 judgement or a singular decision -- that is spoken about
14 here, didn't address our particular subject matter and
15 therefore wouldn't have addressed the issue of the
16 provision of static cover from a vehicle, of a vehicle,
17 containing subjects.
18 **A. To the best of my recollection, the review did touch on**
19 **static cover, but it was mainly focused on the**
20 **methodology for actually stopping a moving vehicle and**
21 **dealing safely with the occupants. So it was more about**
22 **the enforced stop than extraction.**
23 Q. Thank you.
24 Two other topics, if I may, please, in your national
25 position: can you explain to the chairman, please,

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1 whether it is your view that sufficient safeguards can
2 be put in place to allow the recording of covert armed
3 policing operations?
4 **A. Can you define "recording"? Do you mean video and audio**
5 **recording?**
6 Q. I am talking, at the moment, about the audio recording
7 of radio or other communications, so not vehicle based
8 video recording and not body worn video.
9 **A. Yes, this is something that the national surveillance**
10 **lead has carried out quite detailed reviews on over the**
11 **years.**
12 **Their recommendation, at the moment, is that covert**
13 **radio transmission should not be recorded, for a variety**
14 **of reasons.**
15 Q. Was that last substantially visited in the so-called
16 Kavanagh report?
17 **A. Yes, I believe it was. That's right.**
18 Q. When was the Kavanagh report?
19 **A. I don't know exactly, but it was a few years ago now.**
20 Q. Has there been any revisitation of the issues since the
21 Kavanagh report?
22 **A. In terms of recording of covert Airwave, not that I am**
23 **aware of. Part of the issue for that, I think, is that**
24 **every time we consider doing anything with Airwave, we**
25 **are advised that Airwave is about to be replaced.**

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1 Q. And there a new system around the corner.
2 **A. Exactly, which will solve a lot of these problems, but**
3 **the problem is that new system keeps moving to the**
4 **right, so we are in a bit of a hiatus in relation to**
5 **that at the moment.**
6 **One of the big problems in recording radio traffic**
7 **is a lot of the communications that take place from**
8 **a covert platform are not necessarily on the radio.**
9 **Some of them are from one radio to another, so they are**
10 **not going via a control room, so it is actually quite**
11 **difficult technically to record what is being said and,**
12 **of course, there is a lot of mobile phone traffic as**
13 **well between teams, so you may only get part of the**
14 **picture, and that is one of the big challenges with**
15 **this, which is why the kind of -- the route that we may**
16 **be going down around the body worn or similar recording**
17 **may well be a better solution for us.**
18 Q. Because the body worn video would be on each officer and
19 would record what they were saying?
20 **A. Yes. I mean, we are looking at solutions that would**
21 **involve some equipment in the vehicle, itself, and**
22 **potentially on officers as well, so we would cover both.**
23 **I think the problem and the debate to be had -- and**
24 **this remains to be resolved -- is whether that equipment**
25 **records throughout the entire operation, because if**

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1 **an operation goes on for six weeks, that is an awful lot**
2 **of footage and, at the moment, our policy in relation to**
3 **activating recording is when you are moving towards**
4 **a phase where you are going to carry out some kind of**
5 **an intervention.**
6 Q. There you are talking about non-covert armed operations?
7 **A. Yes, although, at the moment, the same sort of principle**
8 **applies because we are working towards -- in fact,**
9 **within weeks, we will be in an operational phase of some**
10 **pilots in relation to covert recording and --**
11 Q. So collapsing those two things together, body worn video
12 and vehicle based recording --
13 **A. Yes?**
14 Q. -- could you update the chairman as to the current
15 position of the synthesis of those two things?
16 **A. Yes.**
17 Q. The development of the product and the trial process.
18 **A. Okay, certainly, of course I can.**
19 **So, in relation to -- I mean, I will deal first of**
20 **all with the overt body worn video, just to get that out**
21 **of the way very quickly. Chiefs of council have**
22 **mandated that all officers -- all armed officers working**
23 **in an overt environment will wear body worn video, which**
24 **will of course capture both visual and body worn**
25 **recording, and that is activated at the point they**

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1 encounter an incident. So it is not recording the whole
 2 time, 24/7.
 3 Q. So somebody outside Buckingham Palace asks an ARV
 4 directions, it is not recording that?
 5 A. No, it wouldn't. It's when they are deployed, because
 6 there are all sorts of practical issues in relation to
 7 not just public privacy and all that kind of thing, but
 8 there are all sorts of issues in relation to the storage
 9 of that product because it is massive. So there are
 10 issues about recording everything everywhere and clearly
 11 there are privacy issues, et cetera.
 12 So we record evidence when we are dealing with an
 13 incident, but most forces are now live with that, and if
 14 not live with it, about to go live with it. So overt
 15 body worn video is in armed policing and is proving to
 16 be very popular with the officers and is proving to be
 17 very valuable.
 18 Covert creates a number of really big challenges for
 19 us. Not least of which is the fact we don't just work
 20 on our own, we work with other agencies as well,
 21 Security Service et cetera, who are obviously very
 22 concerned about this. But, obviously, we are working
 23 with them on that.
 24 The technology is not as you might hope. It is not
 25 as good as you might think, in relation to actually

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1 concealing cameras and audio in people's clothing,
 2 et cetera, to make sure they can maintain the covert
 3 nature of the equipment because the equipment can be
 4 quite bulky, but also there are various different
 5 products on the market that are less covert and, of
 6 course, operational security has to come first, so we
 7 have been trialling various different options.
 8 The siting of the camera is massively important on
 9 an officer. It matters -- in overt armed policing it is
 10 not too bad because we have got cameras you can remove
 11 and snap on to the helmet, there are actual attachments
 12 on the helmet, so the camera is actually looking where
 13 the officer is looking, and that is the best product.
 14 The problem with putting a camera anywhere around
 15 the chest or the body is that, as soon as an officer
 16 raises a firearm, they are blanking out the camera,
 17 which leads to all sorts of accusations that at the
 18 minute you were going to do something, you cover the
 19 camera up.
 20 So, ideally, they have to be head mounted, which
 21 clearly is very difficult within a covert environment if
 22 everybody is sat there with a hat on or a particular
 23 type of glasses or whatever, it is really quite
 24 difficult when they are acting covertly.
 25 So, we are working with the issue to come up with

