

TRANSCRIPT OF THE INQUIRY

1 Wednesday 30 November 2022

2 (10.00 am)

3 LORD BRACADALE: Good morning, Ms Caffrey.

4 A. Morning, sir.

5 LORD BRACADALE: You're going to be asked questions by
6 Ms Grahame. Before that would you say the words of the
7 affirmation after me.

8 MS JOANNE CAFFREY (affirmed)

9

10 Questions from MS GRAHAME

11 LORD BRACADALE: Ms Grahame.

12 MS GRAHAME: Thank you.

13 Good morning, Ms Caffrey.

14 A. Good morning.

15 Q. You are Joanne Caffrey?

16 A. Yes, that's correct.

17 Q. And essentially you have been asked to prepare a report
18 on behalf of the Inquiry.

19 A. Yes.

20 Q. And all of your details, contact details and such-like,
21 are available within the content of that?

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- 1 A. Yes.
- 2 Q. I won't go into those in any detail. Could we begin
3 just by looking at that report please. It's SBPI00181.
4 Now, this will come up on the screen, but you also have
5 a full hard copy in the folder in front of you.
- 6 A. Yes.
- 7 Q. I don't intend to take you through the entire report
8 page by page today, but if at any time you feel there's
9 something within your report that you would like to
10 refer to, please don't hesitate to let me know.
- 11 A. Okay.
- 12 Q. And we can have that brought up on the screen if that's
13 necessary at any point.
- 14 A. Yes.
- 15 Q. Okay, thank you. It's a lengthy report and contains
16 a number of appendices, with documents attached and your
17 full CV and such-like.
- 18 A. Yes.
- 19 Q. So we see from page 1 it says "Joanne Caffrey, expert
20 witness", and it relates to Mr Bayoh. If we can move up
21 slightly, it relates to the events on 3 May 2015 and the

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1 date of this report is 31 October 2022.

2 A. Yes.

3 Q. And then we see just below that, if we can move up the
4 screen slightly, it says it is:

5 "Prepared at the request of:

6 "The Public Inquiry into the death of Sheku Bayoh."

7 And there's a caveat there and that says:

8 "The opinions expressed in the following chapters
9 are based on the evidence and information available to
10 me as at the date of this report. Should further
11 relevant evidence or information become available, I may
12 require to reconsider my opinions."

13 A. Yes.

14 Q. And so this document was prepared by you on
15 31 October --

16 A. Yes.

17 Q. -- on the basis of information you had up to that date?

18 A. Yes, that's correct.

19 Q. But -- and this report, does it express your views on
20 these matters as at that date and it's an accurate
21 representation of the views that you formed looking at

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1 various items of information and things you had been
2 provided with by the Inquiry?

3 A. Yes, that's correct.

4 Q. You -- in order to prepare this report were you also
5 sent a number of other documents? Let's look briefly at
6 SBPI00167 and this -- we can just scroll through that.
7 This is an appendix which is an inventory of the
8 disclosed evidence, so evidence that you were given by
9 the Inquiry to consider as part of your reflections on
10 the case.

11 A. Yes.

12 Q. And it contained links to evidence that had been heard
13 in our first hearing, statements, PIRC statements,
14 Inquiry statements --

15 A. Yes.

16 Q. -- and a number of other documents that are all listed
17 there.

18 A. Yes.

19 Q. I know we're going through this very quickly, but
20 I understand you have seen this before?

21 A. Yes, I have, yes.

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1 Q. In addition, after you were sent all of those documents,
2 were you sent a further inventory, which was SBPI00178,
3 and this is additionally disclosed documents and it
4 contained training logs, STORM logs, transcripts of
5 emergency calls, statements from a Scott Masterton and
6 then other papers?

7 A. Yes.

8 Q. Thank you. Just to be clear, all of the documents that
9 are listed in the inventory and the supplementary
10 inventory were available to you prior to completing your
11 report on 31 October?

12 A. Yes, that's correct.

13 Q. Thanks. Then after you completed your report
14 in October, were you also sent further documents by the
15 Inquiry team in order to update you on information that
16 was becoming available to the Inquiry --

17 A. Yes, that's correct.

18 Q. -- after you had finished. And let me just look for
19 a moment at the -- there were supplementary statements
20 that were sent to you --

21 A. Mm-hm.

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1 Q. -- that contained statements from an Inspector Kay?
2 A. Yes.
3 Q. An Inspector Stewart?
4 A. Yes.
5 Q. There was a statement from Mr Masterton?
6 A. Yes.
7 Q. Michelle Hutchison?
8 A. Yes.
9 Q. Sergeant Bisset?
10 A. Yes.
11 Q. Sergeant Dalglish?
12 A. Yes.
13 Q. And a Ms Anthony?
14 A. Yes.
15 Q. And then you were sent an inspector's job profile and
16 a contact management SOP.
17 A. Yes.
18 Q. And you were also sent a report from Mr Martin Graves.
19 A. Yes.
20 Q. And you hadn't seen that report prior to completing your
21 report?

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- 1 A. No.
- 2 Q. Thank you. But you have seen it since subsequently?
- 3 A. Yes, I have.
- 4 Q. And have you also seen statements from a PC Wood who was
5 the dog handler?
- 6 A. Yes.
- 7 Q. And you were sent an up-to-date position statement from
8 Police Scotland?
- 9 A. Yes.
- 10 Q. Have I missed anything out?
- 11 A. No, I don't think so.
- 12 Q. Right. And then since the start of this hearing were
13 you also asked to view the evidence that was being led
14 last week?
- 15 A. Yes, I have watched the evidence.
- 16 Q. So that included oral evidence from Inspector Kay and
17 Inspector Stewart?
- 18 A. Yes.
- 19 Q. Martin Graves?
- 20 A. Yes.
- 21 Q. He spanned into Monday.

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- 1 A. Yes.
- 2 Q. And Gary Wood as well, the dog handler?
- 3 A. Yes.
- 4 Q. Lovely. I would like to begin -- is there anything we
5 have not sent you, first of all, that we should have,
6 that you would have expected to see that was missing?
- 7 A. Nothing that comes to mind.
- 8 Q. Thank you. I would like to begin by looking at your CV.
9 Now, the Chair will have your full report available to
10 him to consider at length, but I would like to just
11 touch on some of your experience.
- 12 A. Okay.
- 13 Q. Could we begin by looking at page 18 of your report and
14 I think from pages 18 to 27 you actually set out your
15 own background and you also say at this section your
16 full CV is at appendix N of this report.
- 17 A. Yes.
- 18 Q. So in the report we see from pages 18 to 27 a summary of
19 your background, plus that is supplemented by the full
20 CV attached.
- 21 A. Yes.

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1 Q. Going through some of your experience, am I right in
2 saying you were a police officer for almost 24 years?
3 A. Yes, 23 and a half.
4 Q. 23 and a half, and you became a police officer in 1990?
5 A. Yes, February of 1990.
6 Q. And that was with the Cumbria Constabulary?
7 A. Yes.
8 Q. And then from 1996 to 2003 you were a sergeant?
9 A. Yes.
10 Q. Tell us a little about that.
11 A. So in 1996 I was an acting sergeant and as the acting
12 sergeant in a small town called Penrith, I would change
13 between operational on the street and the custody
14 function. Then in 1997 I was promoted to a full-time
15 sergeant and my first posting was to the custody unit in
16 Kendal, so then between 1997 and 2003 there were no set
17 time periods for doing the different roles, I would be
18 in and out and flexible between the roles, so I was
19 custody sergeant for anything between three months or
20 18 months at a time, patrol sergeant which again would
21 be anything between three months and a year at a time,

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1 and I was also a PSU sergeant. The PSU, public --
2 Police Support Unit, or it was commonly called task
3 force in those days. I would be used either for
4 pre-planned events such as at Sellafield nuclear
5 establishment for planned protests, or when the PSU
6 full-time sergeant did acting rank roles, I would then
7 cover for his absence, so I know at one point I did his
8 role -- I think it was for three months, but it may have
9 been two, but it was somewhere between the eight and
10 12 weeks that I covered on a full-time basis there.

11 Q. And when you say you were a patrol sergeant, what does
12 that mean?

13 A. So the patrol sergeant's responsible for the briefing of
14 the shift, all officers on duty, deployment, attending
15 the incidents with the officers, so it's all the
16 day-to-day risk assessment, the deployment plans, the
17 liaison then with the local inspector, so just dealing
18 with the personnel and the priorities.

19 Q. And then you were a sergeant or acting sergeant
20 initially for a year and then --

21 A. Well, no, sorry, the acting sergeant was just for part

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1 of that. I think that was a three months acting at the
2 end of 1996.

3 Q. Sorry.

4 A. Then it was into 1997 when I was promoted full-time.

5 Q. So from 1997 to 2003 you were a full-time sergeant.

6 A. Yes.

7 Q. Carrying out different roles, depending on where you
8 were sent?

9 A. Yes.

10 Q. And after 2003, so moving into 2004, what were you doing
11 at that stage?

12 A. Then I was deployed into the training department for the
13 force and I was initially involved in the design of the
14 Professionalising Investigations Programme and then
15 after the design and delivery of that for a couple of
16 years I then took over as head of specialist training,
17 which was in relation to -- the primary roles was
18 custody training, all of the use of force and first aid.
19 They were the three core subjects.

20 Q. And you were the head of that department?

21 A. Of that team, yes.

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1 Q. That team. And how long did you do that role, the
2 training role?

3 A. Until 2008 when I then went to a newly created role
4 called -- it was called civil contingencies and
5 emergency planning, but it was in light of all the new
6 command and control documentations that -- and processes
7 that were coming in.

8 Q. Tell us about that role.

9 A. Because it was a newly created team and a new role,
10 the head of the team was a chief inspector and because
11 chief inspector is one of the gold level ranks and he
12 was looking for a second-in-command which could have
13 either been an inspector or a sergeant, but it was more
14 focused on the skill set that that person was going to
15 bring to the role rather than rank specific.

16 They were looking then for creation of training
17 materials, delivery of training to increase the force's
18 preparedness for major incidents and general business as
19 usual command and control functions.

20 We were also going to be working with the
21 multi-agency partners at gold, silver and bronze levels

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1 so there was also going to be a combined training role
2 in relation to the multi-agency working for major and
3 emergency incidents.

4 Q. Right. Can I just ask you one or two more questions
5 about that.

6 A. Yes.

7 Q. You have said business as usual for the command and
8 control functions, what does that mean?

9 A. Because day in day out there's always a command and
10 control function, so, for example, the area control room
11 is a 24/7, instantly available, tactical command, silver
12 command, so that is your business as usual command and
13 control function in place, but then for emergency
14 incidents, major incidents, unusual incidents,
15 pre-planned incidents with potential, you would then
16 have an established gold, silver and command unit
17 working alongside of the daily business as well.

18 Q. Would you be able to explain briefly about this
19 gold/silver command?

20 A. Yes. So gold, silver and command is the very core of
21 what command and control is about and how I used to

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1 explain it -- when I was delivering training to the
2 multi-agencies and trying to bring them into
3 understanding what it's about rather than keeping it
4 police orientated, I would take it to a scenario of
5 getting a fitted kitchen, that the gold command would be
6 the client who wants the kitchen and they would set the
7 parameters, so they would say the parameter is the
8 maximum budget, they would say roughly what colour they
9 wanted, how many hobs they wanted, so they would give
10 the basic parameters.

11 Q. And that would be the gold level?

12 A. That would be the gold level.

13 Then at silver that's your tactical plan, so that
14 would be the kitchen designer who would then come up
15 with the plan and agree that that fit then within the
16 gold strategy, so then once that was agreed at bronze
17 level you're looking at -- that's your team of fitters
18 and joiners who will get the plan from the silver and
19 they would have to then try and make that plan fit. So
20 they would have minor deviations within that, for
21 example if they then realised there was an extra 6-foot

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1 of plumbing that needed put in, that would be within
2 their parameters, as long as it then didn't go out of
3 the budget, but other than that if there was any
4 significant tactical change they would have to go back
5 to the silver for agreement of variation of the tactical
6 plan.

7 Q. So that's how the gold, silver and bronze command would
8 fit together?

9 A. Yes.

10 Q. But with the ultimate goal of securing a kitchen in your
11 analogy.

12 A. Yes, yes.

13 Q. And there are different levels that they each -- each
14 role is distinct --

15 A. Yes.

16 Q. -- but they work together?

17 A. Yes, and different parameters whereby they've got
18 flexibility within those parameters, but if it's going
19 to go outside of those parameters it needs to feed back
20 up. So if at that bottom level there was going to be
21 some additional cost or time, they would have to feed

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1 that back to tactical who would then maybe need to go
2 back to gold to seek consent and permission for the
3 extra expense.

4 Q. So there's liaison between each of them as well?

5 A. Yes.

6 Q. So you have said that you were doing the emergency
7 planning at 2008?

8 A. Yes.

9 Q. Did you have special training in relation to that role?

10 A. Yes. My initial training was delivered by the
11 Cabinet Office at the emergency planning college.

12 Q. Right. And how long did you perform that role?

13 A. It was five years in total, from 2008 to 2013.

14 Q. And can you tell us a little bit the nature of that role
15 when you were doing it?

16 A. So it had functions in relation to day-to-day business,
17 so planning-wise and preparedness-wise, but then it also
18 had the training function in order to increase the force
19 preparedness, so that involved trying to teach as many
20 people throughout the entire force, from constable and
21 civilian equivalent to chief constable, through

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1 simulated exercises and scenarios, but then it also
2 meant in real events we would act as advisors to gold,
3 silver and bronze command, so at real events the chief
4 inspector, he would be the advisor to the police
5 gold command team. If it was a multi-agency
6 gold command team I would then act as the advisor to the
7 multi-agency gold command but I would also then be
8 liaising with the tactical commanders, so the area
9 control room inspector.

10 If it was a police only incident the chief inspector
11 would take the police gold, I would take the silver as
12 an advisor and then the constables and civilians that
13 I had within my team, they would act as bronze command
14 or additional support within the gold and silver
15 function.

16 Q. So you were part of the emergency planning. Was it
17 a unit, is that what -- or a department?

18 A. It was a unit, yes.

19 Q. A unit.

20 A. Yes.

21 Q. And you would be treated as a source of advice by --

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1 A. Yes.

2 Q. -- others performing the role?

3 A. Yes, which would often mean call-out through the night,
4 even sometimes just being contacted by the control room
5 for verbal advice over the phone in relation to maybe
6 plans that we had, or what should they do, or how to
7 establish -- do they need, for example, to set up
8 a separate command and control structure.

9 Q. So as advisors I think you said your -- the head of that
10 unit was the chief inspector?

11 A. Yes.

12 Q. And you were his deputy?

13 A. Yes.

14 Q. And you would sit as advisors next to an ongoing gold,
15 silver, command situation on the ground?

16 A. Yes.

17 Q. And you would also assist third parties?

18 A. Yes, so the design of the building -- the control
19 room -- my office, which I shared with the chief
20 inspector, was as soon as you came out of the control
21 room our office was the first office that you came to

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1 and then next to us then was my team and then we had
2 a command suite next to that which was a large room,
3 large table, but then we also had plans for all of
4 the -- the entire floor of that building to be evicted
5 on immediate notice so that we could open all those
6 rooms up for multi-agencies' use for any major events.

7 Q. What's a multi-agency?

8 A. So we're obligated -- under the UK requirements we're
9 obligated to have multi-agency response plans for any
10 major incident, so all your category 1 responders such
11 as police, fire, the ambulance service, the
12 health authorities, and then you would have the likes of
13 the health and safety executive. There could end up
14 being -- and on average if we brought all of the teams
15 out we could easily have 100 people across that corridor
16 of various different roles and those roles would depend
17 on what the nature of the event was, so the biggest
18 incident we had was severe weather where we had vital
19 supplies such as gas, electricity all disconnected
20 through bridges collapsing, so we had a lot of the
21 utility agencies there as well, so their

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1 chief executives acting as gold command and then we
2 would have multi-agency gold command meetings in
3 addition to police gold command meetings and
4 multi-agency silver meetings, in addition to police only
5 meetings.

6 Q. And you were part of the unit advising those --

7 A. Yes.

8 Q. -- multi-agencies?

9 A. So I would act as the advisor for the silver command
10 which would usually be led by the control room
11 inspector, or their additional one that was brought in.
12 If it was decided we needed a permanent inspector on
13 that role, there would be another control room inspector
14 brought out because they have the most training in
15 relation to other inspectors for command and control.

16 Q. So in terms of understanding where your role as an
17 advisor fitted in, you would be advising the inspector
18 level, which was viewed as a silver command position?

19 A. Yes, so although I could advise at gold and I did on
20 several occasions, my -- predominantly my role was to
21 advise at the silver command, which was the control room

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1 inspector.

2 Q. And your senior officer, the chief inspector who is
3 the head of that emergency planning unit, he would -- if
4 he was present and available, he would be advising the
5 gold command which would be another chief inspector
6 somewhere perhaps?

7 A. Or the chief officer team such as chief constable,
8 deputy or assistant, but until he got there -- because
9 I lived closer and he -- I could be there within about
10 ten minutes. He was typically there within about 40
11 minutes, so often initially if it was a call-out through
12 the night I would be with gold until he came and then
13 I would go to silver.

14 Q. Right and you did that for five years, did you say?

15 A. Yes.

16 Q. And did you deal with a number of major incidents --

17 A. Absolutely, yes --

18 Q. -- during that time?

19 A. -- of varying degrees. There was firearms, there was
20 severe weather, there was bus collisions where
21 children -- you know, school bus, all children, two

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- 1 children die.
- 2 Q. So any major incident?
- 3 A. Any major incident or unusual incident because the
- 4 theory would be you've got business as usual and at the
- 5 other extreme you've got your major incidents, but then
- 6 in-between otherwise you've got this void of one way or
- 7 the other that would be called an unusual incident and
- 8 an unusual incident would be one where you have maybe
- 9 not got enough information to put it to a major, but
- 10 it's beyond the normal run-of-the-mill, day-to-day,
- 11 business as usual and that might either be because of
- 12 the level of risk, or because of the implications with
- 13 it, or it's using more additional staff than you might
- 14 have, or you might need the assistance of another agency
- 15 being involved, so it might be that you're needing to
- 16 call on the ambulance crew, for example, as support and
- 17 asking them to do something that isn't business as
- 18 usual.
- 19 Q. And can you help the Chair understand by use of
- 20 an example of what an unusual incident would be?
- 21 A. So an unusual incident -- if, for example, the police

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1 suspected something, so they suspect a firearms
2 incident, one of the initial considerations at
3 a suspected firearms incident is to consider ambulance
4 attendance, to be on standby, so if you're then seeking
5 for the ambulance crew -- because you haven't got this
6 incident declared as a firearms, it's declared as
7 a suspected firearms, you're then asking the ambulance
8 crew to go outside of their business as usual to deploy
9 an ambulance to then sit at a location in case they're
10 needed, so that would be definitely an unusual incident
11 because we're doing things slightly different, or it
12 could be that we have reached capacity in a custody
13 unit, so operational capacity is now affected because we
14 can no longer accept any detainees at that custody unit,
15 or because of the level of risk of a small number of
16 detainees, or one detainee, they're having to close the
17 custody unit to everybody, so that would become unusual
18 because then strategies would have to be designed for --
19 is there issued an instruction about detention, or are
20 they going to then install processes to move detainees
21 from one location to two hours away, or ...

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1 Q. Right. And then business as usual, would your unit have
2 any involvement in that?

3 A. No.

4 Q. No. Thank you. Then in 2013 am I right in saying you
5 left --

6 A. Yes.

7 Q. -- the Police Service?

8 A. Yes.

9 Q. In order to -- and then you became -- you trained and
10 became a skilled witness and you have given a number of
11 reports since then?

12 A. Yes.

13 Q. I won't move on to that for a moment, but can I ask you
14 to give the Chair an example of the sort of work you did
15 when you were a sergeant working with a team perhaps, of
16 any situations where you came across a knife incident?

17 A. Yes. So one knife incident that springs to mind -- it
18 started off as a business as usual call. It was a call
19 that there was a disturbance at a particular address, so
20 a neighbour had rung in just saying "There's a bit of
21 noise", so it sounded on the basis of it it was just

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1 a routine police call.

2 On this particular night in question it was a public
3 holiday. I was the sergeant. I was down to minimum
4 staff. I had three -- if I remember correctly, I had
5 three constables on duty. I had one constable single
6 crewed in a vehicle and I had two constables in the van.
7 Of those two constables the man was a probationer, so he
8 didn't have his two years' service in and then there was
9 a female officer with him and I think -- I'm not sure
10 but I think she maybe had around five years, but I could
11 be wrong. She certainly wasn't a probationer but she
12 had a bit more service, but not as much as what I did.

13 Because of the address that was given over the air,
14 I recognised this address as being an address -- it was
15 a house that was converted into at least three bedsits
16 that were used by the Local Authority to house single
17 occupancy and so I knew that we had been to that address
18 on numerous times and there may be an increased risk
19 because of the people who we knew either lived there or
20 went there.

21 Q. Was that information that you were aware of from your

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1 local knowledge --

2 A. Yes, yes.

3 Q. -- of the area? Right.

4 A. So based on that fact I didn't want the two officers

5 arriving on their own because I believed that this

6 was -- had potential of being a higher risk. The only

7 other officer that was available was me, so I was going

8 to go as well, so I notified those two officers not to

9 attend the scene on their own and to pull over --

10 Q. You have said you had three constables.

11 A. Yes.

12 Q. One was single crewed.

13 A. Yes.

14 Q. Where was --

15 A. So she was currently out of our policing area backing up

16 on a rural alarm activation, so the rural area had sent

17 a single crew to a premises alarm and because they were

18 single crewed she was then going from the town to back

19 up that member of staff.

20 Q. So you were left with two?

21 A. I was left with two.

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- 1 Q. A probationer and a constable with about five years'
2 service?
- 3 A. Yes.
- 4 Q. Sorry.
- 5 A. I could be wrong on the length of time, but yes, so then
6 I instructed them to pull over on the way to there
7 because I knew from my own mind the location towards
8 them, where they would have to go. There was a dual
9 carriageway in one direction that they needed to travel
10 along. There was a dual carriageway with 30-mile an
11 hour limit, so I asked them to pull over and wait there
12 so we could RV.
- 13 Q. Explain what RV means?
- 14 A. So we could rendezvous, so it was -- so we could
15 rendezvous and both turn up together because I didn't
16 want just one vehicle turning up on their own.
- 17 Q. And that was something that you could do as the
18 sergeant?
- 19 A. Yes, definitely, because ultimately my job was to also
20 safeguard and protect the officers' health and safety.
- 21 So then as I pulled up behind them we both moved off

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1 and we both pulled up at the premise together. We all
2 got out of the vehicles, we walked into the front garden
3 area which was part walled so you couldn't instantly see
4 what was happening behind there and the first thing that
5 I was confronted with was the front door of the premise
6 being open, the lights were all on in the communal
7 hallway and there was a young man laid on the floor with
8 an arterial bleed from the neck which was -- it seemed
9 to be hitting the ceiling, it was really high and
10 another young man then who appeared to be crouched over
11 him, standing up to his feet.