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1 a range of solutions and, as I alluded to earlier on,
 2 some of those solutions involve the vehicle, concealing
 3 cameras and audio equipment around the vehicle, and some
 4 of them involve clever bits of technology that will
 5 enable us to put cameras on the people, themselves.
 6 We have done some trials in training which have been
 7 successful. That has taken us the best part of a year
 8 to carry out those trials to work out what the best way
 9 of doing this is and, in March, we are actually going
 10 to -- and, in fact, GMP are involved in this, they have
 11 volunteered to be part of the pilot. We're actually
 12 going to pilot this operationally.
 13 So there are a number of forces nationally who are
 14 going to pilot this nationally for us, both the vehicle
 15 solution and the body worn solution in covert policing.
 16 And I think I have said, there is absolutely no
 17 reluctance on the part of me, as national lead, or in
 18 fact the officers involved in this area of policing,
 19 they absolutely welcome it. They are very keen to get
 20 their hands on it, and they see it as protecting them as
 21 much as it protects the public or subjects. So they are
 22 very keen to do this.
 23 MR BEER: Thank you. They are the only questions I ask.
 24 THE CHAIRMAN: Mr Weatherby, have you any questions?
 25

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1 Questions from MR WEATHERBY
 2 MR WEATHERBY: Yes, please, and can I just start with that,
 3 please.
 4 First of all, I represent Gail Hadfield-Grainger.
 5 Mr Beer has dealt with body worn video and audio
 6 recordings, and apart from one further point I just want
 7 to try and get from you, which is that you actually have
 8 a commitment to doing this.
 9 A. Yes.
 10 Q. So the decision to do it, in principle, has been taken?
 11 A. Yes.
 12 Q. The caveats, very fairly put today, are just that. They
 13 are --
 14 A. Exactly right, they are the service's.
 15 I mean, the mandate that came from national chief's
 16 council, when I briefed them, was it is to be
 17 implemented as soon as practicable in overt armed
 18 policing, and we have done that; to explore the options
 19 for introducing it into covert armed policing, which we
 20 are doing, and we are committed to introducing this.
 21 There is no question that we will introduce it.
 22 Q. It is just a matter of --
 23 A. It is a matter of time.
 24 Q. It is a matter of making it work.
 25 A. Yes.

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1 Q. Of course, making it work, that makes it work for people
 2 like my client, who very clearly want to have the best
 3 evidence available about what happens in an incident.
 4 **A. Of course.**
 5 Q. It also helps the officers, themselves, doesn't it?
 6 **A. It absolutely does, yes.**
 7 Q. Yes. That is the importance of it. It helps the
 8 transparency and the public confidence, ultimately.
 9 **A. Yes, there is absolutely no resistance whatsoever. In**
 10 **the very early days of body worn video, I would suggest**
 11 **that armed officers were reluctant, and the reason for**
 12 **that was they knew just how poor the technology was.**
 13 **Things have moved on, and examples how body worn video**
 14 **have supported the investigation have now come out and**
 15 **the officers are very keen. I have not spoken to**
 16 **anybody who is reluctant about it.**
 17 Q. Yes, thank you very much.
 18 In terms of the questions that you were asked about
 19 enforced vehicle stops and static cover, and the reviews
 20 following the Rodney Inquiry and recommendations, you
 21 have clarified again, with Mr Beer, that the same has
 22 not happened with respect to the sort of scenario that
 23 we are considering here, static vehicles.
 24 **A. No.**
 25 Q. Again, considering the evidence that has been heard in

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1 this Inquiry, would you agree that it would be a good
 2 idea for such a review to now take place?
 3 **A. I am not going to say no because, clearly, we are always**
 4 **interested in the learning that arises from this kind of**
 5 **an inquiry. So if the recommendation was that we should**
 6 **look again at the sort of, if you like, the approach to**
 7 **dealing with subjects in static vehicles, then we would**
 8 **welcome that and we would do it.**
 9 Q. Yes.
 10 **A. I suppose my hesitation is I am not sure what would come**
 11 **out of it because think this was an unusual set of**
 12 **circumstances.**
 13 Q. The point of doing a review is perhaps that you don't
 14 know what is going to come out of it until you do the
 15 review.
 16 **A. I agree.**
 17 Q. Mr Beer very fairly raised the issue of it starting with
 18 a containment, but, at the same time, a window was
 19 broken and a canister was thrown into the car, and
 20 without going further into the facts than that, would
 21 you agree that there certainly is room for a review?
 22 **A. I think that the concept of containing a vehicle and**
 23 **then safely extracting the subjects from the vehicle is**
 24 **the right one.**
 25 Q. Yes.

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1 **A. I'm not -- but, clearly, the methodology is important --**
 2 Q. Indeed.
 3 **A. -- about how you achieve that.**
 4 Q. Yes.
 5 A review might progress that.
 6 **A. It may well do.**
 7 Q. Yes.
 8 Dealing with the recommendation that you made, in
 9 terms of the register of recommendations, four years ago
 10 I think, again, you have been through this and you have
 11 very helpfully indicated that work has been done on
 12 recommendations using the thin air financial model that
 13 many people in the system unfortunately have to work
 14 with at the moment.
 15 If some finances were available, would you agree
 16 that a register would make the whole thing much better,
 17 in terms, first of all, of matters not falling through
 18 the cracks, but also again in terms of public
 19 confidence? That it would allow for a public facing
 20 register where it may be through a website or reports to
 21 the Home Secretary, or however, that you or whoever else
 22 were acting on recommendations would be publicly saying,
 23 "We have done this as a response to that
 24 recommendation", or, "Actually, we have looked at it and
 25 it is not very sensible to do that, so ..."

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1 Would you agree that would be helpful if the
 2 resources were made available?
 3 **A. It would be helpful, yes.**
 4 Q. Yes, thank you very much.
 5 Now, I think in response to some submissions from my
 6 team you provided a very helpful series of responses,
 7 which I think are in bundle Z1 from page 182. I just
 8 want to quickly run through a few of those with you,
 9 just to clarify some matters; do you have that?
 10 **A. Yes.**
 11 Q. Thank you very much. So I will go through them quickly,
 12 but in turn, and I will miss out the ones we have dealt
 13 with.
 14 **A. Okay.**
 15 Q. I want to ask you just a few questions about
 16 post-incident management. Of course, you are obviously
 17 very aware of the draft revised guidance from the IPCC
 18 or the IOPC, as it now is --
 19 **A. Yes.**
 20 Q. -- with regards to ensuring public confidence -- again
 21 rolling back to that -- in terms of the way that
 22 post-incident procedures are managed and, in particular,
 23 the area I want to explore with you is conferral.
 24 **A. Yes.**
 25 Q. Yes?

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<p>1 Now, I am not going to go through your helpful 2 answer, the chair has it in regards to that, but at the 3 end of your helpful comments, I just want you to clarify 4 something. It is page 183, just before we get to 5. 5 You have been through the current guidance in the 6 APP, where the position that is reached in the guidance 7 is that non-conferral is agreed, everybody agrees there 8 should be non-conferral. 9 A. Yes. 10 Q. The APP guidance is that officers should only be 11 separated when it is safe to do so, first of all. 12 A. First of all, yes. Obviously, there are other 13 elements -- 14 Q. No argument from anyone, as far as I am aware, as to 15 that. 16 A. Yes. 17 Q. But then, separation only when necessary. 18 A. Yes. 19 Q. Then going on to practicalities after that. 20 A. Hmm. 21 Q. But, at the end of your comments, you say: 22 "Where are the suitable measures are in place to 23 prevent officers from conferring, such as the presence 24 of the IPCC, then separation is unnecessary." 25 A. Yes.</p> <p style="text-align: center;">Page 145</p>	<p>1 The bottom line is they may have saved life as 2 a result of their actions. So they are witnesses at 3 that stage, not suspects. If they were suspects, then 4 they should be treated as suspects and given all the 5 rights afforded to suspects. 6 Q. Yes. 7 A. If they are witnesses, then they should be treated as 8 such, and I think the problem with police officers is 9 that we are chipped clearly to arrest people. When you 10 arrest somebody, you take their liberty away and they 11 see separation as being treated as a suspect. They have 12 had a very traumatic time and they have just been 13 involved in a life-threatening incident. 14 Q. In a civilian situation where civilians see the same 15 incident, then, as a police officer, you would be 16 anxious to avoid conferral between civilians, wouldn't 17 you? 18 A. You would, and we are anxious to avoid conferral between 19 police officers, which is why we have all these other 20 measures in place, to make separation unnecessary. 21 You know, there is a positive slant on separation 22 now within the APP. We are a fag paper between us and 23 the IPCC's draft guidance, but we still hold the line 24 that if it is unnecessary to separate officers, then you 25 shouldn't do it, and thing that makes it unnecessary is</p> <p style="text-align: center;">Page 147</p>
<p>1 Q. Have we reached a position, really, where the 2 distinction between you and the IPCC revised guidance is 3 a distinction without a difference? 4 A. No. I think that certainly since their revised guidance 5 was first published in 2014, as a result of -- I mean, 6 we clearly negotiate with them, we consult with them 7 and, in fact, a representative of the IOPC sits on my 8 national working group, so we have a good, but 9 challenging working relationship with them. 10 Their guidance has been adapted and the IP -- the 11 APP has been adapted and, I think, whereas they were 12 quite a long way apart, they are here now. They are 13 very close, but what I would say is that the area that 14 we feel is still an area of difference is in relation to 15 separation. The old APP used to say, "Officers 16 shouldn't be separated unless ..." 17 It now says they should be if it is safe, necessary 18 and practical. And it is the necessity point which is, 19 if you like, the sticking point. 20 We say, the police service, that if it is 21 unnecessary, then don't do it, because ultimately the 22 officers are volunteers. They are highly trained, they 23 go out there and put themselves in harm's way to protect 24 the public, and when they get involved in a shooting, it 25 doesn't necessarily mean that something has gone wrong.</p> <p style="text-align: center;">Page 146</p>	<p>1 the other control measures that are in place. 2 So I have mentioned body worn video, if the body 3 worn video is running post incident, right up to the 4 point where the officers are under constant supervision 5 by perhaps professional standards, the appointed 6 officer, and the IOPC, then why would you need to 7 separate them? 8 Q. Just on that very point, page 1598 of Z2, that will be 9 your second volume. 10 A. Can you repeat that number, please? 11 Q. 1598. 12 A. Yes. 13 Q. It is paragraphs 22 to 25, I am sure you are very 14 familiar with them, but it really starts off with public 15 confidence. I will come back to that in a moment, but 16 at 24, although it looks at this in terms of practical 17 reasons, the IPCC deal with non-separation, again in 18 terms of practicalities, for example say there are many 19 key police witnesses and the practicals of separation 20 are difficult. 21 Now, the IPCC recognise that and they say that you 22 can prioritise key police witnesses for separation or 23 you can use body worn video, and the separation is only 24 necessary until there is independent supervision. 25 So I think you are now saying there is a fag paper</p> <p style="text-align: center;">Page 148</p>

1 between you and this. I was saying it is a difference
 2 without a distinction; are we beginning to agree here?
 3 **A. No. No, we are not.**
 4 **No, I still think there is a distinction, and the**
 5 **reason I say that is because if you leave it down to**
 6 **practicality -- so I have, you know, been involved in**
 7 **incidents where there are perhaps 50 key police**
 8 **witnesses, and if you had to separate all of them, then,**
 9 **arguably, the practicality issue does come into play**
 10 **because, you know, rooms, chaperones, there is the issue**
 11 **about whether you seize an officer's personal mobile**
 12 **phone to stop them communicating. If so, what power**
 13 **have you got to do so? There are all sorts of**
 14 **complications with it in relation to separating large**
 15 **numbers of key policing --**
 16 **Q. Yes.**
 17 **A. -- (Inaudible), that is where we do agree with the IOPC,**
 18 **because they would say: clearly, that would not be**
 19 **practicable.**
 20 **But what they would say under those circumstances is**
 21 **that if an individual officer has pulled the trigger,**
 22 **then that officer should be -- that it's not impractical**
 23 **to take one officer out and separate that individual.**
 24 **Q. Yes?**
 25 **A. We say that if it is unnecessary to take that officer**

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1 **out, you shouldn't do it.**
 2 **Q. Yes.**
 3 The reasons for taking the officer out are, first of
 4 all -- or any key police witness, to separate any key
 5 police witness is essentially to stop conferral, to
 6 ensure there is no conferral; yes?
 7 **A. I agree.**
 8 **Q. A secondary reason is to increase confidence in the**
 9 **process. So it rolls back to public confidence; yes?**
 10 **A. Yes.**
 11 **Q. Would you not agree that in having a policy which**
 12 **ensures that, protects the officers themselves, so**
 13 **they --**
 14 **A. No, I wouldn't. I don't agree. The reason I don't**
 15 **agree is because I absolutely understand your point**
 16 **about public confidence, but if you look at the**
 17 **post-incident procedure, which is a very detailed piece**
 18 **of work, that is designed to maintain public confidence,**
 19 **but to balance against the welfare needs of the officers**
 20 **as well.**
 21 **We have to consider the officers in this. They are**
 22 **witnesses that have been involved in a life-threatening**
 23 **and traumatic incident, and you know there is**
 24 **a perception, I think, about how they behave**
 25 **post-incident, but I can sure you, I have been to many**