12 So at that point in my mind then all of these little
13 checklists start appearing because then I'm thinking
14 preservation of life, which is always the priority, so
15 we've got a casualty there who appears to have an
16 arterial bleed and this is a life and death situation,
17 we've got our only suspect on the scene, so potentially
18 here we've got a murder/attempted murder scenario, we've
19 got potentially a knife or other weapons, we might have
20 other people, we might have -- so all of these things
21 are going on and I'm thinking about forensic

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1 contamination then between the different people and the
2 scenes.

3 I instantly drew my baton which was on my left-hand
4 side so I pulled it and racked it because there was --
5 we were on it, there was no opportunity to conduct
6 anything from further than where we were and I needed
7 one of my officers to go and start life saving.

8 I also immediately -- so I directed the constable,
9 the female constable to deal with the life saving,
10 thinking then that with the probationer I would stay
11 with him and between us we would effect the arrest of
12 the only suspect that was at scene. I needed her to get
13 by the only suspect, so I gave him the command then to
14 move out of our way.

15 Q. Are you holding your hand out there?

16 A. Yes. So I'm instructing him to move aside to let the
17 officer through and put his hands on his head which was
18 tactics we used to use in the Police Support Unit,
19 especially with suspected firearms or weapons, you get
20 the person to get their hands to the head. So then
21 I could clearly see then there was no weapon in his

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1 hands, so I asked him to move over to the side to allow
2 the officer behind and I instructed that officer to
3 start dealing with the casualty.

4 I instantly informed control "Urgent, ambulance
5 required, arterial bleed and urgent back-up required",
6 but I knew the closest back-up was likely to be at least
7 30 minutes away at another town.

8 So then I'm trying to keep distance and I'm thinking
9 about the probationer officer because I had had him
10 since he came from training school, so he had been on my
11 shift so whether I was in custody or patrol I had
12 a close working relationship with him so I instantly
13 knew this was potentially the most significant event he
14 had been confronted with, so I was speaking to the
15 person but I was trying to be calm because I didn't want
16 to -- if he was an armed suspect, I didn't want him to
17 go into flee mode, as in thinking then he's got to fight
18 his way out, so I was trying to keep everything down and
19 like, you know, "Keep calm, talk to me, what's
20 happening?" And he just kept his hands up to his head.

21 I then informed him that I was going to send the

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1 male officer to him with handcuffs, to put handcuffs on
2 him and that I didn't want him to resist the officer, so
3 then he was compliant, he said "Okay", and I asked him
4 to turn away from us, keep his hands on his head and the
5 officer was going to approach gently from behind and
6 take his right arm first. So then I indicated to the
7 constable to approach. He took -- he got the clip --
8 cuff on the right hand, that got brought down and then
9 the next hand came down. We then took him to the van
10 and at the van we searched him -- cursory search to see
11 if there was any weapon, couldn't find any weapon.

12 I'm then calling over to the constable there for any
13 update on the injured party. She was in distress
14 because it was obvious there that this was an emergency
15 situation for life. I'm updating control then "Any
16 update on the ambulance?" You know, can they confirm
17 it's attending and to ensure they have told them it's
18 a suspected arterial bleed, we haven't yet found the
19 weapon. We got the man into the back of the van, but
20 now I'm conscious as well that for forensics there's me
21 and this male constable have now dealt with the male

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1 suspect so if we now go to the victim we could be
2 transferring DNA as well, so I'm trying to keep away
3 from the casualty but I'm also aware that the suspect,
4 now that he is handcuffed, needs constant supervision.

5 Q. Why do you say that?

6 A. That's because of the risk of any form of restraint, so
7 it's general principle that -- certainly since 2006 they
8 have used the codes of level 1, 2, 3 and 4 for
9 supervision levels and level 3 is applicable to anybody
10 who is -- once they are in restraints, because they
11 can't fully protect themselves, and because of the risk
12 of any medical emergency as well, so I was conscious
13 that he needed constant supervision, so we got him in
14 the van and closed the perspex door but then I told that
15 constable he had to stay at the door and keep
16 observations on the suspect.

17 So then at that point I heard a screech of brakes
18 and a thud and turned around to see on the road a car
19 had ran a pedestrian over so now I've got a pedestrian
20 laid on the road and this car and I'm just thinking "Is
21 this an inspector's promotion scenario?" So then I ran

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1 over to this because again I'm thinking preservation of
2 life, my priority was is this another life and death
3 casualty or not because I have already got
4 a preservation of life there, plus now an enforceable
5 requirement for the suspect who has been arrested.

6 As I get over to the incident scene, the person who
7 has been hit now stands themselves up and limps to the
8 pavement, so then I'm calling up "We need a second
9 ambulance because we have got an RTC, walking wounded",
10 so I tell that person to sit on the side and then
11 thinking about the priorities and at that point it
12 wasn't the NDM, the National Decision Model, it was the
13 predecessor, the conflict management model, which was
14 basically the same thing, but then thinking about threat
15 and risks and priorities I then informed the car driver
16 they need to take themselves to the police station and
17 report the incident and stay there, that's because of
18 the other priorities that were going on.

19 Q. So you are continually, in light of new information,
20 feeding that into this process of considering threat and
21 risk?

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1 A. Threat and risk.

2 Q. And priorities?

3 A. Yes.

4 Q. And you are reacting -- every time something else

5 happens, you're reacting to that and factoring that into

6 your decision-making process?

7 A. Yes and then as I rushed back over to the scene of the

8 other going on, I was then aware of a group of young men

9 who came from that direction who had what looked like

10 baseball bats, or wood with them and one of them was

11 banging it on a wheelie bin and throwing abuse at us

12 about what they were going to do and again I'm thinking

13 "Could this get any worse?"

14 So at that point I still had the baton withdrawn

15 from earlier, I then pulled my CS as well.

16 Q. So again you're taking account of the equipment that you

17 have available to you?

18 A. Yes.

19 Q. That's another resource as well as --

20 A. Yes and thinking about people, object, place and

21 thinking about people, there's only me who can deal with

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- 1 this and I want to deal with it quickly and probably
2 differently than I would have done under normal
3 circumstances.
- 4 Q. We have heard about -- some evidence about a mnemonic
5 "POP", "People, Object, Place"?
- 6 A. Yes and "people" is looking at the people you're dealing
7 with, but plus the person, yourself as well, and
8 thinking about your own capabilities, how many of you is
9 there and what's your competency, so, for example, if
10 I compare myself now as a 52-year-old to when I was
11 first promoted to a sergeant at 27, at 27 I was running
12 marathons, in the gym most days, I was fit and healthy
13 and now I'm not, so even looking at a situation now
14 I would be thinking, you know, I'm not going to get up
15 off the floor as quick now as I would have then, so I've
16 got to take my demographics into consideration, plus
17 I wanted this to be dealt with so I could deal with
18 priority of life.
- 19 Q. So when you're considering people it's not just the
20 subject, it's not just members of the public, it's
21 yourself and your own skills and experience?

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- 1 A. Yes, and people's competencies and likewise then
2 thinking about, you know, the initial decision of
3 a probationer constable and a more experienced
4 constable, who am I going to direct to the casualty.
- 5 Q. So their skills and experience of members of your team?
- 6 A. Yes and that comes from knowing your team and having
7 a bit of knowledge about who you've got, what experience
8 they've got, what exposure have they had already and
9 then trying the best that you can.
- 10 Q. Yes.
- 11 A. So thankfully this group then eventually went when they
12 realised the severity of what was going on and then we
13 could start dealing -- and then it took -- it was
14 probably about 30 minutes in total before extra
15 police officers attended but by that time the ambulance
16 had attended before any police resources attended.
- 17 Q. And during this whole event you have said that you were
18 on the radio feeding back --
- 19 A. Yes, constantly.
- 20 Q. -- and is that the same --
- 21 A. Yes.

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1 Q. -- to ACR or the control room and would that be audible
2 to other members of the police service?

3 A. Yes, anyone who was on that radio channel, in addition
4 to the control room, and it was trying to prioritise our
5 incident hopefully to feed back to the control room
6 because if they've got staff at other incidents, if they
7 then know what we're dealing with so they now know that
8 at this scene for three officers we've got a suspect who
9 is -- a suspect who is detained, a casualty who might
10 die, potentially a murder scene, an injured party from
11 a road traffic collision and a potential public order,
12 all in one, then hopefully they would prioritise us over
13 other incidents.

14 Q. One would hope so.

15 A. Yes.

16 Q. But sharing that information on your radio, we have
17 heard evidence that that then allows the control room to
18 take steps, appropriate steps?

19 A. Yes.

20 Q. It allows other officers to be aware of the situation
21 and also take appropriate action.

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- 1 A. Yes, definitely.
- 2 Q. And that's -- that was your experience during that
3 event?
- 4 A. Yes.
- 5 Q. Thank you. And you mentioned at the beginning that you
6 Rved, or rendezvoused.
- 7 A. Yes.
- 8 Q. We have heard some evidence about the nature of
9 a rendezvous point and you have told us that you have
10 listened to Martin Graves' evidence.
- 11 A. Yes.
- 12 Q. And we heard about, you know, there can be an officer
13 with a marshal, I think he called it.
- 14 A. Yes.
- 15 Q. Are you able to help us understand the distinction
16 between that type of rendezvous point and the one you
17 described?
- 18 A. Yes, so we have basically two different types of
19 rendezvous point. One is called the RV point and one is
20 called a forward control point, so at the lowest level
21 is your RV point and that can just be a case of pulling

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1 over on the side for a few seconds while somebody else
2 catches up. It's looking at -- it's a temporary -- it's
3 not permanently blocking the road that you need a Local
4 Authority permit for to do, it's a very brief "Pull
5 over, hang on until I catch up", that can be your RV
6 point.

7 Q. Can that be organised on a spontaneous --

8 A. Absolutely, yes.

9 Q. Is that like the scenario you described in your example
10 there?

11 A. Yes, and certainly with teams I have worked with I would
12 always encourage them to -- if there's more than one
13 patrol going -- hang back so that you can both turn up
14 together and plus certainly in Cumbria we weren't always
15 double crewing, so you could end up with a two and
16 a one, or two ones turning up but what I didn't want, as
17 far as possible, was just one vehicle turning up.

18 Q. Why not?

19 A. Mostly -- one aspect is the presence, the physical
20 presence, particularly if it's a call about disorder
21 outside of clubs or pubs. If public see two vehicles

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1 turning up then those who maybe don't have any intent to
2 continue disorder, just the sight of the vehicles
3 turning up they are likely to run from the scene. So
4 it's just to try and ensure that physical presence with
5 two. Or if you have then got a scenario where you have
6 got an injured party and a suspect, you've got enough
7 people to instantly deal, so I just find from an
8 operational point of view if you can get people -- if
9 that just means delaying something by a very short time,
10 it can be a more efficient and effective police
11 response, both for safety and policing priorities.

12 Q. So it's not just the policing priorities, it can be the
13 safety. Whose safety could be benefited by that
14 approach?

15 A. Everybody's safety can be benefited because if you've
16 got then the officers, the public, the suspects that
17 you're dealing with, by having enough staff attend
18 initially, it can contain people, it can stop people
19 then fleeing amongst the crowds and across other
20 publics, it can help with officer safety so that they
21 then -- if one officer turns up on their own and there's

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1 two or three offenders, especially if they're drunk,
2 they're more likely to feel they can challenge the
3 officer, so that visual presence can often assist and
4 negate any trouble straight off.

5 But the forward control point, that was brought in
6 with the command and control training as well in
7 relation to major incidents and the command and
8 control -- sorry, the forward control point, the forward
9 control point is a more permanent RV point so it can be,
10 for example, short-term like half an hour or an hour --
11 there is no formal time limit with this -- or it can be
12 weeks or days and usually then you do need marshals
13 because you decide -- it's typically a car park or
14 a large open hard standing and you will cordon off
15 different parts so you will say "All police resources go
16 there, all ambulance resources go there, Local Authority
17 there" etc, so everyone will have an area.

18 There will then be established briefing sessions,
19 there will be toileting, catering, you know, everything
20 then will be brought to that forward control point and
21 even from a police point of view the national riots,

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1 when forces were sending their staff down to like
2 London, when we were -- every force was sending staff
3 down, even Cumbria we were sending staff down, there
4 would be a forward control point so you would be roads
5 of just personnel vans parked up, that would be
6 a forward control point, so it doesn't always have to be
7 a car park, it can be roads that they take over.

8 When we think about the ferries, when -- the
9 stack-up -- when they stack the lorries, "Operation
10 Stack", they will have one lane of the dual carriageways
11 allocated as basically the forward control point as well
12 for stacking things and for meeting.

13 Q. So there's both the planned rendezvous point, a more
14 established structure, if I can call it that, and then
15 you've got your more spontaneous --

16 A. Yes.

17 Q. -- which can just be officers agreeing to meet in
18 advance and arriving en masse?

19 A. Yes and then if that RV point became a more long-term
20 thing as part of the planning then you would be looking
21 at silver and/or bronze looking for a nominated RV

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1 point, a more formalised -- and then it could become
2 a more formalised RV point or forward control point.

3 Q. Thank you. I would like to ask you about something in
4 your CV which says you specialised in safer handling of
5 detained persons and safer custody --

6 A. Yes.

7 Q. -- and the use of force.

8 A. Yes.

9 Q. Could you tell the Chair a little about that experience
10 that you have.

11 A. Yes, so if we go back then to like the early 1990s and
12 the culture then within the police was if a person was
13 arrested they went into the cells, often without being
14 searched, they had belts on, they had property in their
15 pockets, things like death in custody wasn't really
16 considered or given priorities, often the detainees
17 weren't visited through the night. A lot of the safety
18 control measures weren't there.

19 As time evolved, and certainly from 1996, as an
20 acting doing some custody function but then 1997 being
21 a custody sergeant, the cultures then were changing in

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1 relation to safer custody, safer detention. That was
2 then formalised. From 2002 the UK became part -- well,
3 they signed up to the agreement to adopt safer custody
4 principles and that was across all of the secure sectors
5 where the person is held by the state, so that's police,
6 prison, mental health units, immigration, military
7 prisons, so --

8 Q. Were these European standards in relation to custody?

9 A. Yes, yes.

10 Q. I think you mention this in your report.

11 A. Yes, so that was from 2002 voluntary, 2006 mandatory.

12 So in -- between these times, certainly from the late
13 90s, there was a lot of change starting to happen and
14 The Independent Police Complaints Commission for England
15 at the time, they were conducting lots of research in
16 relation to deaths in custody and what people were most
17 vulnerable, how control measures could have or should
18 have helped, examples of when it did help, so there was
19 a lot of research going on for that sort of ten-year
20 period of time.

21 From 2006 there was a document published called the

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1 Safer Detention and Handling of Persons in Police
2 Custody, so shorthand it was called the SDHP 2006.

3 Q. And was the Scottish Police Force part of that drive to
4 comply with the European standards?

5 A. Well, they were part of the UK movement, but the 2006
6 SDHP was written specifically for England and Wales, but
7 there were similar things happening throughout then
8 Ireland and Scotland as well, but certainly my
9 experience at the time was just in England, but it
10 took -- from 2006 it formally recognised that custody
11 began from the point of initial contact, so then from
12 point of initial contact that would also take into
13 account all the issues around the NDM like what was the
14 known information, the threat, the risk, so then that
15 2006 edition was updated in 2012 as the SDHP 2012, but
16 it certainly then took everything back to that initial
17 point of contact. So my work then, from 2006 -- because
18 I had been involved in custody by then for ten years,
19 and I was qualified Home Office trainer as well, and
20 I had also done a lot of research at the time and
21 proposed practices that needed to change certainly

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1 within Cumbria, I then became involved in the training,
2 delivery and design for implementation of change.

3 Now, I then designed a training course which was
4 then taken by the -- what was the National Police
5 Improvement Agency at the time. They then adapted that
6 and adopted it and then put it out as a national package
7 in order for bringing about change as quickly as
8 possible in relation to practice and that again was
9 going right back to that initial contact.

10 Q. And that related to custody and safer custody?

11 A. Safer custody, yes. So commonly the umbrella term used
12 through all the different agencies was "safer custody".

13 Q. But that package that was delivered and rolled out
14 nationally --

15 A. Yes.

16 Q. -- that related to from the point of contact --

17 A. Yes.

18 Q. -- between a subject and a police officer?

19 A. Yes.

20 Q. So people shouldn't imagine custody is only when you're
21 in the custody cells --

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- 1 A. Definitely not.
- 2 Q. -- in a police office.
- 3 A. Yes.
- 4 Q. And your training, which you delivered -- your training
5 package was designed to improve the standards?
- 6 A. Yes.
- 7 Q. And implement change, I think you said.
- 8 A. And the standards of the control measures.
- 9 Q. And what sort of things are you thinking when you say
10 "control measures"?
- 11 A. Well, recognition of what then becomes a risk factor, so
12 there are certain conditions which have constantly
13 remained identified risk factors throughout all of the
14 custody risks, that's: head injuries, alcohol
15 intoxication, drug intoxication, mental ill health,
16 asthma, diabetes, angina. So those are specified risks.
- 17 Q. Recognised risks for someone in custody?
- 18 A. Yes and those are particularly specifically specified as
19 stand-alone topics where if any of those are identified
20 then you must obtain appropriate clinical attention as
21 soon as practicable.

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- 1 Q. So any of those risks require some sort of medical
2 attention --
- 3 A. Yes, yes.
- 4 Q. -- being given to the person?
- 5 A. Regardless of whether the police officers or the person
6 acknowledge there's any problem with it.
- 7 Q. Right. So any of those risks, if they're recognised or
8 known, require some sort of medical intervention?
- 9 A. Yes and you will find now that if any of those risk
10 factors are identified, reasonable custody sergeants
11 will not book those people in. They will instantly say
12 to the presenting officers "You must go to hospital with
13 that person first", or a lot of custody units now have
14 embedded healthcare professionals working and based from
15 there, they will have the healthcare professional come
16 and see the person before they even start booking them
17 in.
- 18 Q. Right. Can you think of any examples that you can maybe
19 share with the Chair where you have come across
20 a situation where someone was having a mental health
21 crisis who was in police custody?

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1 A. Yes. Certainly as a custody sergeant, in my early days
2 of custody sergeant we didn't have CCTV in the --
3 throughout the custody, so you're up and down the
4 custody block checking your detainees regular and at
5 that point we didn't have detention officers neither, so
6 I used to find that once the arresting officers went it
7 was just me and all the detainees, that was it, so I had
8 to do all of the Police and Criminal Evidence Act, all
9 the legal requirements as well as all of the welfare
10 requirements for the detainees, and I had been up and
11 down the cell block throughout the tour of duty, it was
12 a night shift, and I happened to go back down to do the
13 regular checks and I noticed from one of the cells there
14 was some water coming from under the door, so I tried to
15 tiptoe towards the door and look through the hatch and
16 I seen the man who was inside the cell was now naked,
17 stood on the bed and the floor of the cell was wet, so
18 it appeared that he had blocked the toilet and caused it
19 to overflow, to wet.

20 I opened the hatch and I seen that he had released
21 the lights from the ceiling and all the electrical wires

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1 were hanging down now as well, so those wires were live,
2 water on the floor, he is on the bed. By looking at him
3 I could instantly see he was in some form of crisis so
4 the last thing I wanted to do was create a negative
5 reaction from him and something that I was taught back
6 in 1994 -- when I did my Home Office trainer's course we
7 were taught this philosophy of transactional analysis
8 about how to communicate with different people.

9 Q. Tell us about that.

10 A. And what it was looking at is people will always move
11 between a childlike state, an adult state or an adult --
12 sorry, childlike state, an adult state, or a critical
13 parent state and in child state you've got "free child",
14 you know, the happy child and this is where your happy
15 drunk who by day they're a professional person and then
16 they have a few drinks, they're happy drunk, they're
17 jumping up and down, walking down the streets with cones
18 on their head, no malice but a lot of people looking at
19 them would go "That's disorderly conduct", but they're
20 having this free child moment of having a laugh, pushing
21 their colleagues on the chairs down the corridors in

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1 workplaces, that's the free child.

2 The alternative to that free child is the child who
3 is maybe then having -- you know, your two-year-old
4 tantrums who is very -- at that point, that moment in
5 time might be egocentric upon themselves, they need
6 some -- they're upset, they need some instant
7 satisfaction in relation to something and they're very
8 much involved in their own moment of crisis and that
9 crisis could be for a whole host of issues.

10 Then at the other end you've got "parent", so you
11 could have "nurturing parent" or "critical parent", so
12 as people, if they've got children, might know there are
13 times they need to go between the two different forms of
14 parent to get a response -- suitable response from the
15 child. So the idea is in order to get people
16 functioning we need to be in adult, so if somebody is in
17 a childlike state, a positive way of dealing with them
18 is to go into a parent state in order to try and bring
19 them to the adult state, so for me then faced with this,
20 if I saw people who appeared to be in crisis I would
21 always try and go into nurturing parent mode initially

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1 because it's easier at times to escalate my response up
2 than if you go in at critical parent, it's hard then to
3 turn to nurturing parent because you have lost the
4 trust.

5 Q. What does a nurturing parent do?

6 A. So this is the person who might then be going, you know,
7 "What's up? What do you need? Can I help you?" The
8 same as if your child was crying you would be going
9 "What do I need to do to help you, what's going to make
10 you feel happier?" So it's that nurturing parent to try
11 and stop the moment of crisis.

12 Q. What's the critical parent?

13 A. So the critical parent will be things like "Stop doing
14 that, get to your room now" and just ignoring the reason
15 for the crisis. It's more a didactic instruction.

16 Q. Right, sorry. Carry on.

17 A. That's all right. So I used to try -- if I seen
18 somebody in any form of crisis, or on the potential of
19 being in crisis, I would always try and be that
20 nurturing parent and particularly in a cell block
21 environment you're dealing with a lot of people who have

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1 lost their liberty, who have a whole host of different
2 crisis issues for themselves there and I used to feel it
3 was like working in a powder keg and the least spark
4 could set everything off. So I used to always find --
5 as a custody sergeant I would try and be nurturing
6 parent to try and keep things as calm and smooth as
7 possible, but then knowing if I needed to go into
8 critical parent, I could.

9 So seeing this situation, thinking about risk and
10 everything and the information I was receiving was I've
11 got a person in here who is now -- they're acting
12 unusual, they have taken their clothes off -- usually
13 people only take their clothes off in a cell if
14 the police have taken them off, but I now have a naked
15 man in the cell, he is on his bed, he is not looking
16 like you would expect a person to look, so I was
17 thinking that's an unusual look, so that could either be
18 a crisis through any mental illness, it could be
19 a crisis through drug or drink withdrawal, it could be
20 anger, there could be a whole issue but I just knew this
21 wasn't the like normal state.

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1 I wanted to be careful with this because I also knew
2 there was electrical wires hanging from the ceiling and
3 there was water throughout the cell and a little bit
4 coming out from the door, so I needed to make sure
5 I wasn't in the water.

6 I then instantly went into nurturing parent and
7 I said his name and I said "How can I help you?" and at
8 the same time I touched the silent alarm button on the
9 wall because there was only me in the cell block and
10 there was other detainees as well. I knew then officers
11 would be coming because the silent alarm activates in
12 other parts of the station and also at the area control
13 room so I knew then that they would also pass over the
14 air to officers that the alarm had activated in the
15 custody unit.