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1 **post-incident -- and they are traumatised by what they**
 2 **have been involved in and they need to remain with their**
 3 **team.**
 4 **Now, if it is necessary to separate them, of course**
 5 **they will be separated and, as I say, the APP has**
 6 **a positive slant towards separation. If it is**
 7 **unnecessary and, you know, for example -- and again this**
 8 **is about the -- I know about the conferring issue, but**
 9 **if it is unnecessary because the IOPC are present, for**
 10 **example, then we shouldn't do it. That is what we are**
 11 **saying.**
 12 **As far as the public confidence issue is concerned,**
 13 **if the IOPC are able to say we were present in the room**
 14 **while those officers made their statements and there was**
 15 **no conferring and we are confident that the procedure**
 16 **was followed, then that, for me, helps with the public**
 17 **issue without having to traumatise a police officer.**
 18 **Q. At that stage, of course, we agree, but prior to that**
 19 **stage, before the independent supervision kicks in, then**
 20 **your preferred solution puts, no doubt, the legitimate**
 21 **issues of welfare that you raise, ahead of the**
 22 **protection of those officers by ensuring their conduct**
 23 **cannot be impugned because they may have conferred.**
 24 **A. But as soon as they get -- okay. The body worn video is**
 25 **going to run until such time as they are under some kind**

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1 **of independent supervision, so to my mind, that is**
 2 **a pretty robust process.**
 3 **MR WEATHERBY: Right.**
 4 **THE CHAIRMAN: Sorry, did you want to add something?**
 5 **A. I would like to add something.**
 6 **MR WEATHERBY: Sorry.**
 7 **A. Which was: you know, I am not putting public confidence**
 8 **below officer welfare. There is a balance to be struck**
 9 **here. It's a very delicate balance because we rely on**
 10 **police officers volunteering to carry firearms to**
 11 **protect the public.**
 12 **And the concern is that if we treat them too much**
 13 **like suspects -- and this is their perception -- that if**
 14 **they are separated, they are being treated like**
 15 **a suspect. We are concerned about attracting enough**
 16 **volunteers to take up this role.**
 17 **Q. Yes.**
 18 **A. So there is a delicate balance we have to manage here,**
 19 **and my view is that separation should happen when it is**
 20 **necessary, but not when it is unnecessary.**
 21 **Q. Yes, well, one final go, if I may?**
 22 The protection is also for the officers on what the
 23 IPCC have put forward, in terms of taking away the
 24 possibility of false allegations of conferral if they
 25 are not in a position where they are separated.

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1 **A. Well, there is no such thing as the perfect answer to**
 2 **this.**
 3 Q. Yes.
 4 **A. What I would say is that the APP, in my professional**
 5 **opinion, having been involved with this for the last ten**
 6 **years, contains sufficient robust measures to prevent**
 7 **conferring.**
 8 Q. Yes.
 9 You went on to say that if there actually are body
 10 worn videos running, then that would show the
 11 non-conferral up until the independent supervision kicks
 12 in and you would support that?
 13 **A. I do, but the only reason I then would recommend**
 14 **switching the body worn video off at the point when they**
 15 **are under independent supervision is twofold: one is**
 16 **because clearly the footage is an exhibit and that needs**
 17 **to be seized by the independent investigative authority**
 18 **and secured, so it cannot be -- no allegations of**
 19 **tampering, et cetera.**
 20 Q. Yes.
 21 **A. But there are practical reasons, as well, within the**
 22 **post-incident suite. For example, the officers might**
 23 **need to go to the lavatory, they might need a shower,**
 24 **they might want to phone home and speak to their family,**
 25 **they might need to take legal advice.**

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1 **So what I was concerned about was that the camera is**
 2 **going to be being switched on and off throughout the**
 3 **process which leads to all sorts of allegations about**
 4 **what was said when the camera was off. I would much**
 5 **rather there was a clear line between the recording and**
 6 **the independent supervision.**
 7 Q. Yes, the actual guidance from the IPCC, I am given to
 8 understand, is they persist with that.
 9 **A. Yes.**
 10 Q. Also, the Angilioni report, which followed in 2017,
 11 dealing with deaths and serious injuries in a slightly
 12 different context, but nevertheless within the police
 13 framework, baldly supported the IPCC proposals, didn't
 14 it?
 15 **A. It did. Albeit I was not consulted and neither were the**
 16 **NPCC, and I think we would probably have made our case**
 17 **to Dame Angilioni, whether that would have affected the**
 18 **recommendation, I don't know, but I would like to have**
 19 **had a go.**
 20 Q. Thank you.
 21 Now, in terms of one more point on the post-incident
 22 procedures, if I may.
 23 In the APP guidance, it is indicated that, although
 24 it is not a matter of law, the officers shouldn't look
 25 at their body worn video footage prior to giving their

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1 stage 3 --
 2 **A. That's right, yes.**
 3 Q. -- accounts, and that is something which no doubt we
 4 can agree about, but that is your current strong
 5 guidance.
 6 **A. It is.**
 7 Q. However, the guidance then goes on to indicate that
 8 officers should be free to see that footage before the
 9 stage 4 fuller accounts.
 10 **A. It does, yes.**
 11 Q. Can you assist me with that before you do?
 12 **A. Yes.**
 13 Q. Can I give you an analogy so there is something to
 14 discuss here?
 15 If a civilian views a crime in the street, and gives
 16 an initial account to a police officer, written down in
 17 a pocket notebook and signed no doubt.
 18 **A. Yes.**
 19 Q. Then they are called in or visited to give a CJA
 20 statement for criminal proceedings, then it is highly
 21 unlikely, isn't it, that they would be shown the street
 22 CCTV or a body worn video footage from a police officer;
 23 what is the difference?
 24 **A. Okay, so let me deal with the stage 3 account first of**
 25 **all, which is obviously the officer's personal, initial**

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1 **account. So it is their first, if you like, record of**
 2 **the incident in which they are required to write down**
 3 **their honestly held belief that led to the use of lethal**
 4 **force.**
 5 **The reason we say they should -- should not view**
 6 **their body worn video before they see that is because it**
 7 **is what -- it's in here that matters (Indicated), it is**
 8 **their honestly held belief that they must record.**
 9 **Clearly, if there is something on that video which,**
 10 **if you like, challenged their honestly held belief, then**
 11 **that presents them with a big challenge in terms of**
 12 **recording their initial account.**
 13 **So what we say is: you should record your honestly**
 14 **held belief before you watch the evidence.**
 15 **When it comes to making their full and detailed**
 16 **account, which is the stage 4 account, we say, and we**
 17 **have taken legal advice on this -- it was not just the**
 18 **police service, we actually took leading counsel's**
 19 **advice -- we say that footage, if it is their own body**
 20 **worn video, is their original notes. Therefore, they**
 21 **should be entitled, or given the opportunity to -- they**
 22 **may not want to, but they should be given the**
 23 **opportunity to view that footage before they make their**
 24 **full and detailed account.**
 25 Q. Yes.