16 I'm then trying to talk to him, but I don't want him
17 to react spontaneous, I don't want him jumping off the
18 bed in anger, so I'm just trying to say to him like
19 "Just stay there, let's talk about things, what's up?
20 How can I help you?" I'm trying to buy time, trying to
21 keep everything calm. As I'm hearing the officers

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1 entering the custody block I've got my hand up to tell
2 them to like stop, so then I actually said to him while
3 he was standing there "Can I make you a cup of tea or
4 coffee?" and he asked for a cup of tea so I said "Okay,
5 I'm going to be away for just a short time while I put
6 the kettle on, stay on the bed", so then as I pulled the
7 hatch up and walked away I'm whispering then to the
8 colleagues that we need the electricity cut to that
9 cell, to disconnect that live wire. I also need
10 a shield team, I need two officers for a shield --
11 three-person shield team because there's part of my
12 Police Support Unit I was trained in shield tactics, so
13 usually as the sergeant you would have your two
14 constables in front with the shield and as the sergeant
15 you would be behind them holding their utility belts,
16 directing where you wanted them to go and also trying
17 then to communicate with the subject.

18 So I wanted that function to be available in case
19 I needed it, but I was hoping we could just resolve
20 this. So the officers then went -- I wasn't going to
21 open the door. The officers went off to do what I had

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1 asked them to do. I went back to the cell with the cup
2 of tea, but by that point I got the notification that
3 they had got the switch cut to the lights for that cell,
4 so I knew now that the power was cut, so I was able to
5 tell him that I have cut the power to the cable,
6 you know, we have had that cut so you can come and get
7 your drink.

8 He then got his drink, went back to the bed, sat
9 down, we were talking through the hatch, then after
10 a little while I said to him we could talk further and
11 resolve things but we needed him to get out of that room
12 now to a dry cell and we needed him to get dressed,
13 I would get the doctor to come out and see him, etc. He
14 agreed that he would come out quiet. I told him there
15 were other officers there now but as long as he was calm
16 we would just move him and those officers wouldn't get
17 involved and thankfully he came out, no problem, and
18 went into another cell.

19 Q. You have described what you saw when you arrived in the
20 cell. Am I right in thinking you are assessing the
21 risks as you see what's in the cell?

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1 A. Constantly, yes.

2 Q. And it's risk to yourself --

3 A. Yes.

4 Q. -- from the water and the electricity and risk to the
5 subject?

6 A. Yes.

7 Q. There were no other members of the public around at that
8 time?

9 A. No.

10 Q. And you talked about buying time and keeping him calm?

11 A. Yes.

12 Q. Can you explain the benefits of buying time via that
13 communication?

14 A. Yes. I mean one of the key ones for buying time is for
15 me as the officer and my decision-making process because
16 you've got multiple -- for me I'll be seeing multiple
17 lists spinning around in mid-air thinking "I've got all
18 of these" and I'm trying to think "What am I actually
19 dealing with? Am I dealing with a person in certain --
20 am I dealing with a medical crisis which needs a medical
21 response? Am I dealing with a police response, as in

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1 a crime, or...?" You know, I don't want it to escalate
2 because it might be a medical response which if I deal
3 with wrong could turn into a crime, so all the time I'm
4 buying a bit of time, thinking time for me, I'm also
5 buying thinking time for colleagues, buying time to get
6 other colleagues in place so that we can be prepared for
7 what contingencies we might need. So with that one, for
8 example, saying about the shields, in case we needed the
9 shield entry I wanted staff kitted up with the shields
10 in the cell block unit, just so that they were there and
11 ready.

12 So yes, it's buying yourself time and it's trying to
13 calm it down a bit more as well and build up that
14 rapport and trust so that the person -- you will often
15 find that if you treat the person with that nurturing
16 parent side they might strongly dislike other officers
17 but they will like you and certainly as the custody
18 sergeant the amount of time that I could get -- I could
19 get detainees who were threatening to not leave the cell
20 without fighting, but then if I then went down and said
21 "Will you come with me?" they were happy to go because

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1 I had already built a bit of rapport with them.

2 Q. We may have heard some evidence that's dismissive of the
3 idea of offering someone a cup of tea and it would
4 appear that you actually literally did offer this
5 person --

6 A. I would regularly use it. Even going to see victims of
7 crime. If a person has rang and they're distressed --
8 because they might be distressed that, you know,
9 somebody's been and damaged their property or whatever,
10 often a line I would start with would be "Why don't you
11 make yourself a brew and then we will sit down and
12 I will take some details off you", while I'm getting my
13 kit out, you know, "You get a brew", and it was, you
14 know -- sometimes they would go "No, I don't want one",
15 but it was just that throwing it in and I would be going
16 back to that earlier training of thinking about try
17 being nurturing because it's not -- if it's not putting
18 me at risk or anyone else at risk, just that little bit
19 of compassion can then go a long way further on.

20 Q. So if you or anyone else is at risk, you may take
21 a different view?

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1 A. Yes, so that -- that first example, for example, where
2 we've got the guy who has got the arterial bleed, we
3 were on that so quick and I needed to get officers by,
4 you know, that wasn't appropriate then for me to ask
5 about the cup of tea because it wasn't there, but it was
6 still appropriate, I thought, to start talking to him
7 and ask him to move aside so that the officer could get
8 by, just give him that opportunity so then if he said
9 "No I'm not moving, you have to get past me" then we
10 know where we stand, but it was just all the time "Can
11 I get as much compliance as possible before we have to
12 use force?"

13 Q. And even in that more extreme example where the man has
14 the arterial bleed, you were seeking to communicate with
15 the subject?

16 A. Yes, because I just always think that the last thing
17 I want is to start fighting with people because chances
18 are somebody is going to get injured and it could be one
19 person or more than one person and it could be serious
20 injuries, so it as much as possible if we can avoid the
21 use of force and violence, then we can look at minimum

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- 1 use of force, just purely as transportation, handcuffs
2 if need be.
- 3 Q. Thank you. You talked about, in buying time and looking
4 at the person you could see that this was not normal
5 behaviour and so is one of the benefits of taking that
6 extra time your opportunity to observe what's happening?
- 7 A. I have always found that, yes. As far as possible
8 taking that time, just to take in as much information,
9 because otherwise you can get just focused on the person
10 and you want to gather as much information from around
11 the scene.
- 12 Q. And during that, attempts from you to communicate you
13 have said you were speaking through the hatch?
- 14 A. Yes.
- 15 Q. We have heard about a principle called the "CUT
16 principle"?
- 17 A. Yes.
- 18 Q. "Create distance, use cover, and transmit".
- 19 A. Yes.
- 20 Q. Would the existence of the hatch be part of the "use
21 cover" principle?

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1 A. Yes, so I was keeping the door closed. There was no way
2 I was opening that door because that was my cover
3 because otherwise I could be fearful of "Do I get
4 dragged in?" and then it's a hostage scene, I'm now in
5 amongst water and electricity and -- so I would
6 certainly want to keep that hatch there unless there's
7 other members in.

8 Q. And does that protect your own safety?

9 A. Yes, but then opening the hatch allows me to look at the
10 person and for them to see me because although I could
11 see them through the little eye glass, it's not good
12 communicating to someone if all they can do is hear
13 a voice so I wanted them to see my face and to try and
14 reassure them that I was no threat to them, I wanted to
15 help them and I wanted it to end peacefully rather than
16 not.

17 Q. And to what extent are you also using your body
18 language, your demeanour, your tone of voice to
19 communicate?

20 A. Yes, I mean the majority of communication is non-verbal,
21 such as your body language and the tone of voice, so as

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1 much as possible keeping your body as relaxed as you can
2 and open-handed and, you know, like this kind of thing
3 (indicating) rather than hands on hips and finger
4 wagging that would be transmitting the critical parent.
5 So as much as possible it's relaxed, it's standing back,
6 it's looking, it's saying to the person "Talk to me,
7 I want to talk to you", showing my hands towards the
8 hatch so not putting them in the hatch but lifting them
9 up towards the hatch and saying "Talk to me, I'm here to
10 help you."

11 Q. As we speak now you're keeping eye contact as well?

12 A. Yes.

13 Q. Is that another important factor?

14 A. Yes, because you want to keep your eye on the person as
15 well to watch for changes and you're trying to read the
16 person, you're trying to read their face and if, for
17 example, you're dealing with someone on the street and
18 you're keeping the distance, theory would have it if you
19 kept looking towards that door while we're talking then
20 I need to be thinking "You're planning your escape
21 through that door".

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- 1 Q. Right.
- 2 A. So -- because often with people their body language will
3 indicate in the short-term what they're going to do.
- 4 Q. So that period of observation again is about gathering
5 in information for yourself?
- 6 A. Yes.
- 7 Q. And then during your description of those events you
8 seem to be indicating you were sharing quite a lot of
9 information with the man in the cell about what was
10 happening?
- 11 A. Very much, to keep him informed of what the noises were,
12 for example, because what I don't want to do is
13 pressurise someone into thinking that I'm being devious,
14 or for them to think that we're planning an attack, so
15 I would be saying "Officers are coming in now because
16 they're -- but they're waiting down at the bottom of the
17 cell, the cell area. I've got four officers down
18 there", so I wouldn't hide that information from them
19 and just trying to -- again it's just about that trust
20 and rapport.
- 21 Q. And you were -- in the first example you gave us in

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1 the -- the man with the arterial bleed, you described
2 being on the radio a lot.

3 A. Yes.

4 Q. And sharing information with the control room and other
5 officers?

6 A. Yes.

7 Q. On this occasion you didn't really mention your use of
8 your radio to that extent.

9 A. Mm-hm.

10 Q. How were you communicating with others?

11 A. Well, they could all hear because initially -- the
12 initial communication was through the silent alarm
13 which -- there was always a silent alarm within --
14 that's why I'm demonstrating. If I was at the hatch
15 there's always a silent alarm button on the wall next to
16 a cell door, so that was my first communication.

17 Although I had a radio on me, the noise within the
18 cell blocks because it's all metal and stone, everything
19 echos and if a person then is in crisis that is causing
20 a lot more noise and commotion and it can then stop the
21 communication if they're hearing all of this noise going

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1 on, this white noise, that can take over me being able
2 to talk, so basic issues we're taught when we're dealing
3 with people when who are in crisis is to knock your
4 radio right down as far as you can, so it's still live
5 so you can communicate but you have knocked it right
6 down so you're not having all of this noise blaring.

7 Q. So, is it fair to say you were tailoring your methods
8 and style of communication to the particular
9 circumstances --

10 A. Yes.

11 Q. -- that faced you at that time?

12 A. Yes.

13 Q. Thank you. I would like to ask you some questions now
14 about your experience as an expert. I could probably go
15 through that quite quickly if that's fine.

16 A. Okay.

17 Q. Could we look please at one of the passages in your
18 report please, paragraph 3.2. Sorry, that's page 18.
19 Do I see you have been engaged -- sorry, if you can just
20 come down the page:
21 "I have been engaged for approximately 150 case

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1 reports over the last 5 years concerning deaths or
2 injures in custody, police custody procedures and use of
3 force within all of the secure custody sectors."

4 A. Yes.

5 Q. You also are contactable through email and give advice
6 that way as well.

7 A. Yes.

8 Q. And you say that you provided reports for misconduct
9 cases.

10 A. Yes.

11 Q. Is that against the police?

12 A. Yes.

13 Q. Is that for both the police officers or the
14 police service?

15 A. Both. In relation to misconduct, the Police Federation
16 of England and Wales legal teams have engaged me.

17 I have also been engaged by the professional standards
18 departments and I have been engaged by the IPCC, as was,
19 which is now the IOPC, the Independent Office of Police
20 Conduct.

21 Q. And you say coroner inquiries?

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- 1 A. Coroner -- in addition to that other one, the Police
2 Ombudsman for Northern Ireland have also engaged me.
3 Yes, so coroners' inquiries, I have been engaged
4 directly by them.
- 5 Q. Fatal accident inquiries in Scotland?
- 6 A. Yes.
- 7 Q. Civil and criminal cases?
- 8 A. Yes.
- 9 Q. And you have given evidence on a number of occasions in
10 relation to these reports?
- 11 A. Yes.
- 12 Q. And then do we see the split of your cases in this
13 paragraph when you have been called as an expert for the
14 defence, that's roughly 38% of your work?
- 15 A. Yes.
- 16 Q. Is this over the past five years?
- 17 A. Yes.
- 18 Q. And then you have been called by either the prosecuting
19 authority or the claimant 56% of the time?
- 20 A. Yes.
- 21 Q. And you have been engaged directly by the coroner 6% of

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- 1 the time?
- 2 A. Yes.
- 3 Q. And now you can add that you have been instructed by
- 4 a Public Inquiry.
- 5 A. Yes.
- 6 Q. Thank you. You have delivered many training courses for
- 7 participants --
- 8 A. Yes.
- 9 Q. -- over -- since you have left the Police Force.
- 10 A. Yes.
- 11 Q. How many courses or how many participants have you
- 12 trained?
- 13 A. So since January 2014 until the end of 2021 I have
- 14 electronically registered 10,800 and something delegates
- 15 and that's mostly between conflict management, use of
- 16 force, managing behaviour, or first aid. Those are the
- 17 predominant courses. Then on top of that there's been
- 18 the odd child protection course, but the majority of
- 19 those are either the first aid or to deal with the
- 20 challenging behaviour.
- 21 Q. And am I right in thinking that your cases that you have

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1 been involved with as a skilled witness, or as an expert
2 have been all over the UK: England, Wales, Scotland,
3 Northern Ireland, the Republic of Ireland and the Isle
4 of Man?

5 A. Yes.

6 Q. And they have been criminal and civil?

7 A. Criminal and civil, yes.

8 Q. Yes. And you have acted for members of -- you have been
9 instructed, I should have said, by family members?

10 A. Yes.

11 Q. Or by professional standards?

12 A. Yes.

13 Q. Or -- in relation to those matters too. And you are
14 aware of your obligations as a skilled witness, as an
15 expert, that you're actually here to assist the Chair --

16 A. Yes, yes.

17 Q. -- and the Assessors here today?

18 A. Yes.

19 Q. And you are to be objective and unbiased?

20 A. Yes, yes.

21 Q. Thank you. And we had briefly touched on the fact that

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1 dated Tuesday 12 July this year, addressed to you and
2 I'm not going to take you through the detail of this,
3 it's available for the Chair should he wish to consider
4 it, but I would like to look at a section where we
5 discuss a hypothetical, reasonable officer. Sorry,
6 I have not noted which page it is on, I'm sorry. If we
7 can scan down the page. There we are. Thank you,
8 page 6, thank you.

9 You will see that this indicates that we were
10 inviting you to consider a concept as a hypothetical
11 reasonable officer.

12 A. Yes.

13 Q. And to consider that such an officer, his acts or her
14 acts and omissions would fall to be assessed by the
15 Chair and is that of an officer acting in accordance
16 with the law, their training, standard operating
17 procedures, ethical obligations and any other guidance
18 available to them. So this is a hypothetical person --

19 A. Yes.

20 Q. -- who complies with the rules and regulations that are
21 on police officers --

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1 A. Yes.

2 Q. -- in their actions. And we then go on to mention
3 a number of legal principles, I will come back to those
4 later. Are you comfortable in proceeding on the basis
5 that when I ask you questions, Ms Caffrey, if you would
6 consider them from the perspective of a reasonable
7 officer?

8 A. Yes.

9 Q. Thank you. And we know that -- we have heard evidence
10 that a reasonable officer will only use force that is
11 reasonable, proportionate and the minimum force
12 necessary. Do you understand that?

13 A. Yes.

14 Q. And that there is a principle of preclusion on
15 police officers which dictates that less forceful
16 options must have been attempted and failed, or have
17 been considered and found to be inappropriate in the
18 circumstances.

19 A. Yes.

20 Q. And you understand that principle?

21 A. Yes, yes.

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1 Q. Thank you. We have also heard that in any given set of
2 circumstances, that there can be a range of reasonable
3 options open to any one officer.

4 A. Yes.

5 Q. There's not necessarily always one right thing to do and
6 the officers have a certain element of discretion?

7 A. Yes.

8 Q. And that would be based on what they can see, what they
9 can hear, the circumstances that they find themselves
10 in.

11 A. Yes.

12 Q. And that two officers confronted with the same set of
13 circumstances may react differently, they may select
14 different force options, each of which they perceive to
15 be appropriate and reasonable.

16 A. Yes.

17 Q. And you accept that that's the case?

18 A. Yes.

19 Q. And also that it is for each officer to justify their
20 own individual course of action?

21 A. Yes.

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1 Q. Do you accept that?

2 A. Yes.

3 Q. And also that it will be a matter for the Chair to
4 decide what the circumstances were?

5 A. Yes.

6 Q. And what and whether any justification offered was
7 a reasonable justification?

8 A. Yes.

9 Q. Thank you. I would like to just briefly look at the
10 second letter of instruction, just for completeness,
11 which is SBPI00164, and this was a subsequent letter of
12 instruction from 22 September 2022. This expanded the
13 questions we invited you to consider --

14 A. Yes.

15 Q. -- to include the initial management of the events --

16 A. Yes.

17 Q. -- from the moment the calls -- emergency calls were
18 coming in.

19 A. Yes.

20 Q. Thank you. And you have certainly -- you have looked at
21 all of these issues as part of the body of your report?

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1 A. Yes.

2 Q. Thank you. Right. I would like to begin by focusing on
3 the events from the calls coming in, up to the point the
4 officers are about to arrive but haven't yet arrived at
5 Hayfield Road --

6 A. Yes.

7 Q. -- and arrived at the scene. So I would like to ask you
8 about a scenario which I will give you and then I am
9 going to ask some questions about how a reasonable
10 officer would --

11 A. Okay.

12 Q. -- act in that situation. So the scenario is that
13 within around eight minutes, six calls -- six emergency
14 calls had been received, one member of the public has
15 called twice. That information has been taken during
16 the course of those calls by a number of call-takers in
17 the control room and noted down on the system, the
18 computer system available?

19 A. Yes.

20 Q. And that information includes that an African looking
21 male was chasing a complainer's car, the complainer

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1 being the member of the public who is phoning. He
2 thought -- he thinks he may be carrying a knife, he is
3 big with muscles, about 6-foot, wearing a white T-shirt
4 and dark coloured jeans and the male is jumping in front
5 of other cars and stopping them and that the male -- and
6 within a minute of that description, a male in
7 possession of a large knife, black male, wearing a white
8 T-shirt, no jacket, walking along the street with
9 a large knife in his right-hand, about a 9-inch blade
10 and walking in the direction of the hospital, walking
11 quickly, and a male, large, 6 feet tall, large knife,
12 wearing white T-shirt, walking in the direction of the
13 hospital, male in the middle of the road and that was
14 a grade 1 call --

15 A. Yes.

16 Q. -- which we have heard is an immediate threat to life --

17 A. Yes.

18 Q. -- and it's a high risk.

19 A. Yes.

20 Q. You recognise that category?

21 A. Yes.

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1 Q. And that that information is then put on to the STORM
2 log and in doing so, that then comes to the attention of
3 a controller in a control room.

4 A. Yes.

5 Q. Because of the grade 1 nature of that call it flashes
6 red and that is immediately on the same screen as the
7 controller, but also on their sergeant, their
8 superior's -- their supervisor's screen and also appears
9 flashing red at the same time on the duty inspector's
10 screen --

11 A. Yes.

12 Q. -- in the ACR. So that is the scenario. Thinking about
13 the control room staff and primarily, first of all, the
14 controller, thinking about a reasonable officer in that
15 position, how long would you envisage that that
16 controller would take to respond or react to that
17 grade 1 call on the computer screen?

18 A. It would depend on the initial -- because every person
19 who is involved needs to conduct some initial risk
20 assessment process and the National Decision-Making
21 Model is the core model that's used throughout the UK,

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1 because different people could perhaps interpret risk
2 and threat slightly different as well and about policies
3 and options, so certainly such a thing coming in, the
4 keywords for me are things like "9-inch knife". Multiple
5 reports, so it's sort of making it more realistic that
6 there's multiple individuals, so each one is
7 corroborating the other report that's coming in. "Male
8 with big muscles", so there you could be thinking about,
9 well, this is potentially a strong male, 9-inch knife,
10 risk to death of officers attending, in addition to
11 risks of death to public and also risk of death to the
12 person themselves, so it's definitely -- on that first
13 hearing this is a -- it's above business as usual, it's
14 not your normal routine-sounding call.

15 Usually routine-sounding calls where knives or
16 weapons are involved might be one call made saying
17 "There's some people fighting, squaring up to one
18 another, I think someone might have a knife", and it's
19 a one-off call, and then you have the other extreme
20 where you say, "I'm watching someone now shooting
21 members of the public with a gun", and there's

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1 everything in-between that, so certainly it's in this
2 unusual/suspected, but it's definitely a high risk to
3 either officers attending -- because if you're thinking
4 about 9 inches, you don't really want to be having to
5 confront someone with a 9-inch blade because even with
6 your protective equipment you could still get stabbed
7 and killed.

8 Q. So we have heard some evidence that officers viewed that
9 as a high risk incident --

10 A. Yes.

11 Q. -- it sounds like you would agree?

12 A. I would, yes.

13 Q. And we have also heard that the nature of there being
14 multiple calls -- some evidence we have heard is that
15 some calls can be malicious or not true?

16 A. Yes.

17 Q. But with there being multiple calls from different
18 sources, different members of the public, that gave an
19 aura of authenticity and truthfulness?

20 A. Yes, that would enhance the reality of it and
21 truthfulness, yes.

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- 1 Q. And to what extent -- if I tell you that these calls are
2 coming in at -- from 7.10 on a Sunday morning, what
3 comment would you have to make about that?
- 4 A. Sunday mornings, really the mindset when you go to work
5 on a Sunday morning is that it's usually quiet, you're
6 picking up work from the night shift in relation to --
7 it's more the investigative strategy and dealing with
8 prisoners who have been in overnight. You don't usually
9 get public order or violence to that level on a morning
10 shift.
- 11 Q. So to what extent would the timing of the calls have
12 caused you any --
- 13 A. That would indicate it's highly unusual.
- 14 Q. And we have also heard some evidence about this not
15 being a call about two men fighting in a location, that
16 there's no one that's being fought with --
- 17 A. Yes.
- 18 Q. -- or no one that's bearing the brunt of any aggression;
19 again, what difference does that make?
- 20 A. Because of its unusualness. You're identifying then
21 we've got a mobile -- we have potentially got a mobile

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1 armed suspect for a criminal side, or we've got a mobile
2 armed suspect for medical help but we've got a person on
3 the move and so it's not in a confined place, so that in
4 itself is a logistical problem about how do you find the
5 person, identify them and contain them in an open place
6 where they're on the move.

7 Q. With logistical problems such as that, what would
8 a reasonable officer be considering at that stage?

9 A. More staff, but the best police resource for dealing
10 with a mobile threat is the police dog.

11 Q. Why do you say that?

12 A. Having seen them perform on numerous occasions and at
13 times co-trained with them, because as a public order
14 sergeant you would often combine your public order
15 training with the police dogs as well because then it
16 helps develop the dogs dealing with the disorder and the
17 chaos that's going along, but you can see the dog can
18 easily do the work of numerous officers and it's much
19 safer because a lot of the members of the public, as
20 soon as a dog arrives on the scene, straight off you
21 will get a proportion of the public who will say

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1 "I don't want to be here if the dog is getting let out",
2 and suspects, at times, as soon as they see the dog,
3 they will just go to their knees and they will put their
4 hands up because they don't want to deal with the dog
5 and then it stops all of that physical contact being
6 at risk with the officers.