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1 **A. I suppose the difference with the member of the public**
 2 **is if the member of the public has not got their own**
 3 **body worn video, which is their own original notes, and**
 4 **if they had, then presumably we would allow them to**
 5 **refresh their memory.**
 6 THE CHAIRMAN: If they had mobile phone footage they had
 7 taken, for example.
 8 **A. I would think so, yes, sir.**
 9 **MR WEATHERBY: The danger, of course, is that the stage 4**
 10 **statement becomes a repetition of what is on the footage**
 11 **rather than simply their own recollection, which might**
 12 **include other matters.**
 13 **A. I suppose that is a danger, yes, but it is about**
 14 **achieving the best evidence and the best evidence is**
 15 **contained on their point of view camera that was**
 16 **recorded at the time. It is their original evidence.**
 17 Q. The best evidence might be both.
 18 **A. Yes. Yes, but that is why we ask them to do a stage 3**
 19 **account first, before they view it, to record their**
 20 **honestly held belief that led to the use of force.**
 21 Q. On your analysis, then, that would support a fuller
 22 stage 3 account.
 23 **A. And we have updated the APP in light of the learning**
 24 **from inquiries such as this, to guide the level of**
 25 **detail that should be in a stage 3 account. It is much**

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1 **more fulsome than some of the examples I have seen in**
 2 **the past.**
 3 Q. Yes.
 4 Can I move on, swiftly, to deal with the vetting and
 5 review of AFOs for suitability. I dealt with an amount
 6 of this this morning.
 7 **A. Yes.**
 8 Q. This is page 184 of your note. Again, it's the final
 9 paragraph, above letter 3:
 10 "We accept that the APP could provide more clarity
 11 on assessing an officer's suitability for selection."
 12 Very fairly, I think, you are accepting that there
 13 needs to be further work done in terms of setting the
 14 national criteria for selection for AFOs?
 15 **A. I think that would provide more consistency, yes.**
 16 Q. When matters arise, life stresses, matters that arise
 17 for all of us, perhaps, during life, which might affect
 18 the ability of someone on such duties, would you support
 19 a more proactive approach to identifying those, rather
 20 than simply putting a duty on the AFO and their
 21 supervisor to report?
 22 **A. Well, certainly every time an officer is issued with**
 23 **firearm, they have to declare themselves fit to be**
 24 **issued with that firearm and that would include**
 25 **everything from any substance that they may have -- they**

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1 **might have had a drink the night before, et cetera, so**
 2 **they are required to declare themselves fit and mentally**
 3 **fit as well. So if they have had some sort of domestic**
 4 **incident, they would be required to declare it.**
 5 **Supervisors obviously have a responsibility to**
 6 **identify any concerns and to flag those up and, you**
 7 **know, I work in a force which is fully armed and I can**
 8 **confirm that happens quite regularly, that supervisors**
 9 **keep -- you know, do flag issues up and officers flag**
 10 **issues themselves.**
 11 **Mr Nicholson also alluded to the national work we**
 12 **are doing at the moment with people's general**
 13 **practitioners, to flag up on medical records that people**
 14 **carry a gun for a living, and so we have a number of**
 15 **steps in place.**
 16 Q. Yes.
 17 **A. And, you know, again, it is difficult to see what more**
 18 **we could do, but one of the issues that I am exploring**
 19 **at the moment is the psychological assessment of**
 20 **officers prior to selection and then regularly**
 21 **throughout their career as an AFO.**
 22 Q. So some kind of ongoing review during the year of the
 23 psychological condition of the individual?
 24 **A. Yes.**
 25 Q. Also, can you help with where there are issues that

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1 arise, complaints, observed unprofessional conduct, that
 2 could feed into a review of the sort of -- of the sort
 3 we are discussing; would you agree with that?
 4 **A. I would, and I would argue that happens now, but it is**
 5 **all part of the same issue in relation to assessing**
 6 **an individual's suitability. It is about their**
 7 **behaviour and attitude.**
 8 Q. At the moment, as I understand it, that is a rather
 9 informal reactive process with the supervisor, rather
 10 than what I am getting at here, which is a more
 11 formalised review process.
 12 **A. Yes, so I think there are two levels to this. There is**
 13 **the sort of -- what you might describe as the leadership**
 14 **responsibility of supervisors to supervise and provide**
 15 **management to their staff, but there is also the role of**
 16 **the appropriate authority in a police force which is**
 17 **generally the deputy chief constable who has**
 18 **a disciplinary role, so if an officer gets involved in**
 19 **a complaint from a member of the public, say, for**
 20 **example, for using excessive force or for off duty**
 21 **behaviour or drunkenness, or something like that, then**
 22 **the appropriate authority will be making decisions**
 23 **around the investigation and the sanction in relation to**
 24 **the particular behaviour, and if that individual happens**
 25 **to be an authorised firearms officer, then that would**

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1 **also be picked up by the appropriate authority in**
 2 **relation to their suitability to carry on within that**
 3 **particular unit.**
 4 Q. That would deal with complaints --
 5 **A. Yes.**
 6 Q. -- and allegations of --
 7 **A. Misconduct.**
 8 Q. -- misconduct, but what about performance?
 9 **A. Yes, that is a supervisory responsibility.**
 10 Q. Yes. So, again, is there a role for a more proactive
 11 review process?
 12 **A. There may be.**
 13 Q. Yes.
 14 **A. There may be.**
 15 Q. That is where you are going with the comment that there
 16 is further work to be done, perhaps?
 17 **A. Certainly around psychological assessment, yes.**
 18 Q. Finally, in terms of the final point 9, which is dealt
 19 with at 186 and 187 on that note.
 20 **A. Yes.**
 21 Q. This is the interface between the SIO and the firearms
 22 commander, in terms of the assessment of information and
 23 intelligence. Again, your final comment, very fairly,
 24 on 187:
 25 "The NPCC accept this is an area warranting further

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1 consideration and a review of the potential gaps between
 2 investigating officers and firearms commanders training
 3 should be conducted to ensure the current training and
 4 guidance to investigators is sufficiently robust."
 5 This relates, doesn't it, to the way that
 6 information is managed generally, provided by the SIO to
 7 the firearms commander --
 8 **A. Yes.**
 9 Q. -- received, analysed and acted upon by the firearms
 10 commander? It is that whole package.
 11 **A. It is, and the fundamental issue, of course, is that the**
 12 **SIO is interested in the evidence and in developing the**
 13 **evidence to the point where they have sufficient**
 14 **evidence, if you like, to arrest or to mount**
 15 **a successful prosecution. The firearms commanders are**
 16 **concerned with the safe resolution of the incident and**
 17 **there is a potential for tension there because the SIO**
 18 **might want to let a job run a bit longer than the TFC is**
 19 **prepared to allow it to run for safety reasons, so it is**
 20 **that interface.**
 21 **I'm confident in relation to the training that**
 22 **firearms commanders receive.**
 23 **What I am less confident in -- which is why I made**
 24 **that comment -- is the level of training that senior**
 25 **investigating officers on the crime side receive in**

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1 **relation to firearms command and understanding some of**
 2 **the issues that have to be thought through in relation**
 3 **to threat risk.**
 4 Q. Yes, or perhaps a bit further back than that, looking
 5 again at how robust the policies in terms of
 6 information, inputting into police systems generally?
 7 **A. Yes.**
 8 Q. To make sure that is robust before it gets to the SIO.
 9 **A. Yes.**
 10 Q. Finally, on that issue, you say you are confident about
 11 the training given to firearms commanders; are you
 12 confident that firearms commanders drill down into the
 13 information that SIOs provide to them currently?
 14 **A. Well, clearly I can't speak for every firearms commander**
 15 **in the country and on every occasion, but what I can say**
 16 **is my experience, both of the training, having been**
 17 **trained myself and observed lots of training, and also**
 18 **in my experience of -- operationally, is that they are**
 19 **not shy people and they do push back and they do**
 20 **challenge, and if a SIO is making a particular claim,**
 21 **firearms commanders will challenge that and will push**
 22 **back, as will the AFOs, themselves.**
 23 Q. Yes, and has work on that sort of compliance -- is
 24 probably the wrong word -- but quality assurance. Has
 25 work been done on quality assurance on that specific

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1 issue? Are you expressing an anecdotal view here
 2 about --
 3 **A. Yes, based on experience. An anecdotal view based on**
 4 **experience.**
 5 Q. Yes.
 6 **A. It is quite subjective, of course.**
 7 Q. Yes.
 8 **A. But what I would say is that my experience is, having**
 9 **been involved in this area of policing for many years,**
 10 **is that firearms commanders do test SIO's hypotheses**
 11 **and threat, et cetera, but the point of accepting that**
 12 **there is further work to do on that is that there is**
 13 **something about the alignment of the training of**
 14 **firearms commanders and their accreditation and that of**
 15 **SIOs is just to make sure we are minimising risk in that**
 16 **area.**
 17 **MR WEATHERBY: Thank you very much.**
 18 **THE CHAIRMAN: Any other questions?**
 19 **MR STRAW: No questions.**
 20 **THE CHAIRMAN: Thank you very much Mr Chesterman. Thank you**
 21 **for assisting the Inquiry. We are very grateful to you.**
 22 **We have two other witnesses, Mr Beer, this**
 23 **afternoon.**
 24 **MR BEER: They are simultaneous and they will not take very**
 25 **long.**

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<p>1 THE CHAIRMAN: They won't take very long, but I think in 2 fairness to the stenographer, there should be a short 3 break. Let's take five minutes. 4 (3.40 pm) 5 (A short adjournment) 6 (3.46 pm) 7 THE CHAIRMAN: Yes, Mr Beer. 8 MR BEER: Sir, we have James Bartlett and Matthew Parr. 9 MR JAMES BARTLETT (sworn) 10 MR MATTHEW PARR (sworn) 11 Questions from MR BEER 12 THE CHAIRMAN: Thank you, please sit down. 13 MR BEER: Mr Parr and Mr Bartlett, who is who, to start 14 with? 15 MR PARR: Parr. 16 MR BARTLETT: I'm Bartlett. 17 MR BEER: Thank you. 18 My name is Jason Beer and I ask questions on behalf 19 of the Inquiry. 20 If I start with Mr Parr first, you are an inspector 21 of constabulary and fire and rescue services. 22 MR PARR: That's right. 23 MR BEER: And you have been an inspector of constabulary 24 since August 2016. 25 MR PARR: That's right.</p> <p style="text-align: center;">Page 165</p>	<p>1 MR BARTLETT: That's right, yes. 2 MR BEER: You are the force liaison lead for two forces that 3 we are not concerned with, but, relevantly, you lead on 4 specialist operations for HMIC; is that right? 5 MR BARTLETT: That's correct, sir, yes. 6 MR BEER: Which includes the Police Use of Firearms and, in 7 turn, which includes the police use of less lethal 8 weapons. 9 MR BARTLETT: That's correct, yes. 10 MR BEER: Can you please take up the bundle and look between 11 pages 69 and 85, please. 12 MR BARTLETT: Yes. 13 MR BEER: Is that your witness statement? 14 MR BARTLETT: It is, yes. 15 MR BEER: Are the contents of it true to the best of your 16 knowledge and belief? 17 MR BARTLETT: They are, yes. 18 MR BEER: Thank you. I am going to ask questions I think 19 probably to both you, and can you sort out between 20 yourselves who best to answer them. If it is both of 21 you, do it sequentially, please. 22 Can we start, please with the code of practice. 23 Mr Bartlett, if you could reach out to the file on 24 your right, Z2, page 195. 25 I should have said, gentlemen we have taken your</p> <p style="text-align: center;">Page 167</p>
<p>1 MR BEER: I think you are one of six inspectors. 2 MR PARR: No, no, four inspectors and there is a chief 3 inspector as well. 4 MR BEER: Right, you have, I think, particular 5 responsibility -- I am going to call the body HMIC 6 rather than the full title -- for counter-terrorist 7 functions at a national level; is that right? 8 MR PARR: Among other responsibilities, yes. That is my -- 9 MR BEER: You are also the inspector for a number of forces, 10 but that doesn't include GMP. 11 MR PARR: It doesn't normally. It so happens at the moment 12 we have a vacancy, I am babysitting it until we get 13 a new one, but it routinely doesn't, no. 14 MR BEER: If you take up the bundle, and I think Mr Bartlett 15 you will have to help, it is the one with Z1 on the 16 side, please. Turn up page 86. Between pages 86 and 95 17 there should be a witness statement in your name. 18 Mr Parr, firstly, can you confirm that is your witness 19 statement and your signature? 20 MR PARR: Yes, it is. 21 MR BEER: Are the contents of it true to the best of your 22 knowledge and belief? 23 MR PARR: Yes, they are. 24 MR BEER: Mr Bartlett, I think you are a police 25 superintendent; is that right?</p> <p style="text-align: center;">Page 166</p>	<p>1 witness statements as read. The chairman has read them. 2 They are very helpful setting out the statutory regime, 3 the governance framework, the species of inspection 4 undertaken by HMIC and the extent to which such 5 inspections, in the past, have touched upon Police Use 6 of Firearms. So I am diving straight into some issues. 7 This is the 2003 Home Office Code of Practice on the 8 Police Use of Firearms and Less Lethal Weapons, and 9 could we turn forwards, please, to page 202. 10 Can you see there a paragraph 2.3 at the bottom of 11 the page, which says: 12 "HMIC will continue to monitor police use of weapons 13 requiring special authorisation. This will cover (a) 14 arrangements within forces for threat and risk 15 assessment; (b) the selection and training of officers 16 authorised to use such weapons, or to command incidents 17 involving their views or to provide tactical advice 18 relating to their use; and (c) compliance with this code 19 and related ACPO guidance. 20 Firstly, maybe Mr Bartlett, first, do you understand 21 the reference there to weapons requiring special 22 authorisation as meaning, in summary, any weapon other 23 than one which is routinely issued to patrol officers in 24 their use for self-defence? 25 MR BARTLETT: Yes.</p> <p style="text-align: center;">Page 168</p>