7 Q. We have heard some evidence, as you know, from PC Wood,
8 the dog handler, that just the very presence of the dog
9 can provoke reactions in people?

10 A. Yes, very much so.

11 Q. You have seen that yourself?

12 A. Yes, yes. And they're excellent -- if you have then got
13 a mobile suspect who runs, the police officers aren't
14 always very good at running after the people because
15 that person's hyped up, they're going a lot faster. The
16 officers have got all the different kit on, it's heavy
17 to be running with. The dog can just run after someone
18 really quick, they can contain them, they can stop them
19 from going towards member of the public and that's
20 another risk at times that if you can't contain the
21 person efficiently, you're dispersing the risk, and if

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1 you're dispersing a person who is already in an agitated
2 state, that can increase the risk to the public. It
3 could push them to take, for example, a hostage, or to
4 do something to a member of the public in order to try
5 and effect their escape.

6 Q. And when you use the word "contain", what is it you mean
7 by that word?

8 A. To control their ability to leave, so you can contain
9 them in an environment by having a circle of officers
10 around them so that you can try and manage and contain
11 them and keep the public away as well so it's not just
12 one way, you're looking at it both ways. You don't want
13 members of the public becoming involved and you don't
14 want the person having freedom of movement, so it's not
15 a restrain, it's a contain.

16 Q. Right. To what extent would a reasonable officer in the
17 position of a controller receiving this information, as
18 I have described to you, to what extent would they
19 consider the need for specialist resources and by that
20 I mean ARV or dogs?

21 A. I think it should be a primary thought of the reasonable

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- 1 controller, thinking that --
- 2 Q. Why do you say that?
- 3 A. Because potentially -- we've got an incident which on
- 4 the description a control room inspector may decide to
- 5 deem it a firearms incident, so we've got that period of
- 6 thinking it's not a normal event, so it could be
- 7 a suspected firearms incident, but without it even being
- 8 a firearms incident, it's still a high risk because of
- 9 the factors of the person, the object and the place that
- 10 are being mentioned, so certainly I would expect
- 11 a controller to be seeking supervision advice at the
- 12 very least in relation to putting it up the scale.
- 13 Q. Now, you said at the very least seeking supervision
- 14 advice?
- 15 A. Yes.
- 16 Q. What does that mean in real terms? What would
- 17 a reasonable controller be doing?
- 18 A. So your controllers typically are either constables or
- 19 civilian equivalent, and then control rooms will also
- 20 have supervisors within the teams as well, which will
- 21 either be sergeants or civilian equivalents, and they're

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1 your mid-way point between the controller and the
2 inspector, so at the very least you've got a supervisor
3 of a sergeant or civilian equivalent to turn to for
4 advice.

5 Q. If in this situation we have heard that there's a red
6 flash on the screen when a grade 1 call, or grade 1
7 calls come in, would a reasonable controller in that
8 situation be comfortable in assuming that the sergeant
9 and the inspector also have that on their screen?

10 A. No, you must never assume anything within the police.
11 There's the old phrase about assuming making an ass of
12 you and me. It's all based on facts and evidence and
13 using that NDM to justify, and so you can never assume
14 that somebody is aware of a fact, because they might not
15 be.

16 Q. How could a controller draw attention to the matter --
17 draw their attention to -- the sergeant's attention or
18 the inspector?

19 A. What I have seen happening for real in the Cumbria
20 control room -- it's a similar set up, you have an area
21 control room, an inspector's overview desk, you've got

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1 supervisors within and then you've got your call
2 handlers within circles. The call handler then if they
3 get anything which is not business as usual they will
4 instantly be waving their hand for the supervisor to go
5 over and the supervisor is on their shoulder within
6 seconds looking at what they've got.

7 Usually then because it's not a business as usual,
8 that controller is allocated as a SPOC, which is
9 a single point of contact.

10 Q. SPOC, S-P-O-C?

11 A. Yes, S-P-O-C, single point of contact, because you don't
12 want multiple people involved in the one incident whilst
13 it's getting first assessed, but neither do you want
14 that one person being distracted by other incidents, so
15 once the supervisor then nominates that this person is
16 dealing with this incident, so anything else coming in
17 about this incident comes through the SPOC, and likewise
18 in our control room the inspector's overview is actually
19 in the same room, it was further across, but they could
20 also see the waving of the arms, but you would tend to
21 see the person would either wave, stand up and wave, and

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1 the more worried they were, the more they would be
2 jumping up and down and waving.

3 Q. Right. What other means would there be to communicate
4 with the supervisors in a control room? Obviously you
5 have described in Cumbria --

6 A. Yes, so you've got visual, you've got voice, vocal that
7 you can shout to them. Control room staff, if they're
8 going -- as in the supervision, if they're going out of
9 the room they will typically carry an Airwave terminal
10 with them so there's mechanical means of communication
11 as well as the verbal.

12 Q. Is that -- when you talk about an Airwaves terminal, is
13 that like a police radio?

14 A. A radio, yes.

15 Q. And we may have heard some evidence that in the ACR in
16 Bilston Glen there was a tannoy system?

17 A. Yes.

18 Q. Is that the alternative?

19 A. And that's another option, yes.

20 Q. Right. Would it be within the range of reasonable
21 options in this scenario for a controller to send one

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1 unit?

2 A. I wouldn't think that was reasonable for a risk that's
3 above business as usual.

4 Q. Right. So what would you think would be a reasonable
5 response for a reasonable controller in that situation?

6 A. Well, definitely because of the knife implication and
7 multiple call-ins, you need that controller -- before
8 they even dispatch anyone -- having supervision input so
9 I'm aware the Scotland SOP in relation to if it's
10 a suspected firearms you must immediately refer it to
11 the --

12 Q. I will come on to that in a moment.

13 A. Yes. But certainly you want that person giving out the
14 "Keep safe" message and if they're deploying people it's
15 in relation to: do not intervene and it's about visuals
16 only to feed back more intelligence in relation to: do
17 we have what we're getting informed of, but you don't
18 really want just two officers turning up.

19 Now, at times if every other officer was engaged on
20 a higher priority incident then you're maybe just left
21 with what you're left with and those are the risks of

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1 policing, but that's where you go through the National
2 Decision-Making Model to think: this is the level of
3 risk, the control measures around this are to send
4 sufficient numbers of staff who are competent of dealing
5 with it with the sufficient control measures around
6 numbers, back up, capabilities, instructions.

7 Q. Right. Can I go over some of this in a little bit more
8 detail?

9 A. Yes.

10 Q. You have said you might just be left with two officers;
11 is that similar to the example you gave us earlier this
12 morning where you had a probationer and a female officer
13 had five years?

14 A. Yes.

15 Q. That was the extent of your team?

16 A. Yes, and we didn't know it was a knife incident, but if
17 it was a knife incident then I still wouldn't be happy
18 with us just turning up like that, without tactical
19 decisions being made before we got there: where was the
20 dog handler, how far away, where was the armed response
21 vehicle. I still wouldn't be happy just three of us

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1 turning up at an arterial stabbing because then you know
2 if a person's done that they've got the means and intent
3 to carry on, so again, it's looking at that balancing up
4 the risk that if it they have already stabbed and
5 potentially killed one person, the term cannon fodder,
6 you know, are we then just going in as cannon fodder and
7 at the end of the day although police officers always go
8 to work knowing that at some point they may have to put
9 their life on the line, you don't actually expect to
10 have to be pushed into that role --

11 Q. Unnecessarily.

12 A. -- unnecessarily when control measures do exist that can
13 negate that.

14 Q. Right. So a reasonable controller listening to the --
15 or being aware from the screen of these calls, having
16 the capacity to listen to messages on the radio,
17 a reasonable controller would not simply send two --

18 A. No.

19 Q. -- individuals.

20 A. No, I don't believe so.

21 Q. And would it make any difference to know if one of them

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1 was a probationer, or an officer with little -- a short
2 period of experience in a response team?

3 A. That would just increase the risk more because then you
4 would be thinking what level of experience have they
5 got, but even if you knew the two officers going, both
6 had a background history of police support units where
7 they have trained for shields and that, you would still
8 think it's still not -- it can be safer and you still
9 need to look at safety being a critical factor for the
10 deployment. It's still not safe to send two officers,
11 then if the background is the probationers and they've
12 got little experience, that just then increases that
13 risk even more.

14 Q. You have talked about control measures to be put in
15 place.

16 A. Yes.

17 Q. Is this to protect safety of the officers?

18 A. It's to protect safety of the officers as well as safety
19 of the suspect that they might be dealing with as well,
20 because if you're too quick to get involved then you
21 might not then be taking into consideration all of the

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1 implications that affect the safe custody and it might
2 end up not being a police custody issue, it might be
3 a medical issue.

4 Q. Would it also include safety to potential members of the
5 public?

6 A. Absolutely, yes, because as I mentioned before the last
7 thing you want to do is go in with good intentions but
8 push the person into then running and taking a member of
9 the public hostage or transferring that risk to the
10 public.

11 Q. And you talked about control measures, including --
12 I think I got this in -- sufficient numbers of
13 police officers or staff as you put it?

14 A. Yes.

15 Q. Back-up, capabilities and instructions.

16 A. Yes.

17 Q. Can you give us a little more information?

18 A. Well, the primary focus for dealing with any kind of
19 bladed weapon is contain rather than restrain, so to put
20 a containment on you need more than two people. You
21 can't contain someone in an open space with two, so

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1 that's the first thing there. If we're going to attempt
2 containment, we need more than two. So if four or six
3 turned up together, you've got a really good chance of
4 a containment.

5 What was the next bit, sorry?

6 Q. Sorry, you had said sufficient staff numbers, back-up
7 capabilities and instructions were control measures.

8 A. Yes, so you need to know what back-up you've got or
9 specialist resources, because if the dog was near to or
10 it was only a matter of short time behind you might
11 decide then hold everyone back and let the dog go first,
12 but if you know the nearest dog is an hour away, then
13 that's going to impact on can this wait or not, so it's
14 looking at your specialist resources which would include
15 dog, ARV, your PSUs, if there's a PSU on in the policing
16 area as well, that will all impact then on do these
17 people need to go in or not. Is there a member of the
18 public actually at risk, because we often talk about the
19 hypothetical member of the public which is to be taken
20 into consideration but shouldn't then be the
21 justification, because if your members of staff then get

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1 killed, then -- but the risk to a member of the public
2 wasn't there, it was hypothetical, balancing the risk
3 then where you've got dead officers when there was
4 actually no member of the public anywhere near, so all
5 the time you have to be balancing this up.

6 Q. So again, it's the actual circumstances on the ground --

7 A. Yes.

8 Q. -- which --

9 A. And each time it's going to be different.

10 Q. Yes. Then you talked about a keep safe message being
11 given.

12 A. Yes.

13 Q. Can you explain to us what you would expect a reasonable
14 controller to be doing?

15 A. So keep safe messages -- they should always be part of
16 your annual refresher training for the use of force as
17 well, but it's all about being clear with any message as
18 well, and when you're thinking about -- when officers
19 are responding and travelling somewhere and they're in
20 the vehicles, there's a lot of noise, there's the white
21 noise of everything going on, there's the metal cages

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1 rattling, there's traffic, the officers' radios are
2 going, so there's a lot of noise and white noise to be
3 dealt with, and messages that are coming over need to be
4 clear and short because there's theories about how many
5 words we can actually hear when we're in a heightened
6 state, and you're looking at three or four words per go
7 in order to get words over, so things like "Do not
8 approach", gap, "Observations only", you know, so it's
9 those "Keep safe" -- because you don't want the officers
10 actually getting close and you're trying to remind them
11 of the health and safety implications of their response,
12 but re-emphasising the tactic option is you're deploying
13 for observation and feedback so a tactical plan can be
14 decided.

15 Q. To give the officers time to consider the plan?

16 A. Yes.

17 Q. Right. And you said -- would feedback be part of that
18 stay safe message?

19 A. Yes, definitely. It's observe, feed back.

20 Q. And we have heard that officers are trained to do this,
21 but a stay safe message is effectively a reminder.

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1 A. Yes.

2 Q. Would you agree with that?

3 A. Yes.

4 Q. If a controller is receiving information in the scenario
5 I have given you, and is in the situation where it's
6 a grade 1 call, immediate threat to life, you have
7 described how your view is that a reasonable controller
8 would be seeking to make contact or draw it to the
9 attention of a supervisor.

10 A. Yes.

11 Q. If that supervisor is -- I would like to ask you about
12 if that supervisor is absent from their station, if
13 I can call it that, their position. Are there
14 circumstances where it is reasonable for a sergeant in
15 a control room to be absent from their position?

16 A. If they're going to the bathroom, for example, they're
17 going to leave, but that's why you have multiple
18 supervisors and you have deputies, so that there should
19 always be -- as a function, there should always be
20 controller, supervisor, incident manager, as in the ACR
21 inspector. Those three functions should be available

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- 1 24/7 as a basic command and control police response.
- 2 Q. And where one or other is absent from their position,
3 what would the reasonable member of staff in the ACR --
4 what arrangements would they make to have their position
5 covered during that period of absence?
- 6 A. So usually you would find where there's teams like that,
7 one person going would say "I'm just going to the loo,
8 can you watch my team", you know, "I will be back in
9 five minutes", or -- so there will always be that
10 notification to one another to say, "I'm just popping
11 out, I'm just popping to here", so that people knew you
12 were away from your desk and then when you come back you
13 go, "I'm back", to make sure they know that you're back.
- 14 Q. So you would let people know when you're away?
- 15 A. Yes.
- 16 Q. So that cover can be put in place immediately?
- 17 A. Yes.
- 18 Q. And when you return, so they can stop doing that task?
- 19 A. Yes.
- 20 Q. Thank you. And are there circumstances -- well, let me
21 look for a moment at the armed policing operations SOP

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1 2014, which is PS10985. Now, you will see on the screen
2 it says "Armed Policing Operations. Standard Operating
3 procedures", and we have heard some people call this
4 a firearms SOP?

5 A. Yes.

6 Q. And is it commonly known as that?

7 A. Yes, so you will commonly shorten it to firearms SOP,
8 dog SOP, custody SOP.

9 Q. Right. And can we look please at section 1.2 on page 5,
10 and you will see there on the screen "Purpose", 1.2:

11 "Whilst a policy of 'Contain and Negotiate' may be
12 a preferred response to many firearms incidents, it
13 should be clearly understood that there is no single
14 policy or tactic contained within the APP (AP) or
15 National Police Firearms Training Curriculum ...
16 (available via the Chief Firearms Instructor) that can
17 provide an all-encompassing response to meet all types
18 of threat that may be anticipated or encountered."

19 A. Yes.

20 Q. Are you able to explain what that means?

21 A. So what that's saying there is that would be the

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1 preferred option --

2 Q. Contain and negotiate?

3 A. Yes, unless you can show why it wasn't.

4 Q. Right.

5 A. So it's like with a lot of the guidance, it's the

6 preferred option unless you can justify why it wasn't,

7 so it may be -- I wouldn't even say if they had a hold

8 of someone because the last thing you want to do is try

9 and grab hold of someone who has already got like

10 a hostage, because even that one you would be wanting to

11 contain and back off and bring in professional

12 negotiators in order to deal with that person but yes,

13 that's the preferred unless something -- so just

14 thinking there, if the person then dropped their weapon

15 and they were seen to drop their weapon and then they're

16 fumbling, you might then think "I'm taking my

17 opportunity" and go for them, but if the person is

18 holding a weapon or you believe they've got access to

19 a weapon but you can't actually see it, then the

20 preference would still be contain and negotiate where

21 possible.

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1 Q. And that's an option that's available to individual
2 officers --

3 A. Yes.

4 Q. -- in the course of their duties?

5 A. Yes.

6 Q. And can we look to page 10 now, please, paragraph 8.4.
7 You will see this says "Spontaneous Firearms Incidents",
8 8.4.1:
9 "A Spontaneous Firearms Incident can be described
10 as:
11 "An incident that takes place without warning, the
12 circumstances of which demand that armed support to the
13 initial police response must be considered."
14 So "considered". And then:
15 "It should be borne in mind that this may include
16 situations where the subject is not in possession of
17 a firearm or other potentially lethal weapon but is
18 'otherwise so dangerous' that the deployment of police
19 firearms resources may be required to safely control the
20 situation eg in some situations where persons are in
21 possession of edged weapons, hostage situations etc."

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1 Now, it may be that we have heard some confusion, or
2 there may be some potential confusion that this SOP is
3 all about guns and firearms. Can you explain what
4 a spontaneous firearms incident can include?

5 A. Yes. So it can include reports of a knife of any
6 description. Typically the larger the knife, the more
7 likely it is to activate the SOP, but it could be
8 a penknife, if the behaviour of the person with it is
9 such, because you've got your sharp objects from
10 a penknife up to a machete or a big scythe or something
11 and everything in-between there, but it's that call
12 coming in saying that somebody is now going down the
13 street and stabbing people, or somebody is on a train
14 going down the train stabbing people in their seats,
15 you know, there's not a gun, but it's still a -- it
16 would still be classed as a firearms incident and I know
17 previous witnesses mentioned about bow and arrows, all
18 of that would fit in as well. Any lethal weapon, so any
19 sharp weapon, any lethal weapon that could kill
20 a person.

21 Q. And that would include a large knife --

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1 A. Yes.

2 Q. -- a 9-inch blade?

3 A. Yes.

4 Q. Would they have to be stabbing somebody?

5 A. No.

6 Q. -- for this -- to come under this definition?

7 A. No, no. If you just think that because of the

8 circumstances of the item and/or the circumstances of

9 the incident as well as the item, it's considered to be

10 too dangerous to send officers in.

11 Q. Unarmed officers?

12 A. Yes. So the person with the big machete, you know, it's

13 going to be nearly as long as a police baton and it's

14 not really ideal to send a police officer in with

15 a baton against a machete, so straight off you say

16 "That's a firearms incident". The person then with

17 a 9-inch blade, it could be a kitchen knife, it could be

18 a machete, you don't know until you get to see, but

19 9 inches can still kill a person with one stab.

20 Q. And it says there on the second bullet point it can be

21 a firearm or a potentially lethal weapon, but a knife is

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1 a potentially lethal weapon?

2 A. Yes, yes.

3 Q. And it says:

4 "... otherwise so dangerous that the deployment of

5 police firearms resources may be required to safely

6 control the situation."

7 A. Yes.

8 Q. So in fact is it possible that someone even without

9 a weapon could fall within this SOP?

10 A. Yes, yes, they could. If it was considered that they

11 were too dangerous to deal with and that's because of

12 the fact the firearms officers also have the taser.

13 Q. And that would be based on what? What would that

14 assessment of "otherwise so dangerous" amount to?

15 A. So it's all the information coming in. They may be

16 throwing items of risk at people where you can't

17 actually get near them and so the tactical option could

18 be to instruct firearms, the ARV response, because it's

19 otherwise too dangerous to send officers in to them.

20 Q. Thank you. Could we look at page 12, please. I would

21 like to look at section 9 now, beginning with 9.4. This

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1 may be going back to what you said earlier:

2 "On receipt of a suspected firearms incident the
3 Controller will immediately alert the Initial Tactical
4 Firearms Commander (ITFC) of the incident."

5 And so can I be clear about this section: is it
6 a necessity that a firearms incident be declared before
7 any of these -- this SOP is implemented?

8 A. No. The requirement is that it's -- if it is suspected,
9 that it's brought to the attention of the ITFC before
10 officers are deployed, so it doesn't have to be declared
11 a firearms, it can still remain it's suspected but we
12 need more information and therefore we're going to still
13 deploy officers who aren't armed but with stringent
14 control measures and tactical plan directions.

15 Q. Right. So either declared a firearms incident, in which
16 case it is absolutely part of this SOP?

17 A. Yes.

18 Q. Or it could be suspected, you need more information but
19 you then couple that with stringent control measures?

20 A. Yes.

21 Q. Thank you. And the sort of control measures, stringent

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- 1 control measures, are those the ones you mentioned
2 earlier when we were discussing --
- 3 A. Yes, and it could even be deploying staff in an unmarked
4 police vehicle first so that you're not attracting the
5 attention of people to it being a marked police vehicle,
6 so your officers might still be in uniform but inside an
7 unmarked vehicle at a distance, in order to get closer
8 or even drive by and feed back the information then.
- 9 Q. We will come back to that.
- 10 Where it says "Initial Tactical Firearms Commander",
11 if the scenario was that the ITFC was also the duty
12 inspector, would that be the duty inspector?
- 13 A. Yes.
- 14 Q. Thank you.
- 15 A. Those two roles nationally go hand in hand. You usually
16 find that the control room inspector is also an ITFC.
- 17 Q. We have heard that that involves extra training for the
18 officer?
- 19 A. Yes.
- 20 Q. And then 9.5:
- 21 "The ITFC will ensure that it is clearly highlighted

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1 that they are in command of the incident."

2 So can you explain what that would look like on the
3 ground?

4 A. Yes, so in command and control, certainly from either
5 the training I received and the training I delivered,
6 and also from incidents where inquiries have been held
7 and recommendations, there's always this -- there's
8 often this incident about who was in control of what
9 aspects and so certainly the training emphasises that it
10 must always be clear who is in command of what function
11 and doing what.

12 So you will often hear officers actually then on the
13 Airwaves saying, "I am whoever, I am in command of this
14 incident" or "I am in command of the bronze scene",
15 "I am the silver commander". So you will hear people
16 actually declare during incidents saying "I am" and
17 their name and saying what they're in command of.

18 Q. What's the benefit of declaring that on the radio?

19 A. So that all staff involved then know who they're
20 listening to and who they're feeding back to and who
21 they're asking for advice from because you've got the

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1 three aspects, you've got the bronze at the scene and
2 you've got the tactical plan decisions and resourcing
3 decisions, so you could have the two different
4 commanders, but as the operational staff you need to
5 know who is directing what aspect and who takes primacy.

6 Q. What do you mean by primacy?

7 A. It is who outrumps the other, so if the bronze level
8 made -- said they were going to do something, the silver
9 commander can say "No, you're not, the direction is this
10 is what you're doing", and likewise, if gold aren't
11 happy with any of them, they come in to -- but you won't
12 get gold going straight to bronze, they come up and down
13 the chain, so gold would then feed to silver, "Tell
14 bronze not to do this or do that", and so you will find
15 the philosophy of command and control is so that every
16 person involved in an incident clearly knows who has
17 what responsibilities and what roles.

18 Q. Can I ask you for some further guidance. First of all
19 we will look at if a firearms incident is declared and
20 then I will look at a suspected firearms incident
21 afterwards.

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1 A. Yes.

2 Q. So let's take the scenario that a firearms incident is
3 declared. Can you explain who would be in each role
4 because we have heard about a controller, a sergeant and
5 an inspector at the ACR.

6 A. Yes.

7 Q. We have heard about a PIO in the area who is an
8 inspector, and we have heard about a sergeant who is on
9 the ground.

10 A. Yes.

11 Q. I'm trying to understand if there was a declared
12 firearms incident, who would be in what role?

13 A. Okay. So the initial tactical firearms commander is the
14 silver commander, so you would have the ACR inspector as
15 the firearms commander and they take primacy in relation
16 to the command decisions for the tactical plan and also
17 for resources, so if they then need resources from
18 elsewhere you can't then have someone else saying "You
19 can't have them, I've got them doing something else".
20 It's like, no, they take primacy on behalf of the
21 constabulary, so they take the primacy there.

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1 At the bronze level, where you have an inspector and
2 a sergeant, because it's a hierarchy force with
3 the police, the inspector will always take primacy over
4 the sergeant and especially when it's then a nominated
5 PIO role, they would become the bronze commander. The
6 sergeant's role would be delivering the tactics,
7 supervising the staff and doing the delivery with the
8 staff and safeguarding the mechanics and the actual
9 issues for the staff safety and who they're dealing
10 with, their safety, but the command decision at bronze
11 would lay with the PIO.

12 Q. Right, so if there's a firearms incident declared the
13 silver command is the ACR inspector?

14 A. Yes.

15 Q. And we have heard some evidence that if a firearms
16 incident had been declared, the ACR inspector would have
17 seized command of that situation. The bronze command
18 would be the inspector, the PIO in the local area.

19 A. Yes.

20 Q. But the local sergeant would be supervising his response
21 team, delivering tactics and doing the mechanics?

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- 1 A. Yes, and they wouldn't be a commander.
- 2 Q. No.
- 3 A. You might then get several sergeants there at a bronze,
4 so, for example, I might turn up with a PSU team in
5 order to do a physical entry and search of the property,
6 so then as the sergeant I would go to the bronze
7 commander, like the inspector, and ask for the briefing
8 and look at what were we doing, then I would take my
9 team in to do shield entries and enforced entries and
10 search through the house.
- 11 Q. So there could be potentially multiple sergeants doing
12 different roles?
- 13 A. There could be multiple sergeants, yes.
- 14 Q. But they would be looking to the local inspector who
15 would be the bronze commander?
- 16 A. Yes.
- 17 Q. Right. And then let's look at the scenario where it is
18 simply a suspected firearms incident, so it's not been
19 declared one by the ACR inspector.
- 20 A. Mm-hm.
- 21 Q. Can you help us understand how the governing structure

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- 1 would be in that situation?
- 2 A. So the principle is still the same, it's rank and role,
3 so you have still got the control room inspector being
4 the initial spontaneous silver commander of any
5 incident, until that role is formally agreed and handed
6 over to somebody else, and you have still got -- because
7 there's an inspector and a sergeant there, the inspector
8 would outtrump the sergeant in the rank stakes and the
9 inspector would be responsible for command decisions
10 there.
- 11 Q. With the sergeant delivering the mechanics on the
12 ground?
- 13 A. Yes.
- 14 Q. And supervising staff?
- 15 A. Yes. Because one of the core issues around command and
16 control is the ability to manage, like, staff, but if as
17 the sergeant you're actually dealing with the incident
18 you're not in a position to then manage, look at
19 spreadsheets and go: who can we get from where? You
20 haven't got the authority or the time to do that, so you
21 need people then who aren't actually delivering at the

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1 front end, who are in a position that they can look at
2 screens, they can look -- they've got radio control,
3 they can talk to people and get the resources that are
4 needed.

5 Q. How do officers on the ground understand that command
6 organisation?

7 A. Well, I know the basics of command and control are
8 taught within probationer training in England and Wales.
9 I have not seen the training materials for
10 Police Scotland, but I know that it is covered -- the
11 basic principles and management of events and command
12 and control is included in probationer training within
13 England and Wales.

14 Q. Right. And how would command decisions be shared with
15 officers on the ground?

16 A. Through the bronze command, so the -- for example, the
17 bronze commander, so the inspector, unless they get
18 replaced by -- if there was a superintendent or
19 a chief inspector on duty there, they might then come
20 down and then announce "I am the bronze commander now",
21 because it works up the rank, not down the rank, so then

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1 they would give input to the sergeant who then delivers
2 the message to the constables, and it's about trying
3 to -- you don't want lots of different people going for
4 the answers. It's got to be narrow so that you get
5 a message cascading down, up and down the command
6 structure.

7 Q. And is that -- those commands, would they be via
8 the police radio, the Airwaves transmissions?

9 A. It may be via the radio, or if they're physically there,
10 they will pass it. You know, I know from my own
11 experience sometimes the location inspector, so the
12 bronze commander, is on the phone to the control room
13 receiving information, they then come to me, brief me,
14 then I go to the PCs and say: right, this is what we're
15 doing.

16 Q. And when you say "me", you're envisaging yourself in
17 a sergeant role on the ground --

18 A. As a sergeant for that one, yes.

19 Q. -- with your team present with you?

20 A. Yes.

21 Q. And if, for example, the inspector, divisional

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1 inspector, the PIO, is in a police office, he is on the
2 phone, he can see his screen, but he is not actually
3 communicating on the Airwaves at that moment in time,
4 how is it that any command decisions would be shared
5 with the sergeant and the officers?

6 A. So they would either then use the radio to notify the
7 sergeant, or mobile phone to the sergeant, or there's
8 the back-to-back channel on the Airwaves terminal as
9 well.

10 Q. Is that the same as point-to-point?

11 A. Yes, yes.

12 Q. So we have heard that there can be direct calls
13 point-to-point or there can be Airwaves transmissions
14 that effectively anyone can listen to on the channel?

15 A. Yes, yes. But certainly in training we would encourage
16 people not to use the back-to-back and point-to-point
17 because of -- for records of events afterwards, for the
18 debriefing, for if anything has gone wrong, for critical
19 incident reviewing, managing, any civil or criminal
20 cases that come from it, so if they go
21 back-to-back/point-to-point, you're not then getting the

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1 audio recorded and translated so --

2 Q. I mean, you have probably seen a spreadsheet, a combined
3 audio and visual timeline which lists --

4 A. Yes.

5 Q. -- Airwaves transmissions in chronological order.

6 A. Yes.

7 Q. If it's point-to-point, those calls would not be part of
8 that?

9 A. They would not appear.

10 Q. Right, thank you. If we can look at 9.6:

11 "Each and every incident will require to be
12 progressed on its own merits and as such, much will
13 depend upon the quality and quantity of the information
14 that is available. Any deployment of police resources
15 to alleged high threat situations should follow safe
16 response procedures unless there are sound and objective
17 reasons to discount the allegations. The facts that a
18 reporter appeared to be under the influence of drugs or
19 alcohol or chose to remain anonymous are not objective
20 reasons to disregard established safe procedures."

21 Can you explain a little about that?

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1 A. So safe procedures, you can't always get the safest
2 procedure, so you have to try and make it as safe as you
3 can in the circumstance, so your initial decision might
4 be the contain and keeping distance, reporting back, but
5 then you see -- you know, you're near to a school, it's
6 3.15, or whatever, it's kicking out time and now you see
7 a group of primary school children walking towards the
8 person, so you know now you've got this threat and if
9 you can't get to the children to divert them, you might
10 then have to do something else and stop that distance,
11 but all the time you're reviewing it and thinking what
12 is the actual risk because we've got potential risks,
13 hypothetical risks but we have also got to weigh that up
14 with what is the actual risk that we're dealing with now
15 and second-to-second, minute-to-minute that can change,
16 it can go up and down, you know, how are your staff
17 dealing, but it's about if you are diverting from safer
18 options which you have been instructed to do you need to
19 be able to justify it because ultimately somebody's life
20 is on the line and that might either be an officer, the
21 subject or a member of the public so you need to be able

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1 to justify why you have diverted from core tactics.

2 Q. You're talking about factoring in new information all
3 the time. We have heard some evidence about the NDM,
4 the National Decision-Making Model --

5 A. Yes.

6 Q. -- and how new information is coming in that's
7 immediately factored into this cycle of review?

8 A. Yes.

9 Q. Is that the sort of process that you're describing?

10 A. Definitely and this is always going round, so every
11 little bit of new information, it's coming and then you
12 might get some information but then it's discounted and
13 so you've got to constantly be feeding that in and
14 thinking "What now? What are we going to do now? Do we
15 back off? Do we move forward?" you know, left, right.
16 And just because you start with an avenue of actions
17 doesn't mean to say you have to see it through to the
18 end. You can come back, refresh again and then move
19 forward again, or stay static.

20 Q. And that's always an option for the discretion of
21 the individual officers?

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1 A. Yes, it's always fluid and it should always be in
2 response to actual threat/risk information rather than
3 rigid and hypothetical.

4 Q. You're talking about the speed of change and the speed
5 at which change can happen. Do you understand that --
6 have you got an understanding of how quickly things can
7 change?

8 A. Oh, absolutely. Everything changes. I mean, the main
9 firearms incident that we had in Cumbria was the
10 Derrick Bird mass shootings and when that happened that
11 morning again, there's me and my chief inspector in our
12 office outside the control room and we instantly got
13 contacted by the chief inspector and the control room
14 inspector just saying they've had a call come in about
15 a shotgun or a weapon has been heard, but I think the
16 initial thing was there's a shotgun sound being heard
17 near the taxi rank in the town.

18 Now, with being a rural force you're used to
19 firearms incidents, as in "We have heard a shotgun, it's
20 like lamping or scaring of birds", but this was unusual
21 because you don't normally in the middle of the morning

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1 get a report of a shotgun sound in the town centre at
2 a taxi rank, so straight off the advice that the control
3 room looked for from us was "Do we declare this or not?"
4 and we could only -- in our roles we could only provide
5 advice, we can't make the decision, the decision
6 ultimately rests with the ACR inspector, but the advice
7 we gave that day was to immediately declare it
8 a suspected firearms incident whilst we set up and
9 looked for more information because it's easier to stand
10 everything down than not, so before the -- the ARVs were
11 then being looked for to also inform to start travelling
12 to the areas, but then in the same time, second, third
13 calls started coming in and so I was then in the control
14 room as well hearing these things coming in and the
15 dilemma was: is this multiple people reporting the same
16 call, or are these multiple people reporting multiple
17 incidents, and at that point we still didn't know but we
18 were working on the basis that this was a firearms
19 incident now after that second call was coming in, we're
20 deeming this a firearms incident.

21 My boss went straight upstairs to the chief

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1 constable's suite to get one of those officers.

2 I directed my team to switch on the gold command suite
3 which is next door to the control room because it's
4 easier to knock it down if it's proved not to be.

5 Unarmed uniformed officers in the local area were being
6 informed of the reports, but the clear message was given
7 to them to not -- to not approach any suspect, to only
8 feed back information and that we would give a further
9 update in relation to ARVs and dogs. So that was all
10 going on then to -- and treating it -- basically it was
11 easier to ramp it up than come too late to it, so all
12 the safeguards were being put in straight away until it
13 was confirmed what it was.

14 Q. So depending on the particular circumstances -- and
15 I appreciate that can change very quickly -- for -- we
16 have heard that in Scotland if you wish to deploy an
17 ARV, you have to have the authority of the inspector --
18 the duty inspector at the ACR?

19 A. Yes, and that was the same as we had as well.

20 Q. Right. And we have also heard from Mr Graves that in
21 London they don't need that authority because the ARVs

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1 are deployed -- they're roaming round London all the
2 time, ready to be sent to an incident --

3 A. Yes.

4 Q. -- so they don't need that authority. But in Cumbria
5 you also needed the authority?

6 A. Yes, the authority.

7 Q. And for a situation where multiple calls come in, as we
8 have described, and it's a grade 1 call, knife incident,
9 I would like to focus on what would be a reasonable
10 officer response to that, bearing in mind the situation
11 with the inspector in Scotland.

12 We have heard two possible options and I would like
13 your views on them: 1, that an ARV is deployed
14 immediately and then stood down if it is not needed
15 within a short time; alternatively that contact is made
16 with an ARV team, they are not deployed but the
17 inspector waits for feedback and further information.
18 Do you think both of those are within the range of
19 reasonable options?

20 A. They're both within the range of reasonable options and
21 just from our basis that we were running at the time was

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1 we erred on the side of caution and to deploy to
2 a suspected because then you could cancel them because
3 it might be several minutes and each minute counts if
4 somebody's life is at risk, so -- but either option
5 could be a reasonable option.

6 Q. Thank you. Are you able to indicate from your own
7 experience or otherwise how common it is for ARVs to be
8 deployed to a knife incident?

9 A. It's not. If you think about the proportion of
10 incidents and the proportion of times you actually ask
11 for them, it's not common in that respect. Likewise
12 asking for dogs, you know -- you know, certainly as
13 operational officers, or anywhere within the command
14 structure, you know in an ideal world you would have
15 a dog attached to every shift and an ARV, but you know
16 that they're in short supply and so you have to be
17 careful when you ask for them because you don't want to
18 take it to your incident and then leave officers at
19 a more serious incident where it should have gone, so
20 basically it's not common to keep having ARVs and dogs
21 attend your incidents.

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1 Q. So it wouldn't be reasonable for anyone to be always
2 deploying ARVs or dogs to every incident?

3 A. No, no.

4 Q. And what circumstances would you consider where it would
5 be reasonable to deploy an ARV and a dog unit?

6 A. Where you're thinking about either it's either
7 a confirmed incident, so either confirmed physical
8 firearm, confirmed physical weapon of high risk, or
9 because of the volume of information coming in, it's
10 likely to be confirmed, either of those, because you
11 might have, for example, someone with an imitation
12 firearm, like an antique firearm or something and
13 a member of the public with good intentions says they
14 have seen someone with a gun, because they have seen
15 someone with a gun, but it's an imitation or a model in
16 some ways, it's not an illegal possession but they did
17 see someone with a gun, or it's where you're balancing
18 up that risk and thinking officers without taser still
19 trying to deal with someone with a knife are at
20 high risk of being stabbed or shot, and so you don't
21 want to be deploying officers to those situations if you

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1 think that you have a safer option available to
2 safeguard them and so all the time you're thinking about
3 is it available? If it's not available because it's on
4 a higher risk incident then again, you're back to: we're
5 left with what we're left with, how can we make this
6 safer, so all the time you're thinking about: if we're
7 left with what we're left with, how can we do it safer
8 to try and avoid no one being injured or killed.

9 Q. But where an ARV is available, multiple calls on
10 a Sunday morning, calls from separate members of the
11 public, would a reasonable officer deploy an ARV
12 straight away or would they wait for feedback?

13 A. I think if they're content that it's a firearms or
14 a suspected firearms based on the volume of information,
15 I think the reasonable officer would authorise, but
16 having never been that role my -- as an advisor I would
17 be advising that they erred on the side of caution
18 because it's easier to stand them down.

19 Q. But ultimately it would be a matter for their --

20 A. It's for that ITFC to make that decision.

21 Q. And in relation to deploying a dog unit, again, in

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1 a situation where there's multiple calls on a Sunday
2 morning, a knife incident, calls being made by separate
3 members of the public, what would a reasonable officer
4 do in relation to a dog unit?

5 A. So dogs can be deployed by controllers or supervisors,
6 so there I would be expecting the dog to be deployed
7 because there's more than enough to -- with suspicion --
8 if the dog is available, then you want the dog heading
9 that way and certainly if I was then on the ground as
10 the patrol sergeant I would be thinking: I don't want to
11 send myself and my staff in to a high risk incident when
12 I know there's a dog several minutes away who can go in
13 first.

14 Q. To what extent do you think a reasonable officer would
15 wait or instruct the other officers wait for the arrival
16 of the dog if they're attending an incident in those
17 circumstances?

18 A. I think there would be -- I think the reasonable officer
19 would tell the staff to hang back because the safer
20 option is the dog, so if the safer option is available
21 and at the minute if we can do as -- the tactic of

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1 observing and seeing from a distance and seeing at the
2 moment that no one else is in danger --

3 Q. No member of the public?

4 A. Yes, so if you can see that no member of the public is
5 in imminent danger, you can keep your staff held back
6 awaiting the dog, but then if a member of the public
7 became in immediate danger then you've got to review
8 that decision.

9 Q. So again, dependent on the circumstances you see at the
10 scene.

11 A. Yes.

12 Q. Can I ask about moving on from this situation, moving on
13 to a scenario where the sergeant on the ground who is in
14 charge of the response team makes a request for all
15 units or an ARV and a dog unit -- and, not just or --
16 again, in your experience, how common is it for
17 a sergeant on the ground to make that request over the
18 Airwaves?

19 A. It's not common to ask for all of that because you know
20 that -- if you're constantly asking for it, it's like
21 the boy who cried wolf scenario. You have to be careful

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1 and mindful how often you're asking for it and when
2 you're asking for it and justifying it, because again,
3 if you start getting these units deployed to you, you
4 might be putting staff at serious risk in another
5 policing area because you have taken that resource.

6 Q. But making that request, that request coming from the
7 sergeant, is that within the range of options open to
8 a sergeant?

9 A. Yes, so they can request it, yes.

10 Q. And in response to that request, what actions would you
11 expect others to take in response to that?

12 A. I would expect in that line if the sergeant has asked
13 for this information that that then should be
14 immediately considered by the control room because at
15 the end of the day they're the only ones who can
16 actually contact those resources and deploy them.

17 Q. So if we have heard that in response to that there was
18 contact made with the dog unit to see whether they were
19 available, that would be within the sort of reasonable
20 range of things that you would expect to happen?

21 A. Yes, and plus then the control room takes primacy in

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1 relation to deployment, so the dog handler might say
2 "Well, I'm actually engaged on an incident here", but
3 the control room inspector, for example, can then
4 compare that incident with what they're asking for here
5 and then take primacy and say, "No, you're being
6 deployed to this incident".

7 Q. So again, in this scenario that we're discussing, you
8 would expect a reasonable inspector to be part of that
9 consideration --

10 A. Yes, yes.

11 Q. -- and that review?

12 A. Yes.

13 Q. If that inspector wasn't available, who would you expect
14 in the control room to be involved in that?

15 A. Well, the control room inspectors -- the role is
16 designed to be immediately available 24/7, so if they're
17 not immediately available you need to get them, so where
18 are they? Because their deputy can't necessarily --
19 they can't authorise to the same extent that the control
20 room inspector is, so that's where you need as a team
21 and a function to always have those available, or

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1 readily available and if the inspector isn't there --
2 because they can't stay in the room all the time, so
3 it's how quick can you get them, because they need
4 involved in making that decision.

5 Q. In light of a scenario where the sergeant on the ground
6 has made this request, to what extent would you expect
7 a reasonable member of staff in the control room to give
8 weight to the sergeant's request?

9 A. I think it should be given a good level of weight.

10 Q. Why do you say that?

11 A. On the grounds that it's not common practice for
12 sergeants to constantly ask for these, and chances are,
13 they know information that the control room staff don't
14 know. They know the information about the staff
15 involved, they know the information potentially about
16 the location and especially now as all forces have gone
17 to the area control room set-up rather than station
18 control rooms, you are relying on that local knowledge
19 and that local command sergeant or inspector, to
20 understand a bit more about the team and the location
21 and the risks.

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- 1 Q. So you would expect them to be -- to have more local
2 knowledge of the area but also to know more about their
3 team and their response team?
- 4 A. Yes, so you don't ask for specialist resources lightly,
5 so if a sergeant on the ground is saying "We need this",
6 then my advice would be you would be looking for
7 justification why not to give them it, and if the
8 resource was available, you need to get them the
9 resource.
- 10 Q. We have heard evidence from Martin Graves, you have
11 watched his evidence.
- 12 A. Yes.
- 13 Q. And he was of the view that an inspector at the ACR --
14 it would be within a reasonable inspector in that
15 position -- it would be within their options to either
16 deploy the ARV, or to contact them, not deploy them, but
17 wait for feedback. Do you agree with Martin Graves?
- 18 A. Yes, I agree.
- 19 Q. Can you help us understand what difference it might make
20 to officers on the ground if a sergeant makes that
21 request and if the control room then deploy an ARV,

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1 arrange for a dog unit to attend, and the sergeant has
2 requested all units, can you explain what effect that
3 might have on individual officers?

4 A. It's a significant impact in relation to confidence and
5 worry, because if you're going to an incident that you
6 think is high risk but you're aware that specialist
7 resources and other resources are coming, then you know
8 you've got more staff for dealing safer with an
9 incident, but if you know that you are it and you have
10 still got this high risk incident, then you know that's
11 going to impact on what tactical options you've got and
12 what variations that you've got as well. And also for
13 your own personal safety, you know then if there's -- if
14 you're it, you know that there's potentially a higher
15 risk to your safety, rather than if you know there's
16 colleagues either arriving with you, or imminently
17 behind.

18 Q. Can I move on to the stay safe message. I would like
19 to -- so taking this scenario that we're working through
20 at the moment where a stay safe message is sent, where
21 the inspector in the control room goes on to the

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- 1 Airwaves saying:
- 2 "I'm monitoring this obviously from an ARV
3 perspective. If you get sightings of the male you need
4 to make an initial assessment yourself and feed back
5 through straight away and I will listen out on
6 the channel."
- 7 Now, you have told us already about how you would
8 see a stay safe message being communicated, so if we
9 assume that a stay safe message along these lines has
10 been communicated, to what extent do you think that that
11 communicates all that would be required in a stay safe
12 message?
- 13 A. I think that it needs to be short, sharp, precise, no
14 ambiguity in the message, and capable for the officers
15 to hear, so short and snappy, keywords, and clear about
16 the mandate, so sometimes if you give officers that
17 freedom of saying like "Make your own decision, decide
18 this", does that mean they're to keep distance, or they
19 can interact with the person, so it's about clarity,
20 like "Do not approach, feed back first".
- 21 Q. And earlier today, am I right in thinking you said the

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- 1 controller in the ACR can also give a stay safe message?
- 2 A. Yes.
- 3 Q. That could be at an early stage?
- 4 A. Yes.
- 5 Q. And in response to that type of message that I have just
6 described, what would you expect a reasonable officer to
7 give back to ACR in terms of feed back?
- 8 A. Definitely that they are approaching the scene, or
9 arriving at scene, ideally approaching the scene and
10 what they can first initially see, so is that one
11 person, you know, one suspect, several suspects, any
12 sight of weapons, any other factors of risk, so members
13 of the public nearby or not, so some key principles
14 like: suspect sighted, one person, no knife visible, or
15 knife visible, no members of the public in immediate
16 vicinity, by the road, you know, whatever, but just some
17 key principal factors of what is making this a risk or
18 not, higher risk or lower risk.
- 19 Q. And is that something that officers are generally
20 trained to do?
- 21 A. Yes.

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1 Q. And can that be provided at any point where they have
2 access to their radio?

3 A. Yes, either through push and speak, or if need be, the
4 red button which turns your mic live.

5 Q. We have heard evidence that there's something called an
6 emergency button?

7 A. Yes.

8 MS GRAHAME: I'm going to be moving on. I'm conscious we're
9 a minute to 1.00. Would you like --

10 LORD BRACADALE: Well, that might be a good point to stop
11 for lunch. We will sit at 2 o'clock.

12 MS GRAHAME: Thank you.

13 (12.59 pm)

14 (The luncheon adjournment)

15 (2.00 pm)

16 LORD BRACADALE: Ms Grahame.

17 MS GRAHAME: Thank you.

18 Ms Caffrey, I would like to move on to look at the
19 tactical options that may be available to reasonable
20 officers --

21 A. Yes.

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1 Q. -- who are about to attend a grade 1 knife incident, in
2 the scenario that I have described to you earlier.