1 MR BEER: Okay.
 2 Would that be your understanding, too, Mr Parr?
 3 MR PARR: Yes.
 4 MR BEER: Thank you.
 5 Whilst leaving that open, can we go to page 76 in
 6 the witness statement bundle, that is Mr Bartlett's
 7 statement.
 8 You say in paragraph 28, Mr Bartlett, the code
 9 refers briefly to the role of HMIC in paragraph 2.3,
 10 which I have taken us to:
 11 "This paragraph is descriptive of HMIC's general
 12 role in relation to weapons requiring special
 13 authorisation, for the benefit of those at whom the code
 14 is aimed. As I explain below, HMIC has not to my
 15 knowledge been commissioned by the Secretary of State or
 16 any other person, at least since 2012, to carry out
 17 inspections relating specifically to specialist
 18 munitions."
 19 If we look, please, at paragraph 31 in the same
 20 statement, over the page:
 21 "As I have explained above, specialist munitions is
 22 one of many different types of firearms and related less
 23 lethal options, including less lethal weapons which are
 24 subject to the APP and the code. The results of the
 25 search which I arranged show inspection work which HMIC

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1 has undertaken in relation to firearms and related less
 2 lethal weapons, generally. The search shows that HMIC
 3 has not been required or requested, whether by the
 4 Secretary of State, or any other person, to undertake
 5 inspection work, specifically in relation to forces'
 6 evaluation, procurement and authorisation of specialist
 7 munitions as defined in the APP and that it has not
 8 otherwise specifically inspected that issue under its
 9 inspection programme."
 10 That is the background to the questions I am about
 11 to ask.
 12 Can I start with Mr Parr first and then Mr Bartlett.
 13 Would Mr Parr agree that, in the last decade or so,
 14 there have been significant changes to the threat from
 15 armed criminality?
 16 MR PARR: Yes.
 17 MR BEER: That there have been consequent enhancements to
 18 the armed policing response?
 19 MR PARR: Yes, there have.
 20 MR BEER: And, thirdly, there have been some recurring
 21 issues, sometimes forming into criticisms, regarding
 22 certain aspects of the police service's armed police
 23 response?
 24 MR PARR: Less aware of that, but no reason to doubt it.
 25 MR BEER: Okay. Would your answer be the same, Mr Parr, to

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1 those three questions?
 2 MR BARTLETT: In the sense of I am probably slightly more
 3 aware of some of the issues that have been raised in
 4 relation to some of the other high profile police
 5 shootings, for example, that have already been discussed
 6 here this afternoon, but yes.
 7 MR BEER: Thank you.
 8 Mr Parr first: when did HMIC last carry out any
 9 national thematic inspection of armed policing
 10 operations?
 11 MR PARR: We think it was 2004.
 12 MR BARTLETT: Yes, subsequent to submitting my statement,
 13 I have managed to -- there was a report published in
 14 2004 which was on police guns and -- sorry, guns the
 15 police and the community, which was written in 2003,
 16 published in 2004. That was the last thematic
 17 inspection I can find in relation to Police Use of
 18 Firearms.
 19 MR BEER: Okay. Just briefly, its title maybe suggests
 20 something else, what was it about?
 21 MR BARTLETT: It was effectively in response to a number of
 22 high profile incidents within the UK and looked at the
 23 police response to those and also how the community was
 24 coming together to reduce gun crime. So it was themed
 25 around firearms, but also the community's response to

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1 that as well.
 2 MR BEER: Right. The paragraph we looked at, in 2.3.1 of
 3 the code of practice:
 4 "HMIC will continue to monitor police use of
 5 weapons. This will cover compliance with the code in
 6 related ACPO guidance."
 7 Could you assist how that obligation or duty has
 8 been discharged?
 9 MR BARTLETT: Most recently, as I put in my statement, we
 10 have done a number of inspections, albeit they have
 11 fallen within the Peel inspection programme.
 12 The first of which was around the police use of
 13 Taser, and then more recently, in the last two years,
 14 looking at the strategic firearms threat and risk
 15 assessments of forces. Again, as Mr Chesterman spoke
 16 about earlier on, we have done some thematic inspections
 17 around counter terrorism, which has an element of the
 18 firearms response to that, as well as the command
 19 function in relation to that, and also an ongoing
 20 monitoring process. What we call our insight work is
 21 I attend and sit on Mr Chesterman's national working
 22 group, so we can pick up on any themes or issues we
 23 think may cause concern to us or the public that we may
 24 then want to inspect in more detail.
 25 MR BEER: Having looked at the detail of some of the Peel