3 A. Okay.

4 Q. So we will continue on with that scenario. I'm going to
5 suggest four of them to you and I will be asking you if
6 those options would be open to reasonable officers and
7 if you can explain what they would look like.

8 A. Yes.

9 Q. So the first scenario that I'm going to suggest to you
10 is non-engagement by the officers and they would move to
11 a rendezvous point at a more remote area, for example,
12 in the Hayfield Road location, Gallaghers car park --

13 A. Yes.

14 Q. -- Gallaghers pub car park, and officers could park in
15 the car park, wait there in the same position, the same
16 location, keep their eyes on the subject, if he walked
17 off they could try and they could try to contain him,
18 they would have to be fluid, there would be a potential
19 risk to members of the public if they appeared, it would
20 have to be closely monitored, but they would take
21 a point of view from Gallaghers car park, see the

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- 1 roundabout, the streets in that area, and while they
2 were waiting, be feeding back to the ACR. So that's
3 the -- we will call that the rendezvous point option.
- 4 A. Yes.
- 5 Q. Is it your view that it would be open to reasonable
6 officers attending a knife incident to embark on that
7 option of -- way of proceeding?
- 8 A. Yes, that would be one tactical option.
- 9 Q. Right. And would that tactical option remain open to
10 officers if it had been declared a firearms incident by
11 an ACR inspector?
- 12 A. Yes, but if it had been declared a firearms incident
13 then there would be a mandate from the ACR informing
14 officers not to approach.
- 15 Q. Right. And would it remain an option if a firearms
16 incident was not declared by the ACR inspector?
- 17 A. Yes.
- 18 Q. Would it be an option open to the sergeant on the
19 ground, the divisional sergeant?
- 20 A. Yes.
- 21 Q. Would it be an option open to the PIO, the inspector in

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1 the divisional area?

2 A. Yes.

3 Q. Would it be an option for individual officers attending

4 the scene?

5 A. Yes.

6 Q. So it's within all of their respective discretions --

7 A. Yes.

8 Q. -- to choose that option?

9 A. Yes.

10 Q. And would you be able to help the Chair understand what

11 reasonable officers would do when at a rendezvous point,

12 if they have opted for that tactical option?

13 A. So the main benefit of the rendezvous point is for

14 additional staff to meet and then to discuss rapidly the

15 tactical options of how they can work the incident with

16 the numbers of staff that they've got, so whether that

17 be two officers, four, six, 12, but it gives them time

18 to come together and hopefully then produce

19 a coordinated option and that might be then deploying so

20 many to one part of the scene and so many being in

21 reserve, but it would then be an agreed plan and ideally

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1 led by a supervising officer.

2 Q. Is this type of RVP scenario akin to the spontaneous

3 RVP -- rendezvous point that you mentioned this morning

4 in your example?

5 A. Yes, absolutely, yes.

6 Q. So not the formal --

7 A. No.

8 Q. -- planned RVP?

9 A. No.

10 Q. And you have said that officers would come together,

11 there could be a coordinated option. What do you mean

12 by that?

13 A. So that's where, for example, if the sergeant was there,

14 or a constable would take the lead to say "This is what

15 I think we should do", you know, and deciding what skill

16 sets were there, who is better able to do certain

17 tactics, and this is where it's vital that you

18 understand who is in the team and you know what their

19 experiences are, what their capabilities are, so you

20 would look at their experience, the qualities of their

21 training, matching them with the potential demographics

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1 of the person because that person could be an 80-year
2 old lady who has escaped -- sorry, "escaped" is the
3 wrong word -- who has left a care home, who has got
4 dementia, but she too could have a knife, so then you
5 might think then well looking at the demographics of
6 your staff, who is potentially better able and willing
7 to take the lead for the contact role, so the
8 conversation, but then if you're looking for tactical
9 application of use of force then you may then look at
10 the experience of who you've got and what competencies
11 exist in using the force, who is then going to take over
12 as the supervisor of any use of force, you know, so it's
13 about trying to fit the demographics of the people that
14 you've got with the demographics of the suspect or
15 subject that you're going to deal with.

16 Q. And allowing that time at the rendezvous point from what
17 you're saying suggests that it provides more opportunity
18 for officers to consider the skills and experience of
19 the members of the team.

20 A. Yes, and even down to, you know, if it does end up going
21 to a restraint, allocating who is taking what role in

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1 the restraint, so you might then be looking at "You're
2 the leg person, you're one of the arm persons", and so
3 that's -- the officers then know what the plan is, what
4 the loose plan is, so you don't end up with everybody
5 laying over their legs and nobody has got hold of the
6 arms, so especially when there's a higher risk and
7 a potential for a weapon that might be concealed, you're
8 thinking then about if it gets to that point, the
9 containment, the restraint, the searching, you know, who
10 is going to do the search.

11 Q. So to what extent is there a -- if a plan is created, to
12 what extent does that allow additional benefits to the
13 officers in terms of protecting their safety and the
14 safety of others?

15 A. Yes, both because the more efficient you can make the
16 process, the quicker it is. It's then reducing the risk
17 of chaos because sometimes you find with interventions
18 it ends up in chaos because nobody knows who is doing
19 what, so the more you can warn and plan, the more then
20 it's hopefully -- it's hopefully time-efficient,
21 safety-efficient and therefore reduces the risk to all

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1 parties because you've got this tactic in place of who
2 is trying to do what role, who is taking control, who is
3 going to be the supervisor, who is going to be the
4 safety officer. If members of the public appear, who is
5 going to deal with them because again, you wouldn't want
6 everybody letting go at one point thinking nobody else
7 is doing that, so you could allocate rapid roles and all
8 of this -- we're only talking matters of seconds for
9 a supervisor to rapidly allocate roles and if it's
10 a tactic which is used regular within that shift, people
11 then will automatically say, "I will do whatever, I will
12 do this", and within small teams you start becoming
13 aware of who does which role within that team.

14 Q. I was going to ask you, how long does this --

15 A. Very quick, very quick.

16 Q. -- creating a tactical plan --

17 A. Very quick.

18 Q. Very quick.

19 A. Yes.

20 Q. You said a moment ago seconds?

21 A. Yes.

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- 1 Q. So not a lengthy period?
- 2 A. No, it's not a write-down plan and that, it's very
3 rapid. People know what the roles are so it might be
4 head officer, you know, left arm, right arm, legs,
5 you're the supervisor, you know, you're the member of
6 the public", so people know rapidly what is their
7 primary role if it's required.
- 8 Q. What about permitting time for specialist resources to
9 arrive? Would a rendezvous point option permit that?
- 10 A. Absolutely, because the rendezvous point then will allow
11 the time for specialist officers to arrive, but also
12 afford the staff there the visibility of the scenario,
13 so that if it becomes no longer viable to wait, they can
14 rapidly intervene, but they can also then be assured --
15 for example, if a member of the public is about to walk
16 in on it, they're going to have to then do something,
17 but if they're kind of able to confirm the public is not
18 at imminent risk, we have still got time to wait for the
19 resources.
- 20 Q. So when you say no longer viable to wait, what type of
21 situation would you expect to mean reasonable officers

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- 1 would say it's no longer viable to wait?
- 2 A. So this would be where if the person is continuing to
3 move but they're now trying to get into somebody's
4 property, or they're trying to -- they're going into
5 a hospital but again, you're going to need to feed that
6 back to the tactical for advice about what to do because
7 the whole scenario is increasing in risk.
- 8 You might see the group of children walking towards.
9 With some members of the public you can verbally shout
10 to them to back off. You could then look at, well, can
11 you get a police vehicle in-between the member of the
12 public who is walking in that direction and cut them off
13 before they actually get near the person. There's
14 ultimately many scenarios that you could consider, but
15 this is where the benefit is often having a supervisor
16 involved in that part so they can be thinking about the
17 wider health and safety factors for all people
18 concerned.
- 19 Q. And that supervisor could be the sergeant on the ground?
- 20 A. Yes.
- 21 Q. And when I read out the scenario there was a suggestion

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1 of it having to be fluid. Does that permit
2 an opportunity for reasonable officers to continue to
3 observe but if new information arises, new
4 circumstances, things change, that can be fed into the
5 National Decision-Making Model?

6 A. Yes, yes, and respond when needed.

7 Q. Right. And then can you tell us what you would expect
8 in terms of feedback to ACR or to other officers, if
9 officers were gathered in a rendezvous point?

10 A. Again, so those key factors of officers -- the person
11 who you're watching, so the subject, members of the
12 public, so you want to keep those three things fluid,
13 updates on all of these: is there any risk involved.
14 Object -- constantly updating whether there is an object
15 visible or not because even though there is no object
16 visible doesn't mean to say there isn't an object.

17 Q. When you say "object" you mean?

18 A. An object as in an object of concern, so it could be
19 a weapon, it could be stolen property, so it's
20 whether -- it's what relevance that object has. And
21 then place, so is the person moving, have they gone now

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1 onto a road, because if they're in the highway it
2 increases the risk to that person themselves on the
3 road, because they could get run over, and then thinking
4 about what can we actually see of the person, is there
5 anything yet telling us more, is this a criminal
6 intervention or is it a medical intervention that
7 the police are there for.

8 Q. What sort of information could a reasonable officer be
9 hoping to gather in about the subject themselves in
10 terms of assessing things such as mental health or
11 otherwise?

12 A. Okay, so one of the things that's often used within
13 police is looking at vulnerability assessment framework
14 and it's an A, B, C category of looking at A, the
15 appearance of the person, so how are they appearing, so
16 whatever you can see about the appearance, is it
17 different in any way to this like normal person who
18 would be in that same situation, so that could be either
19 visually looking, mode of dress, so how are they
20 appearing, do they appear drunk, intoxicated, are they
21 incapable of walking in a straight line, what is that

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1 appearance and then that links us into B, which is the
2 specific behaviour, so what are they actually doing
3 because then is the behaviour then indicating concerns
4 for perhaps the intoxication, the mental health, some
5 other kind of medical emergency, are they grabbing their
6 chest as they're stumbling around because it might then
7 indicate concerns about heart attack, angina attacks, so
8 then when you get on with C and communication, the
9 communication one, it's difficult from a distance but
10 not impossible because are they shouting out at
11 [passers-by], is it appropriate what they're shouting
12 now, so try and -- is the communication verbal,
13 non-verbal, how is that communication? And within all
14 of this look at dress, is it appropriate for the
15 situation. The D then is the dangers that's involved,
16 so are they about to walk into the road, onto a train
17 track, go into water -- you know, a harbour, so what are
18 the specific dangers that's about. Then environment,
19 are there any specific issues about the environment, so
20 close to a mental health unit, close to a hospital,
21 close to a school, highly populated residential areas,

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1 or is it commercial areas, so all of these factors are
2 often looked at in relation to this is the kind of
3 feedback which is relevant to the risk.

4 Q. So in terms of a reasonable officer, is that the type of
5 exercise they're carrying out while they're gathered in
6 a rendezvous point?

7 A. Yes.

8 Q. And you have said that a reasonable officer would then
9 be feeding back that type of information to ACR?

10 A. Yes.

11 Q. And other officers who are listening?

12 A. Yes, because that's ultimately assisting the inspector
13 there and the ACR team to work out about changes of
14 risk, any update they maybe then need to pass on to
15 specialist resources who are attending, so the
16 specialist resources might not yet be on that radio
17 channel to hear this, so they act as the mid-person to
18 communicate the updates to the specialist resources.

19 Q. Thank you. And you were talking about A, appearance.

20 A. Yes.

21 Q. And that included dress, so, for example, if a person

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1 was out on a wet day, it was cooler, and they were
2 wearing a T-shirt with short sleeves, is that the type
3 of information that an officer would be looking for?

4 A. Yes, because you could consider it inappropriate for the
5 circumstances, or rather, not normal for the
6 circumstances. Likewise, if it was a really hot day and
7 the person is in a great big heavy winter coat then you
8 would go "That's not normal for the circumstances", so
9 it's not saying you can't do these things but they're
10 just extra triggers for people to think, "Well, why is
11 the dress different to, you know, what you would expect
12 in that environment?"

13 Q. And you mentioned that they're also looking out for
14 signs of intoxication, maybe through drink and drugs?

15 A. Definitely. Intoxication and mental health. The police
16 are well-known for dealing with a large volume of people
17 who are suffering from the effects of intoxication or
18 mental health crisis and so the more that they can
19 recognise the warning signs for this -- because at the
20 end of the day the police officers are not healthcare
21 practitioners, so they're taught to look for signs, and

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1 it's those signs then that need to be passed to go
2 "There's a lot of signs now, it's still not proof but
3 there's signs that's indicating this might be something
4 else".

5 Q. When a reasonable officer sees signs, what would they
6 do, what would they be --

7 A. So they need to be passed back because one of the early
8 considerations for the ACR as well is about medical
9 support from the ambulance service, so if they're then
10 thinking "Well, we're now hearing from the officers at
11 the scene watching all these signs that a tick box --
12 you know, they're ticking our list here as well", if
13 they haven't already contacted the ambulance crew, they
14 might then now start thinking, "I think we need to
15 contact the local ambulance service and start saying to
16 them about attending to be on standby because it's
17 looking more likely that it might be an incident for
18 them to deal with rather than" --

19 Q. We have heard that if officers identify a medical
20 emergency that they can contact through their radios ACR
21 and the ACR will go away and arrange for the ambulance

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- 1 to attend, is that correct?
- 2 A. Yes, yes. There's working practices between all of the
3 category one responders, so the police, the
4 ambulance service, the fire service, but the
5 communications is via the police control room, so the
6 officer on the ground can't contact them direct, it all
7 goes through from the police control room to the likes
8 of the ambulance service and then they contact the
9 ambulance crew who then come.
- 10 Q. So the officer on the ground can observe, look out for
11 signs and then feed back those signs to the ACR and they
12 can then decide if an ambulance is to be contacted?
- 13 A. Yes.
- 14 Q. You have also talked about danger and environment.
- 15 A. Mm-hm.
- 16 Q. Could you help us a little more about the sort of
17 dangers or environmental issues that a reasonable
18 officer would be observing and feeding back.
- 19 A. Yes, so both of them are quite specific to the location
20 and circumstances at the time and the danger could be
21 because of the person is by a main road and that road --

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1 there's a difference whether it's a country lane or
2 a motorway and whether they're about to go over a bridge
3 in case then they fall over the bridge, or whether
4 they're going towards a harbour end, so the danger links
5 into the environmental issues as well, but also the
6 weather issues. It's whatever is specific to that
7 scenario that day.

8 Q. And then I forgot to ask you about C.

9 A. Communication.

10 Q. You talked about non-verbal communication. I would be
11 interested in knowing what you mean by that?

12 A. Yes, so, for example, the person could be talking to
13 thin air, or the person could be standing hitting
14 themselves and appearing to be mumbling, so all of that
15 is still part of the communication. They're
16 demonstrating through their communication to themselves
17 that it's potentially a mental health crisis going on,
18 so just talking into mid-air, talking at objects rather
19 than people, or if they're shouting at people
20 indiscriminately, all of that communication still needs
21 feeding back as well because it's all vital to indicate

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1 is it crime, or is it medical.

2 Q. Thank you. Can I ask you if officers do take the

3 decision, or a sergeant takes the decision to gather at

4 a rendezvous point and they are gathered there, what

5 impact does that have on the ACR, the staff there? What

6 importance do they place on that?

7 A. Well, chances are if they think they have deployed

8 someone straight to the scene and now the staff on the

9 ground are going "We're not going straight to the

10 scene", they should then be thinking is this

11 disobedience of a lawful order or is there something

12 else, so that should then be triggering them to think

13 what do the officers know or believe that we don't see,

14 and sometimes, you know, that's all it comes down to,

15 that the officers on the ground with the local knowledge

16 know something or believe something that the area

17 control room can't because they don't have that local

18 knowledge.

19 Q. And in terms of a situation if the officers decide and

20 then the sergeant becomes aware of that, what impact

21 would that have on a reasonable sergeant?

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- 1 A. Again, it should be indicating to them "What's the
2 problem?" you know, "Do I need to -- as the sergeant, do
3 I need to take them into this and manage them into this?
4 Do I need to brief them? What is it that's holding them
5 back? What are they seeing or thinking that I, as the
6 sergeant or the control room, aren't seeing?" So again,
7 it's just that extra warning light to say "Something's
8 not right here", because business as normal officers get
9 told to go to an incident and they go, so for someone
10 then to go "Mm-hm, no" ...
- 11 Q. And would that be the same warning light if the sergeant
12 had made the decision or the PIO had made the decision
13 to gather at a rendezvous point?
- 14 A. Yes, definitely.
- 15 Q. When we talk about the benefits of gathering at
16 a rendezvous point would this also permit an opportunity
17 to wait for, say, a dog unit?
- 18 A. Definitely, yes.
- 19 Q. Or an ARV if that was deemed appropriate?
- 20 A. Yes, yes.
- 21 Q. Right, thank you. I would like to move on to the second

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1 scenario, if I may. Again, this is a non-engagement
2 scenario, if I may call it observe, wait and feed back,
3 but perhaps at a nearby location.

4 A. Yes.

5 Q. So observe, wait and feed back. And this would be
6 a scenario or a tactical option where the officers
7 wouldn't move to a remote rendezvous point, but perhaps
8 park nearby in the street at the end of the street, or
9 in the vicinity, even perhaps driving by the area. They
10 would observe, wait and feed back. They could park and
11 remain within the vehicle but observe, wait and feed
12 back to the ACR, perhaps stop a short distance away and
13 say to themselves "I can see him, this is what's
14 happening to him", so observing what the subject looks
15 like, what he is doing, what's happening at that moment
16 in time and the location, and then creating some space
17 and some distance there, so not bringing themselves out
18 of the vehicle into potential harm's way.

19 Again, as a tactical option open to reasonable
20 officers would you -- in the scenario we have been
21 discussing about the knife incident, would you agree

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- 1 that was an option open to reasonable officers?
- 2 A. Yes, definitely.
- 3 Q. And if we imagine these reasonable officers carrying out
4 this option, how would they -- or what would they be
5 communicating with the ACR while they're doing this
6 observation?
- 7 A. Similar things again as what would be passed back from
8 the rendezvous point, just now that you're closer to the
9 person, so same things again about the appearance, what
10 you can see, the behaviour, the communications, any
11 dangers, the environmental factors, so as much as
12 possible and then ensuring that you've got an escape
13 route as well because if it does escalate you need to
14 either be able to, you know, quick U-turn or move
15 forward if you need to do that, so it's constantly being
16 flexible and responsive to either act -- act either to
17 go forward or to reverse.
- 18 Q. So if circumstances change and perhaps a vulnerable
19 member of the public comes onto the scene, the
20 officers -- reasonable officers can respond to that
21 immediately?

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- 1 A. Yes, yes.
- 2 Q. So they're not required to wait there for a particular
3 length of time?
- 4 A. No, because ultimately the priority -- the policing
5 priority is always the preservation of life, so if life
6 is at risk then the reasonable officer is always going
7 to try and respond to that, but officers are never
8 expected or mandated to put their own lives at risk in
9 order to save the life of another. A lot of officers
10 will, but they're not mandated to do that.
- 11 Q. What benefits are there to waiting and creating a little
12 bit of time and space?
- 13 A. Again, it's gathering more information and intelligence
14 in which to then feed back into the NDM so that you're
15 hopefully then looking at a more accurate risk and
16 threat picture and also then that you can think about
17 the policies and procedures as well because what are we
18 in, because you can have the same person but if you're
19 looking at them under an arrest model, or a help model
20 then your response is going to be different, so the more
21 information that you can gather, hopefully then the more

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1 accurate your response is with the plan.

2 Q. Tell us about this help model or arrest model analysis?

3 A. So that's basically there what -- if you've got enough

4 information to think this is actually a person in

5 a medical health, or a mental health crisis and again

6 they need a medical intervention, so although the police

7 may assist we're not looking at an arrest mode, we're

8 looking at helping somebody who has got a medical

9 incident going on, or the person could even be a victim

10 of a crime, you know, they have just managed to escape

11 from having been a hostage for -- somewhere, they're

12 still coming off the effect of drugs which they have

13 maybe been given, so it's not always -- it's not always

14 a clear distinction between what you're dealing with.

15 You've got to be prepared for who is this person that

16 you're dealing with, as much signs as you can get and

17 warning signs off the person, whereas if it's purely

18 then that you're thinking "This is arrest mode", the

19 other issues might then be secondary rather than

20 thinking the primary objective with this is, you know,

21 a mental health crisis which the police are assisting

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1 with, or is it a primary objective of an arrest for
2 a serious offence, or is it a victim that we need to
3 help -- that they need to help.

4 Q. So a reasonable officer is still at this stage
5 considering is this a medical matter, or would it be
6 exclusively a criminal matter?

7 A. Yes.

8 Q. And what would be the benefits of being a little closer
9 to the subject compared to the remote rendezvous point?

10 A. So the closer you are, the more you can pick up on the
11 face, so although from a further distance you can see
12 from the behaviours a lot of indicators, but the more
13 that you can physically see the face, the more
14 information that's going to give in relation to --
15 you know, is the face interactive or not, or is it like
16 a paralysis where the face is just numb, not moving,
17 very little movement there, or is there something
18 physical with the face, do we have what looks like
19 a head injury, do we have the eyes bulging in relation
20 to potential injuries or mental illness. So it's about
21 trying to see as much as possible on the face in

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1 relation to again, feeding that in and thinking "Which
2 way are we swinging in relation to what is this
3 a response for?"

4 Q. So is a reasonable officer always trying to gather in
5 more information about the subject and what the cause of
6 this call is?

7 A. Definitely, because that's going to increase or reduce
8 risk when you start dealing with the person and it might
9 impact your methodology of how to deal with the person
10 as well, who you're going to get to deal with the
11 person, so officers are trained from the beginning to
12 take in as much as possible and think about are any of
13 these tick lists being -- you know, these risk factors
14 being ticked or not and if we're getting numerous ticks,
15 in which list are they in. Are they more in the
16 criminal list or the medical list or the mental health
17 crisis list?

18 Q. Would a reasonable officer place a limit of time on this
19 observing and waiting and feedback?

20 A. No, no. The only time factor would be if the risk and
21 threat shifts to then cause like significant -- imminent

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1 harm to someone. That would be the pressure, but other
2 than that there's no time limit involved in this.

3 Q. We have heard about -- I think we touched on it
4 earlier -- the CUT principle --

5 A. Yes.

6 Q. -- where we have heard that you can use cover. It may
7 be suggested that even looking into that situation when
8 officers move away from just the observing, the waiting
9 and the feedback, they could use that vehicle for cover;
10 is that a reasonable option?

11 A. The safest method is keeping your door locked in the car
12 and approach, and if need be that you just open the
13 window slightly because even if you open the door and
14 think "Well, I will use the door as cover", if the
15 person moves forward quickly you haven't got time to get
16 in and shut the door, so by keeping the door closed and
17 locked it gives you that time as well to see if it
18 there's going to be any reaction from the person, are
19 they going to try and get into the police car and get
20 you out, so whilst you're in the vehicle you're safe and
21 you can also evade the area.

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1 Q. To what extent would a reasonable officer be wanting to
2 protect themselves and their colleagues, keep them safe?

3 A. Yes, I mean, ultimately it needs to be a safe -- all
4 actions need to be as safe as possible, so there will
5 always be an element of danger when you can't avoid
6 that, but as far as possible you need to try and avoid
7 unnecessary risk so that then would depend on everything
8 going on and can you approach it -- if it's going to be
9 an approach, can you approach it and keep safety in
10 mind.

11 Q. And again, would observing and waiting permit
12 an opportunity for a reasonable officer to wait for
13 specialist resources to arrive?

14 A. Yes.

15 Q. And maybe further support from other units arriving?

16 A. Yes.

17 Q. We have heard evidence from Martin Graves that he took
18 the view that this type of option, the observe, wait and
19 feed back, was open to reasonable officers and is it
20 fair to say you agree with him on that?

21 A. Yes, I agree.

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1 Q. And he also talked about the benefits of the additional
2 time that you have described and you agree with him on
3 that?

4 A. Yes, I agree.

5 Q. Because I have asked you that question I have realised
6 I didn't ask you that in relation to the first scenario,
7 so I know this is out of order but do you mind if we go
8 back to the rendezvous point.

9 A. Okay.

10 Q. And we heard some evidence from Martin Graves in
11 relation to a marshal in a rendezvous point. Do you
12 want to explain the distinction there?

13 A. Yes, so you don't need a marshal at a temporary
14 rendezvous point; your marshal is connected to your
15 forward control points, so where your RVP becomes a more
16 permanent or semi-permanent feature and that's then
17 where your marshal is directing people -- you know,
18 "Police to that end, ambulance crews that end,
19 fire brigade this end", so you muster your troops there,
20 so that's the forward control point to then move to the
21 incident scene from.

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1 Q. Subject to that distinction, where Martin Graves
2 appeared to describe the rendezvous point as
3 available -- an option available for reasonable
4 officers, you would agree with him to that extent?

5 A. Yes.

6 Q. Thank you. Sorry I didn't ask you that earlier.

7 A. Rendezvous points can be two seconds.

8 Q. Right. And just going back to the second scenario, the
9 observe, wait, feed back, if there are warning signs
10 that a person is either intoxicated through drink or
11 drugs, or suffering a mental health crisis, what would
12 a reasonable officer do?

13 A. Then it's about getting the ambulance crews coming,
14 because ultimately you're going to need to take that
15 person to hospital and as far as practicable, the person
16 should always be transferred in an ambulance rather than
17 a police vehicle, unless it's not practical to wait for
18 the ambulance crew.

19 Now, the police might need to travel in the
20 ambulance with the person as well for the safety of all
21 involved, but the primary transport method is always the

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1 medical model with medical staff there because
2 police officers are not medical. All they can do is
3 look at indicators, so those risk markers.

4 Q. And what's the benefit to the subject if he is
5 transported in an ambulance as opposed to --

6 A. Well, hopefully then they're getting the care and
7 attention that they need, plus we've got then fully
8 equipped ambulances which can cater for transportation
9 of a person on the stretcher, the medical seats, rather
10 than in the back of a police van in handcuffs.

11 Q. And there's no medical supplies in the back of the car?

12 A. There's no medical supplies in the police vehicle;
13 there's hopefully ones in the ambulance.

14 Q. Yes, all right, thank you.

15 I would like to move on to a third scenario and this
16 scenario is the first, really, where there's engagement
17 with the officers, and I'm going to call this
18 de-escalation.

19 A. Yes.

20 Q. And I will describe this to you as a scenario where
21 a tactical option of engage and negotiate and

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1 de-escalate. Unarmed officers attend a location. They
2 are trying to understand what is going on, which would
3 then allow them to inform decision-making about the
4 process. They would provide additional updates to ACR
5 and other officers. It would provide them with various
6 options, such as the opportunity to communicate. It
7 would be a key to building rapport. They would attempt
8 to de-escalate, engage and negotiate.

9 A. Mm-hm.

10 Q. A type of situation where there was engagement with the
11 subject, they're not sitting in a vehicle in any
12 position, they're actually approaching the subject in
13 some way and in relation to that type of scenario I'm
14 interested in whether you consider that option would be
15 open to reasonable officers who are approaching
16 a subject in the scenario we have described, grade 1
17 knife incident.

18 A. Yes, definitely, but you could even commence the
19 communication through the open window, you know, as in
20 "Hey, are you okay?" and just to get the response from
21 how is the person going to respond to any attempt to

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1 communicate whilst you're still in the vehicle, so it
2 doesn't have to be a case that you can't speak to the
3 person and try and build rapport unless you're out of
4 the vehicle, it can start from that point. Then if
5 a person turns round and goes "No, I'm all right, I'm
6 all right, just a bit wound up", or not, or they might
7 instantly go into a violent attack on the police
8 vehicle.

9 Q. So again, the engagement at that stage could be simple
10 open questions --

11 A. Mm-hm.

12 Q. -- about how the person is?

13 A. Yes.

14 Q. Can you describe in terms of what a reasonable officer
15 would do, what tone they would use, what their body
16 language, their demeanour would be like?

17 A. I think the reasonable officer would look at trying to
18 come in low, knowing then that they've got flexibility
19 to suddenly increase the response. As I mentioned
20 earlier, it's difficult if you go in at a high level to
21 come down, so it's -- certainly officers are trained if

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1 there's any suspicion of mental crisis, mental health
2 crisis, or medical, it's about being calm with the
3 voice, keeping it quiet, offering assistance and not
4 being sharp to frighten the person into -- because a lot
5 of people might, if they're in crisis, be frightened of
6 the police, just the physical uniform can send the
7 anxieties there, so it's about trying to be calm and
8 going, you know, "Hello, hey up", whatever, whatever
9 local --

10 Q. In a Scottish accent?

11 A. Yes, whatever local phrase is used within that area, but
12 just something to try and indicate you come in peace, to
13 help, that you're not coming as an aggressor.

14 Q. What circumstances in that situation would give rise to
15 a suspicion in the mind of a reasonable officer that
16 this was a mental health crisis? Could you give us
17 examples?

18 A. Yes, so if the person -- if they're not -- if their
19 behaviour is unusual, so like, the clothing, the lashing
20 out at things, talking -- talking to nobody, or into
21 open air, so we've got behaviour, then physically the

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1 bulging of the eyes, that would indicate either mental
2 health crisis and/or some form of intoxication, staring
3 through people, so if you're not actually correctly
4 focusing, because often if you're talking to a person --
5 a lot of people even in mental health crisis can talk
6 quite freely back depending on what the crisis is, but
7 sometimes you will see their eye focus point isn't
8 there, they're either looking right through you or
9 there's no change in their eye contact and again, I'm
10 not a healthcare professional to identify what that
11 means, but that would be a tick of concern to go,
12 "I need a healthcare professional to look at this and
13 tell me is this relevant".

14 Q. And for a reasonable officer, if he or she sees any
15 signs giving rise to a concern that it may be a mental
16 health crisis or intoxication of some sort, when you say
17 a reasonable officer would be saying "I need healthcare
18 assistance" --

19 A. Yes.

20 Q. -- what does that mean?

21 A. Ambulance at the scene there, or if it got to it and the

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1 person was being arrested, it would be healthcare upon
2 arrival at the station, and a lot of the time the
3 reasonable custody sergeant would -- as soon as they
4 have heard that -- go "No, you go straight to hospital",
5 because he is trying to avoid -- if there's a risk
6 factor, it's trying to keep that person out of the
7 system until they're safe to come into the system, and
8 the only way of classifying if the person's potentially
9 safe to come into the system is by the healthcare
10 professional.

11 Q. So I think you said earlier this morning a healthcare
12 professional can assess the person and make a decision
13 about their wellbeing, effectively?

14 A. Yes.

15 Q. Right. And what are the benefits of this scenario, this
16 third de-escalation scenario, the engage and negotiate
17 and de-escalate, for a reasonable officer?

18 A. Again, it's giving you more information in relation to
19 that NDM and to feed then into the policies and powers
20 to then be thinking about which SOP or which legislation
21 am I going down with this because you might still be

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1 unsure where you're going with this. Plus it gives you
2 that opportunity to try and build that rapport with the
3 person as well because you don't want a person to be
4 thinking about violence towards you because at the end
5 of the day, the officers as well all want to go home
6 safe that day, so it's about trying to keep everything
7 as calm as possible and to try and minimise escalation
8 of violence.

9 Q. What if an officer -- a reasonable officer is looking at
10 the subject but is unsure whether it is a mental health
11 crisis --

12 A. Yes, then radio. So you would be passing back to the
13 control room "This is what I'm seeing; advice, please".

14 Q. So they can also seek advice from the inspector?

15 A. Yes, yes.

16 Q. And then it's open to the inspector or the PIO or
17 a sergeant to --

18 A. Yes.

19 Q. -- provide that advice?

20 A. Yes.

21 Q. What advice would you expect a reasonable supervisor to

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1 be giving if the officer is uncertain whether it's
2 a mental health crisis?

3 A. So I think if they're passing things about the eyes and
4 the behaviour --

5 Q. Yes?

6 A. I think then the reasonable supervisor is likely to say
7 "This needs a medical intervention", as in: we need to
8 deploy an ambulance, get an ambulance to the scene,
9 because there's -- it's quite common where an ambulance
10 will go to a scene and check someone over before they're
11 then brought to custody and then at custody, because
12 they have already been checked at the scene, the
13 embedded healthcare professional will then further
14 assess them and then decide do they need to go to the
15 hospital or can they continue with them at the custody.

16 Q. So you have explained the position if a reasonable
17 officer is clearly convinced that this is a mental
18 health crisis, they would seek medical intervention.

19 A. Yes.

20 Q. If a reasonable officer is unsure but seeking that
21 clarification --

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1 A. Yes.

2 Q. -- would that also be something that --

3 A. Yes.

4 Q. -- would probably result in an ambulance being obtained?

5 A. Yes.

6 Q. Maybe not by the officer, or sought by the officer, but

7 by the supervisors?

8 A. Yes, because I think if the constable who is dealing

9 with the person has got suspicions that there might be

10 mental health, or health, then that's enough then to say

11 "This is no longer just business as usual, we have now

12 got suspected mental health, we need someone with

13 medical training to actually now look."

14 Q. And what difference would it make if rather than mental

15 health issues, it was an issue about intoxication

16 through drink or drugs? Would any of the evidence you

17 have given alter in any way?

18 A. No, because same again, the intoxication through drink

19 or drugs are specified conditions, the same as mental

20 health, head injuries and angina, so as a specified

21 condition they need to be advised upon by a healthcare

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1 professional, so the level of intoxication is important
2 to establish whether -- even if it's a criminal matter,
3 they might still not be safe to go to custody, to the
4 actual custody unit, they might still need to be taken
5 to hospital and officers remain at hospital with them
6 until they are deemed to be low enough intoxication and
7 safe enough to then be dealt with by non-healthcare
8 staff in a custody unit.

9 Q. Thank you. To what extent does this form of engagement
10 with a subject permit a reasonable officer
11 an opportunity to make an assessment about the demeanour
12 and the behaviour of the subject?

13 A. It gives a really good one. Sometimes that moment of
14 being closer can give a lot of rapid suspicion of risk
15 factors, because there's just something you think "Well,
16 it's just something -- this person just isn't presenting
17 how I would expect an average normal member of the
18 public today to be presenting".

19 Q. We have also heard that officers in this situation would
20 wish to -- where maybe they couldn't see a knife, they
21 would wish to maintain a reactionary gap?

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- 1 A. Definitely, definitely, yes.
- 2 Q. And what difference, if any, would it make if the
3 subject is non-verbal, so not communicating verbally
4 with the officers?
- 5 A. That, for me, would indicate more risk factors because
6 you're thinking then why are they not speaking? Is it
7 an inability to speak through maybe a disability, in
8 which case, this could be even more frightening because
9 maybe they can't hear as well. Are they not speaking
10 because of impact of intoxication, drink or drugs, in
11 which case if they can't speak, then they need medical
12 help, because they're at such a level of intoxication,
13 or is it the mental health aspect why they can't speak
14 and either way, the communication then from the officers
15 is going to be difficult because it's a barrier to
16 communication if that person either has any impacted
17 hearing ability or speech ability.
- 18 Q. So essentially all of these factors would be going
19 through the head of a reasonable officer and would
20 a reasonable officer then be feeding back to ACR?
- 21 A. Yes.

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1 Q. And I think we have heard from Martin Graves in relation
2 to this option and he -- I'm wondering if you agree with
3 him that this is an option open to reasonable officers
4 if circumstances permit?

5 A. Yes.

6 Q. I would like to move on to the fourth scenario, please.
7 This is a scenario that I'm calling verbal dominance.

8 A. Yes.

9 Q. It's an authoritarian approach, wanting to try and
10 control the individual. Verbal dominance approach of
11 communication. A methodology of trying to dominate the
12 individual by getting them to comply with your
13 instructions, to minimise the risk, or minimise the
14 requirement to possibly use other force, and we have
15 heard in evidence that this has been described as a hard
16 stop.

17 A. Yes.

18 Q. And this was a description of a tactical option
19 articulated by Martin Graves in his Inquiry statement,
20 so you may have read about this scenario?

21 A. Yes.

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- 1 Q. For reasonable officers attending a knife incident such
2 as we have described, would this option be open to
3 reasonable officers?
- 4 A. It would be open if the preclusion existed for the other
5 things have either been attempted and failed, or
6 deemed -- because of the imminent risk -- they weren't
7 feasible to attempt.
- 8 Q. Tell us about this principle of preclusion?
- 9 A. So it's about looking at -- you're always trying to look
10 at what is the lowest level of force that I can use and
11 force -- use of force isn't just about the physical use
12 of force. The moment you draw a baton or CS, that is
13 a use of force, it's a level of force that you're using
14 because there's the threat impact effect there, so you
15 don't actually have to hit someone with your baton for
16 it to be a use of force by the baton. Simply
17 withdrawing it is still a methodology of use of force.
- 18 So sometimes time will be an impact. So if the
19 person -- if a person is running at you now with a knife
20 in their hands, I have a split second to decide -- none
21 of this like verbal intervention -- none of it is likely

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1 to work because I need to stop the momentum of the
2 person suddenly running at you, but if they're at the
3 other end of the room and they've got the knife or
4 another weapon and then they're going, "I might go and
5 kill Angela", then I've got some opportunity there to
6 go, "Do you think that's a wise option?"--

7 Q. Okay.

8 A. -- or whatever, but you've got some opportunity there,
9 so it's all about looking at time factors, level of
10 risk, the imminency of it, so is it about to happen now,
11 or is it in the near future; is it going to create any
12 additional or increased risk by whatever option I decide
13 to do or not do because an action is also an inaction,
14 so there's pros and cons with action or inaction.

15 Q. So again, it very much depends on the particular
16 circumstances which are facing a reasonable officer at
17 any given time?

18 A. Yes, and it's making those rapid decisions of
19 thinking: what is the right option at this time and, as
20 you mentioned before, two officers might have
21 a different viewpoint on what option is the best option,

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1 but ultimately, if your decision-making is there, then
2 it's more likely to be evidenced and hopefully work out
3 than if there's no decision-making there.

4 Q. And in terms of if a reasonable officer adopts this type
5 of tactical approach, of verbal dominance, what impact
6 does that have on their other options that may be open
7 to them or the time they have to consider other options?

8 A. If you come in at verbal dominance, you're quite high up
9 on the communication aspect, so there's less chance then
10 of going into nurturing mode, you're basically at that
11 critical parent didactic particular mode, so you have
12 begun a chain of events on the communication level, so
13 it's difficult to go from being that dominant person to
14 then going to "Can I help you? Do you want to talk
15 about it?"

16 That doesn't stop another officer stepping in and
17 being good cop, bad cop scenario and sometimes that can
18 help as then a way of de-escalating.

19 Q. So officers perhaps arriving slightly later at the scene
20 still have that option open to them to try the
21 de-escalation method?

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- 1 A. Yes, because the person might now have a barrier to
2 communicate to me if I was trying to be dominant to you,
3 but another officer then arriving who took a more
4 nurturing approach, you might instantly warm to them,
5 but it's difficult for me to create a rapport now with
6 you because that's been damaged.
- 7 Q. So more difficult for that reasonable officer, but still
8 something that they could attempt to try?
- 9 A. Yes, still something that can be attempted, but just
10 more difficult.
- 11 Q. So it would still remain a reasonable option for other
12 officers who have not got that situation.
- 13 A. Yes.
- 14 Q. In terms of permitting a reasonable officer time to
15 engage and communicate or build a rapport with the
16 subject, how does verbal dominance as an approach impact
17 on that?
- 18 A. It doesn't really give you the opportunity to build
19 a rapport because you have gone straight into didactic
20 mode, so that does bring up a lot of barriers. You
21 would have to then work harder to get those barriers

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1 down over longer-term, but time-wise it would all be
2 dependent on the people involved as well and could --
3 the person who started off in a dominant role, do they
4 even have the time then to try and go into a nurturing
5 mode and then would that person actually go that easy to
6 think "Well, okay then, now you're being nice", so it
7 could create barriers, but each individual, whether it
8 be the officer or the subject, it's personal to them as
9 to length of time.

10 Q. And this approach of verbal dominance, what impact would
11 that have on the ability or the time of the officer to
12 take in additional information about the subject, their
13 appearance, their behaviour, their demeanour?

14 A. I think what it's likely to do is create a quicker
15 response back from the person and so that can give --
16 that cuts down your time then to gather information, but
17 it could escalate the person quickly one way or the
18 other, as to they escalate up in their response, or
19 instantly go "I give up". I haven't seen many people
20 ever say "I give up". It usually impacts the use of
21 force, usually --

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- 1 Q. And when you say impact, you mean increase, escalate?
- 2 A. As in it's more likely to increase and escalate, yes,
3 because you will often find the person then, the subject
4 will either respond in a forward motion at the officers,
5 or try and suddenly escape, so then you've got a bit of
6 a chase on and use of force. That's from my experience
7 that I have seen those different methodologies being
8 attempted.
- 9 Q. And if a reasonable officer used verbal dominance, what
10 impact would that have on their opportunity to assess
11 whether it was a mental health matter, a health issue,
12 or an arrest issue?
- 13 A. Potentially it's going to reduce the chance -- the time,
14 so you are more likely then -- you've got your evidence
15 from prior to that verbal dominance and then whatever
16 happens after the verbal dominance, but it's removed
17 a section of time. Now, that section of time, you know,
18 could be short, could be long, but by trying to -- if
19 you've got the opportunity to engage with the person a
20 bit and establish more communication or lack of
21 communication, it just then gives you more information

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- 1 feeding into the NDM.
- 2 Q. And that can then be fed back to ACR?
- 3 A. Yes.
- 4 Q. And are there any circumstances -- and you may have
5 already answered this actually -- where you feel that
6 this approach would not be one that a reasonable officer
7 would consider open to them on arrival at an incident?
- 8 A. I think when you arrive at a scene if you start thinking
9 that what you're dealing with is mental health crisis,
10 I think the reasonable officer would go down the line of
11 trying communication and de-escalation that way. If you
12 have arrived at the scene and you think a crime is
13 imminent, so the person is about to stab someone, then
14 you're going to go more to the verbal dominance because
15 you want that crime in motion to stop, or that crime
16 that's about to happen.
- 17 Q. Thank you. Can we look at -- well, I should say --
18 I think I said at the outset -- we heard from
19 Martin Graves and he said this is an option open to
20 officers --
- 21 A. Yes.

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- 1 Q. -- reasonable officers, depending on the circumstances.
- 2 A. Yes.
- 3 Q. Would you agree with that in principle?
- 4 A. Yes, yes.
- 5 Q. Thank you. Can we look at the use of force SOP now,
6 please. It will come up on the screen, it's PS10933.
7 This is the use of force standard operating procedure
8 and if we look at 2.2 to 2.7, just up the screen --
9 thank you. 2.2:
- 10 "Any force used by a Police Officer or member of
11 Police Staff must be legal, proportionate, and
12 reasonable in the circumstances and the minimum amount
13 necessary to accomplish the lawful objective concerned."
- 14 Do you understand that principle?
- 15 A. Yes, yes.
- 16 Q. And could you explain what it means by the minimum
17 amount necessary to accomplish the lawful objective?
- 18 A. Yes, so there, for example, if a person was urinating in
19 a doorway, it would be completely disproportionate to
20 taser them. It might be an annoying act, but it's
21 completely disproportionate to what's happening. So

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1 it's looking at can you avoid the use of force
2 altogether, simply by your mere presence. You know,
3 sometimes the officer's physical presence, or a warning
4 from them, verbal warning, pleading with them to like
5 "Stop what you're doing now" -- so I'm not talking about
6 the urinating now, just any incident.

7 Q. No.

8 A. So those initial engagements in addition to your
9 physical presence. Can you even get in-between people,
10 so if you see, for example, two people are squaring up
11 outside a pub or a club, then you will quite often see
12 officers getting in-between, hands up and saying "Back
13 off", or you might see then a push and like just a small
14 push "Back off", so all the time they're looking at can
15 this be avoided altogether with this minimum amount of
16 force, but then if the person comes to attack, how are
17 you then going to deal with the person and then that's
18 where, for example, you're taught the colour coding of
19 the body system to understand risk factors and which
20 then would be the safer body parts to target.

21 Q. Can I ask you what it means about accomplishing a lawful

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1 objective?

2 A. Yes, so the lawful objective there would be like
3 a lawful arrest, so are you using the force for a lawful
4 arrest, or does it end up being an unlawful arrest.

5 Q. And then 2.3:

6 "Action must be proportionate ..."

7 Which you have just described:

8 "... in relation to the competing rights of
9 individuals and any force used should be no more than is
10 absolutely necessary. In this regard individual
11 officers and staff must be prepared to account for their
12 decisions and to show that they were justified. It is
13 recognised as good practice for police officers and
14 staff to record details in their notebooks of all
15 instances involving the use of force and the reasons why
16 force was necessary."

17 If I can ask you some questions about this. You
18 have mentioned the first sentence about being
19 proportionate. Where it says "Individual officers must
20 be prepared to account for their decisions and show that
21 they were justified", what does that mean?

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1 A. It's showing that every officer is responsible for their
2 use of force as an individual, so if I, as a police
3 officer, was using force against someone and then
4 a colleague turned up, just because I'm using force
5 against that person doesn't necessarily mean that they
6 have -- that the colleague coming has the right to use
7 force, they need to make their own decisions in relation
8 to whether they use force or not.

9 Q. Does this tie in with what you said a moment ago about
10 if an officer has used verbal dominance, that may
11 preclude them from de-escalating and moving back to
12 a different --

13 A. Yes.

14 Q. -- more communicative form of tactical option, but
15 a separate officer approaching would have all those
16 options remain open to them?

17 A. Yes, yes, so they can use tactics which are different.

18 Q. And then as well as individual officers justifying their
19 actions, to what extent would a reasonable officer
20 consider they had to justify each use of force?

21 A. Yes, so if, for example, a scenario where two people

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1 have been squaring up, your first use of force is maybe
2 the small push, they still don't move so then you come
3 back and you give them a next push, and again, you have
4 to justify that one. So then if they decide, well,
5 they're walking off but then you decide you're going to
6 chase them down and handcuff them, you have to justify
7 that one, so the first two might be justifiable, but
8 then the third one isn't.

9 Q. And equally, if you have multiple strikes with a baton,
10 is it the responsibility of a reasonable officer to
11 justify each strike?