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1 inspections, the counter terrorism thematic inspection
 2 and the other issues that you have just mentioned, they
 3 don't appear to relate to this issue, namely compliance
 4 with the code of practice and what would now be called
 5 the APP; would you agree with that?
 6 MR BARTLETT: To some extent, yes, I would. Obviously, the
 7 compliance with the code, the code talks about the
 8 requirement for chief officer engagement, chief officer
 9 involvement and the need for a strategic threat and risk
 10 assessment. So to some extent, yes, but I also accept
 11 to some extent, no, it hasn't.
 12 MR BEER: There are obviously competing demands on HMIC's
 13 time and resources; why is it that, given that the code,
 14 which I appreciate is not really your originating
 15 document, there are the various sections of the police
 16 act, that govern your functions, but why is it -- do you
 17 know -- that this duty or obligation, as set out in
 18 paragraph 2.3.1 of the code of practice, hasn't been the
 19 subject of inspection over the last -- I don't know --
 20 MR PARR: Ten or more years?
 21 MR BEER: Yes.
 22 MR PARR: I think the simple answer to that is that in all
 23 the consultation we do before designing an inspection
 24 programme, this has not been raised as something that is
 25 deserving of its place further up the pecking order of

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1 priorities that we do.
 2 So Mr Bartlett talked about the ways in which we do
 3 comply with this paragraph here, and there is
 4 a difference, of course, between monitoring and
 5 inspecting. So whereas we might not have inspected,
 6 I think you could argue there has been a degree of
 7 monitoring (Inaudible), but we have quite an extensive
 8 consultation process before we publish an inspection
 9 programme and it is mostly in response to priorities set
 10 by the wider body of policing.
 11 So we consult with chief constables and PCCs,
 12 clearly with the Home Office, with the College of
 13 Policing, a number of other bodies and, at the end of
 14 that, a programme is put together, and the specifics,
 15 I think, of compliance with the APP, that you are
 16 talking to, has never really come up as a burning issue
 17 for us to look at.
 18 MR BEER: Would you accept -- and it may be difficult for to
 19 you answer now -- that, given some changes, some
 20 significant to the capacity, weaponry and training of
 21 AFOs and their commanders, the changing nature of the
 22 threat, which has become an increased threat and more
 23 complex in nature, not only concerning terrorism, but
 24 also organised crime and controversial discharges of
 25 police firearms over the past 10 or 15 years or so,

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1 that the time might be right now to consider
 2 a comprehensive and national review of the armed
 3 policing function within the police service?
 4 MR PARR: Potentially it might be, yes.
 5 MR BEER: You allude in your statements to the powers of the
 6 Secretary of State to direct such a review. I think the
 7 Home Secretary hasn't ever initiated such a review.
 8 MR PARR: On other subjects subjects, yes. Not to this
 9 topic, no.
 10 MR BEER: Are you aware of any consideration having been
 11 given to that following what I have described as
 12 controversial police shootings in the past?
 13 MR PARR: I am not aware of any consideration being given to
 14 that.
 15 MR BEER: Thank you. They are the only questions I ask.
 16 THE CHAIRMAN: Thank you.
 17 Thank you both very much for assisting the Inquiry.
 18 That is the end of your evidence.
 19 MR BEER: Sir, that is the end of the oral evidence on the
 20 recommendations issue for you to consider. I would
 21 invite you to rise and --
 22 THE CHAIRMAN: Yes, subject to one matter --
 23 MR BEER: Yes.
 24 THE CHAIRMAN: -- Mr Beer. Ms Anne Whyte, is it right, as
 25 I think we heard this morning, that the chief officer

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1 within Greater Manchester Police who currently has
 2 overall responsibilities for firearms matters is ACC
 3 Jardine?
 4 MS WHYTE: Yes.
 5 THE CHAIRMAN: In response to this Inquiry's invitation to
 6 provide evidence at this hearing, Greater Manchester
 7 Police has chosen to articulate its position with regard
 8 to firearms policy and practice, not through ACC
 9 Jardine, but through Chief Superintendent O'Hare; is the
 10 Inquiry to understand that Mr O'Hare is the officer who
 11 will personally oversee the implementation of the
 12 programme of reforms that he, himself, outlined
 13 yesterday?
 14 MS WHYTE: Can I just take instructions?
 15 THE CHAIRMAN: Certainly.
 16 MS WHYTE: I am so sorry.
 17 (Pause)
 18 THE CHAIRMAN: Would you like me to rise for a moment?
 19 MS WHYTE: It might be quicker in the long run, yes.
 20 THE CHAIRMAN: Certainly.
 21 (4.03 pm)
 22 (A short adjournment)
 23 (4.08 pm)
 24 MS WHYTE: Thank you for those brief moments.
 25 The answer is as follows: the practical day-to-day

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1 oversight of the reforms, as you of refer to them, will
 2 be conducted at chief superintendent level, but ultimate
 3 oversight, and certainly for the recommendations, will
 4 reside with ACC Jardine.
 5 THE CHAIRMAN: I see. Are you able to assist as to the
 6 reason why ACC Jardine and indeed no person of chief
 7 officer rank has given evidence at this particular
 8 hearing?
 9 MS WHYTE: No. Foresight of that enquiry would have enabled
 10 me to take some instructions, which I anticipate may
 11 take longer than the break that you have just
 12 facilitated.
 13 I would make it clear to you, sir, that ACC Jardine
 14 took up her portfolio in the middle of last year,
 15 whereas Chief Superintendent O'Hare has had far more of
 16 a continuous high level, relatively high ranking input
 17 to GMP armed policing for a considerably longer period
 18 with more relevance, perhaps, to the events which are
 19 the underpinning of this Inquiry. But if you wish for
 20 a more formal or detailed response, I am afraid I must
 21 give it in writing after having adequate time to take
 22 instructions.
 23 THE CHAIRMAN: That will be a matter for Greater Manchester
 24 Police.
 25 I shall reserve any possible comment to my report.

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1 MS WHYTE: Yes, certainly.
 2 THE CHAIRMAN: Thank you. Thank you all very much.
 3 (4.09 pm)
 4 (The Inquiry adjourned)
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