12 A. Yes.

13 Q. Dependent on the circumstances that exist at that
14 moment?

15 A. Yes, yes.

16 Q. And where it says it's good practice to record details
17 in notebooks of all incidents involving the use of force
18 and the reasons why force was necessary, can you tell us
19 a little about that?

20 A. So every officer has a pocket notebook, and that pocket
21 notebook needs to record significant events as their

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1 aide memoire, so any use of force that you have used,
2 even if that's just you have drawn your equipment, it's
3 achieved the objective, you haven't had to physically
4 use it, you would still make a note of this because the
5 person could still then, for example, make a complaint
6 in relation to the police use of force to move them on
7 from an area, for example.

8 Q. Describe the type of note that you would expect
9 a reasonable officer to make in their notebook?

10 A. So there at the left -- your notebooks generally have
11 a margin down the left-hand side so that's where you
12 write the time. Then the first line would be the
13 location and then you might be putting there "Dealing
14 with a group of people, two of them squaring up, male 1,
15 6-foot tall, blonde hair, blue eyes. Person 2, female,
16 dark hair, stated she was the wife of male 1", or -- so
17 you put a little bit of a description there as well for
18 that and then in effect what you did, or what advice
19 that you give.

20 Q. And while we're on this subject we have also heard some
21 evidence about use of force forms --

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1 A. Yes.

2 Q. -- that should be completed by officers?

3 A. Yes.

4 Q. Do you have any experience of that type of scenario?

5 A. Yes. Yes, basically by the end of your shift you're

6 expected to put in your use of force forms by the end of

7 that shift, but it was permissible within the next

8 24 hours before your next shift, but they were looking

9 at by the end of that shift you put them in, so some

10 nights you could put several in for the one shift,

11 especially on a night shift, because if you have been

12 using handcuffs for transportation of people in from

13 locations as well, you would need to be putting the use

14 of force form in for the fact that you have decided to

15 restrain them and why, so the form asks about what the

16 risk assessment, the reasons for handcuffing, so yes,

17 some officers could end up putting multiple forms in per

18 shift or per week.

19 Q. We have also heard some evidence about use of spray

20 forms --

21 A. Yes.

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- 1 Q. -- and a legal requirement which came in
2 in April 2013 --
- 3 A. Yes.
- 4 Q. -- that they be completed within 24 hours?
- 5 A. Yes.
- 6 Q. And in Scotland, at least sent to PIRC, the Police
7 Investigations and Review Commissioner, and that would
8 be sent via the OST email address and then passed to
9 PIRC. Is that something you're aware of as well?
- 10 A. Yes. At the time when I was policing, the use of force
11 form that we had covered the CS as well, it wasn't
12 a separate one, but I believe most forces now have gone
13 to a separate one for the CS, or PAVA.
- 14 Q. Do you have any knowledge of if forms aren't completed
15 by officers, so use of force forms or use of spray
16 forms, what arrangements are made to ensure completion
17 of those forms?
- 18 A. Well, it's a mandate that they're put in, so usually
19 then the supervisor is on the team member before the end
20 of that shift to be saying "Where's your use of force
21 form?" because typically the paperwork will go through

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1 the sergeant if it's hard copy; if it's electronic copy
2 I don't know what safeguards Police Scotland had in
3 place for the sergeant to know that they have put an
4 electronic copy in, but certainly the paper copies would
5 always come through the sergeant when I was there.

6 Q. So for a constable the supervisor would be a sergeant?

7 A. Yes.

8 Q. And for the sergeant?

9 A. It would be the inspector.

10 Q. The inspector would be the supervisor. We may hear more
11 evidence about this in due course.

12 To go back to the SOP, do we see at 2.4:

13 "An arrest should be made as unobtrusively as
14 possible. In no circumstances must a prisoner be
15 harshly treated or have greater force used towards that
16 person than is absolutely necessary to restrain them."

17 A. Yes.

18 Q. Can you explain what that means?

19 A. Yes, so that's complying with some of the European
20 human rights for safer custody, whereby whether the
21 detainee is police or prison -- it's about use of force

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1 and arresting unobtrusively, so, for example, you don't
2 overtly go into somebody's workplace and arrest them, or
3 into the public -- you would ask them if -- depending on
4 the risk "Do you mind stepping outside", and then if
5 they start saying, "I'm not stepping outside", you say,
6 "Well, you either step outside to be arrested or we're
7 going to arrest you in here", so it's looking at
8 wherever possible can it be done subtly and likewise, it
9 is recommended that you don't arrest children at school
10 and again, it's just about trying to remove some of that
11 stigma from them being arrested there.

12 Q. So it's not even to the extent about using force to do
13 that, it's using that subtly, as you put it --

14 A. Yes.

15 Q. -- or discreetly?

16 A. Yes, so you don't make a big show of it and put
17 spotlights on people because at the end of the day for
18 what they're being arrested for, they might be innocent.
19 And then about the issues about being harshly treated,
20 so that -- if it's excessive use of force then that
21 would breach the European Conventions in relation to use

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1 of force with detainees, that it's not overly used, it's
2 not used excessively in volume, so even though the force
3 in itself might not be excessive per se, but if it's
4 a volume that's unnecessary then that could be that.

5 It also looks at the issues around medical
6 treatment, so that the general principle is medical
7 treatment is without restraints unless the risk
8 assessment shows that they have to have them.

9 Q. Can we move on, please, to paragraph 2.5:

10 "The decision to use any defensive technique or
11 equipment in a confrontational situation is for each
12 individual to assess based on the circumstances
13 involved."

14 And I think you have said, Ms Caffrey, and also we
15 have heard that the particular circumstances are
16 significant to any decision that's made?

17 A. Yes. And it might depend on the individual demographics
18 of the officer involved. You know, if the person is
19 a lot bigger and stronger than you, or you fear that
20 they're a lot stronger than you by the size and
21 behaviour presented, then if that officer then feels

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1 they need equipment in order to defend themselves and
2 that there's no option but to defend themselves because
3 let's say, for example, they're up against the wall and
4 there's no way for them to create space and carry on
5 using verbal, so they might then have to use their
6 equipment, but it's about where necessary. Defensive
7 tactic, if you have to use it, then you've got your
8 tools available to look at what are you going to use,
9 why, and then what methodology are you going to use with
10 that.

11 Q. Thank you. And then if we can move down the page
12 slightly and look at 2.6 and 2.7. 2.6, first of all:

13 "Indiscriminate or unnecessary use of force is
14 unacceptable and individuals will be personally
15 accountable for such improper use. There are only two
16 criteria for any use of physical force, those being:

17 "Justification: where the force used is reasonable
18 and proportionate to the perceived threat; and

19 "Preclusion: where other reasonable response options
20 have, either, been attempted and failed or are
21 considered to be inappropriate."

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1 A. Yes.

2 Q. So again, you have touched on this earlier, but looking
3 at justification, first of all --

4 A. Yes, so this would link in with, you know, days gone by
5 where there might be large gatherings of people and
6 a little bit of disorder happening but you would see
7 police running in with truncheons just indiscriminately
8 hitting out at people and then innocent people who were
9 there just to watch, were not offering violence, are
10 then struck. So that would link in with those kind of
11 examples and preclusion there -- it's about looking at
12 what's reasonable in the circumstances. You're not
13 going to taser someone who has been at a minor disorder
14 level.

15 Q. Yes. And 2.7 finally:

16 "The overriding principle is that any force used by
17 ... Officers and ... Staff must never be excessive. Any
18 force used must be reasonable based on the individual
19 person's perception of the threat that they are
20 immediately facing."

21 I'm interested in this phrase "The individual

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1 person's perception of the threat that they are
2 immediately facing". Do you have any comments on that?

3 A. Again, it would take into account things like
4 demographics, background, your own level of knowledge
5 and competency, whether incidents have happened in the
6 past which then make you fear that that's a potential
7 risk that you're going to experience. It's very much
8 down on the individual officers to justify why the
9 threat and risk that they were being posed they
10 considered to be, you know, disproportionate for the
11 response coming back or not.

12 Q. And let's look at 4.6 now, please. We will see that
13 this is a paragraph entitled "Profiled Offender
14 Behaviour":

15 "This term encompasses the actions and behaviour of
16 the subject and comprise of the Warning and Danger signs
17 they exhibit coupled with Impact Factors. Profiling
18 a person's behaviour may assist in determining
19 an officer's reasonable response. Profiled Offender
20 Behaviour can be sub-categorised ..."

21 And as we go down the page do we see that those

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1 categories are split into, I think, six levels?

2 A. Yes.

3 Q. And we can take it -- so they go from "Compliance" at
4 level 1, right through to level 6 "Serious/Aggravated
5 Assaultive Resistance".

6 A. Yes.

7 Q. Are you familiar with all these categories?

8 A. Yes, they're similar across the UK and different
9 sectors.

10 Q. And then 4.7 -- we have heard evidence about these
11 different categories, I won't go through that with you
12 at the moment. 4.7 is an "Officers Reasonable Response
13 (Force Options)", and it says:

14 "By combining the elements of Profiled Offender
15 Behaviour and Impact Factors it afterwards the
16 officer/staff the ability to quickly assess the threat
17 and to make an informed decision to adopt appropriate
18 tactics from a range of force Options in order to deal
19 with the situation in a controlled justifiable and
20 accountable manner. These responses (force options) can
21 be sub-categorised."

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1 And again, do we see that these have been
2 categorised into levels 1, officer presence; level 2,
3 tactical communications; 3, control skills; 4, defensive
4 tactics and 5, deadly or lethal force.

5 A. Mm-hm.

6 Q. Again, are you familiar with these categories?

7 A. Yes, yes.

8 Q. And can we go back up to the beginning of 4.7.

9 Obviously the word "Justifiable", you have talked about
10 "justify" and "justified", but it also mentions here
11 "accountable manner": what's that about?

12 A. So this is looking at -- for example, if you're
13 interfering with someone's human rights and entitlements
14 to be able to move freely around the street but you're
15 now stopping them simply by your physical presence, can
16 you account -- can you justify it and can you account
17 for it, so it's often balancing rights of one against
18 rights of another as well and whether use of force is
19 applicable, or your intervention rather than any just
20 use of force.

21 Q. And in terms of providing a justification for choosing

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1 a use of force, you may recall as you have watched
2 Martin Graves' evidence he said it's not just justifying
3 that particular use of force, but also why you didn't
4 choose an alternative lower method?

5 A. Yes, yes.

6 Q. You agree with that?

7 A. Yes.

8 Q. And we have also heard that the use of force SOP is an
9 important SOP?

10 A. Yes.

11 Q. And that the principles behind this are mirrored in the
12 manual for training officers and also -- if we could
13 look at that for a moment, we have seen the 2013 manual,
14 PS11538A, and I believe you have had sight of this
15 before your evidence today.

16 A. Yes.

17 Q. And if we could look at page 5, it talks about use of
18 force, justification and preclusion, so again the same
19 principles from the use of force SOP are --

20 A. Yes.

21 Q. -- being repeated here and then at the very bottom

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1 right-hand side column there do we see:

2 "Two officers confronted with the same set of
3 circumstances may react differently. They may select
4 different force options each of which they perceived to
5 be appropriate and reasonable for them. It is for each
6 officer to justify their individual course of action."

7 A. Yes.

8 Q. So again, seeing those phrases and words reflected --

9 A. Yes.

10 Q. -- and mirrored in the manual?

11 A. Yes.

12 Q. And if we can look finally at a PowerPoint, COPFS05973,
13 and we have heard this is a PowerPoint used for officer
14 safety training, slide 7 and slide 8, please.

15 Sorry, keep going. That's perfect, thank you. It
16 says here "Criteria for use of force", "Justification":

17 "The level of force used must be reasonable for the
18 resistance exhibited by the subject."

19 And preclusion again is repeated here on the slide.

20 We have heard that these are key issues being brought

21 out in the PowerPoint slide.

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1 A. Yes.

2 Q. Could I see the preceding one and this one I'm not --
3 yes. And then we see here "Use of Force":

4 "Force must only be used when it is:

5 "Reasonable ...

6 "An absolute necessity.

7 "The minimum amount necessary.

8 "Proportionate..."

9 And:

10 "Officers must be accountable ... [and] show a legal
11 basis for their actions."

12 A. Yes.

13 Q. Can I touch on perception before we move on. To what
14 extent is perception a factor when one is carrying
15 out -- a reasonable officer is doing the NDM and
16 carrying out a risk assessment?

17 A. Well, certainly it's something to take into
18 consideration but the officer still has to justify their
19 action or inaction, because collectively,
20 police officers have such a varied background even prior
21 to joining the police and then in the police different

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1 postings will give them different experiences, different
2 capabilities, different competencies, then we've got age
3 factors, and we've got maybe where it's gone wrong,
4 different -- they will experiences of trying things,
5 it's gone wrong, trying things, it's worked, their own
6 personal history of being assaulted, so officers will be
7 considering all of this, but that doesn't mean to say
8 that that's the only factor to consider. It's something
9 else to take into consideration but you still need to be
10 objective with the facts and risks as presented and as
11 known, but your background in relation to what this
12 might be could then feed extra information into that
13 information and intelligence as the first step.

14 Q. So would it be open for the Chair to consider it is
15 still appropriate for him to consider the reasonableness
16 of any perception --

17 A. Yes.

18 Q. -- that is stated.

19 A. Yes.

20 Q. Thank you. And we have heard from Martin Graves that
21 the four options we discussed are open to officers; you

TRANSCRIPT OF THE INQUIRY

1 agree with that?

2 A. Yes.

3 Q. And you agree that they are open to all the individual

4 officers separately?

5 A. Yes.

6 Q. Any use of force at any time has to be -- each

7 individual use of force --

8 A. Yes.

9 Q. -- has to be justified, and would you agree that

10 a reasonable officer will endeavour to observe the

11 preclusion principle in what they do, depending on the

12 circumstances?

13 A. Yes.

14 Q. I would like to move on now to -- sorry, are you

15 comfortable to continue? Would we need a break?

16 A. Yes, yes.

17 Q. Yes, thank you. I would like to move on to look at some

18 specific scenarios with you. Where first of all

19 officers are attending an incident, we've discussed

20 this, there's an allegation of a knife that the subject

21 has chased cars with that knife?

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1 A. Yes.

2 Q. There's been a call for all units to attend, the
3 sergeant has asked -- sergeant on the ground has asked
4 for a dog unit and an ARV, and I'm going to again be
5 asking you some questions about tactical options that
6 are open to reasonable officers in different scenarios?

7 A. Yes.

8 Q. So if I can take you to the first officers arriving at
9 the scene, against that background.

10 A. Yes.

11 Q. And the subject is walking briskly.

12 A. Yes.

13 Q. He is noted by an officer to have eyes bulging out of
14 his head. It's been raining, blowing a gale, the
15 subject is wearing a wee T-shirt.

16 A. Mm-hm.

17 Q. His palms are held out and there is no knife visible but
18 obviously the Airwaves have been inviting officers to --
19 deploying officers to a knife incident. He is already
20 walking towards officers when they get out of the van
21 and an officer became aware he was high on something.

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1 Now, as we go through this scenario I would like to
2 have the use of force SOP back on the screen if possible
3 and I would like to go through 4.6 and 4.7, the profiled
4 offender behaviour and the reasonable officer response.

5 So let's start with 4.6. It is profiled offender
6 behaviour and let's start there. So in the circumstance
7 I have described to you, what would a reasonable
8 officer's view be in relation to the category of
9 profiled offender behaviour?

10 A. So at the moment we have just got a person who is going.
11 If the officers then initially engage as in "hey,
12 stop" -- do we have some indication first from the
13 officers to establish what is the reaction to that, so
14 if the officers try to engage by saying "Hello", or
15 whatever words, if the person then is attempting to --
16 well, sorry, if the person then responds in a positive
17 way, as in "Hi officer, how can I help?" then they're
18 fully compliant, they're level 1, they're complying with
19 this.

20 But then you might get the person who is then
21 walking on by, so then you're at level 2 because they're

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1 not compliant. They may or may not be verbal but
2 certainly if the person then -- you know, it's not
3 uncommon to try and engage with someone who wants to
4 carry on walking by and they may even say like "No, not
5 bothering", or just do a non-verbal hand sign gesture or
6 just try and ignore the fact that you have even asked
7 them to stop, and there's many reasons for that lack of
8 engagement initially. It could be either, you know, the
9 person has got hearing difficulties so they haven't
10 heard you, or it could be that the person just doesn't
11 like the police, you know, or it could be that the
12 person can't understand because of intoxication or
13 mental illness, or the person is guilty of something and
14 they don't want to engage with the police, so there
15 could be a spectrum of why a person doesn't want to
16 engage.

17 Q. Would a reasonable officer have that spectrum of
18 possibilities within their thoughts?

19 A. I believe so. Because you still want to know why:
20 what's the problem, why -- why aren't you willing to
21 speak to me? I'm trying to engage with you here.

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- 1 Q. And if the subject -- as this scenario I have
2 described -- is eyes bulging out of his head, wearing
3 a T-shirt when it has been raining and blowing a gale
4 that day and the officer is aware he was high on
5 something, can you explain what level of response
6 a reasonable officer at that stage would consider
7 appropriate?
- 8 A. I think they would be thinking about this is a person
9 who is under the influence of intoxication and/or mental
10 illness and I need to get them medical attention, so
11 "Control, we need an ambulance"; "Hey guy, I want to
12 help you, how can I help you", and look at that initial
13 engagement as to can you get a rapport with the person
14 and stress to them "We're here to help", but still
15 keeping all the distance because you don't know whether
16 there's a weapon involved or not.
- 17 Q. So at that stage what are the factors, the key factors
18 from the description I have given you that would in your
19 mind alert a reasonable officer to calling for that
20 ambulance?
- 21 A. Definitely the visual of the eyes bulging. If the face

TRANSCRIPT OF THE INQUIRY

1 then if it's not looking, it's not responding like
2 normally, the inappropriate clothing for the weather,
3 those factors alone would be thinking "There's something
4 not right here, it --" and you still don't know as
5 a police officer whether it's purely intoxication,
6 purely mental health crisis or both, but the fact that
7 you deal with both issues quite a lot would increase
8 your suspicions that this could be yet another incident
9 involving these areas.

10 Q. And for a reasonable officer, bearing those factors in
11 mind, how long do you think it would take them to
12 contact ACR on the radio and --

13 A. It should be very quickly because you want to feed that
14 information back and plus you're trying to then feed
15 back to the control room the nature of what -- so it
16 doesn't negate the fact that a knife has been reported,
17 but it's instantly feeding back that this is a person
18 involving potentially intoxication/mental health crisis,
19 which in effect could increase the risk if not handled
20 appropriately.

21 Q. And thinking about how a reasonable officer would

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1 respond to that risk, potentially a higher risk, what,
2 in your view, would a reasonable officer be doing after
3 they have contacted ACR about an ambulance?

4 A. It then indicates this is going to have additional risk
5 factors for police involvement and that would be all the
6 more reason to hopefully have the dog arriving because
7 you -- you still need the person to stop and you still
8 need to find out if they've got a weapon, so that in
9 effect is involving your stop search powers, but yet if
10 the weapon is concealed on them then that's putting the
11 officers at risk to go into that personal space. So you
12 have still got obligations there as well to either
13 negate that risk by finding the weapon and removing it,
14 or demonstrating it's not there, and then in which case
15 if it's not there, one of the key roles of the dog as
16 well is to find discarded items, so if potentially
17 you've got a discarded knife you know then if the dog is
18 coming, the dog's role then is find the knife, or
19 whatever weapon it is before the public finds it and
20 then uses it in another way.

21 Q. Right. Would it be an option for a reasonable officer

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1 at that stage to withdraw?

2 A. Yes, it would still be an option. It would still be an
3 option.

4 Q. What does the possibility of the knife, even though it
5 is not visible, what's the possibility -- what impact
6 does that have on that option in terms of how
7 a reasonable officer would deal with it?

8 A. It's all about balancing that risk factor and imminent
9 danger, so if you think -- if there's no knife visible
10 it doesn't mean the knife isn't there, but it also means
11 that the knife could have been discarded because that
12 can happen as well, but it's then looking at is there
13 a necessity to escalate this to -- if the person isn't
14 willing to stop and comply, do we then increase
15 the police presence to do it by force, or do you back
16 off for the time being, keep observations or even follow
17 the person, carry on walking along with them to still
18 try building rapport but keeping distance. So it's not
19 saying -- you're not going to get into your car and
20 drive off and out of sight. It would still be -- but
21 there is still an option of keeping that distance and

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1 constantly trying with that either verbal engagement to
2 try and get the rapport, or you might back off a little
3 bit more and just keep close following.

4 Q. Would a reasonable officer consider that it was open to
5 them to continue to attempt to communicate and to
6 continue to attempt to build a rapport?

7 A. Yes, certainly for those immediate tactical objectives
8 because at the minute we've got officers who haven't
9 actually got a given tactical option, so if the tactical
10 option was given that the objective is that person must
11 be stop searched for the weapon, then they know they're
12 still aiming for that tactic, but if no tactic has been
13 given and the officers are being left to decide their
14 own tactic, then that's going to impact it as well and
15 then they might be thinking "We need more than two
16 officers in order to deal with this because we need to
17 get the person to stop and we need to be able to go
18 through the process such as the stop search", but with
19 two officers with a non-compliant person that's going to
20 be more problematic.

21 Q. When you say no tactical option, is this what you were

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1 talking about earlier, the benefits of an RVP or
2 observe, wait and feed back, that it creates that
3 opportunity to prepare a tactical option?

4 A. Yes, and a formal tactical option, so if the supervisor
5 says "The object is by the end of this incident we will
6 have stop searched this person and then we will respond
7 to whatever is found or not" --

8 Q. And for a reasonable officer in this situation you have
9 said one option would be to continue to attempt to
10 communicate and engage.

11 A. Yes.

12 Q. What would the impact be for this officer, reasonable
13 officer, of knowing that more officers were coming, all
14 units were coming?

15 A. It means then you're buying time because you know
16 there's extra officers arriving so then once you've got
17 sufficient there and you're notifying them which way
18 they're going, as those officers are joining you've got
19 more officers then to put a containment on to stop the
20 person having the freedom of movement and then you can
21 bring the containment in more and again, depending on

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1 time, how far behind is the dog because ideally you want
2 the dog involved so officers don't have to go into the
3 near space, but if no dog is available and isn't
4 attending then at some point the officers are going to
5 have to go in closer to conduct the stop search, but at
6 least then if you've got multiple officers there you can
7 look at the use of force in order to facilitate the
8 search.

9 Q. So if circumstances permit, even at that stage, it would
10 be open to a reasonable officer to fall back, wait for
11 other officers, wait for a dog if available, and prepare
12 a tactical plan in amongst those other officers?

13 A. Yes.

14 Q. Even at that stage?

15 A. Yes.

16 Q. And would at that stage a reasonable officer be
17 considering ABD? We have heard about acute behavioural
18 disorder or disturbance, we have heard about a phrase
19 used at an earlier stage called excited delirium. Is
20 that the sort of thing that a reasonable officer would
21 be considering at that stage?

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1 A. They would definitely be considering mental health
2 crisis. That then links on to the next checklist in
3 relation to the ABD and thinking about what else do I --
4 what else would I need to be triggering this, so it's
5 hanging there at the moment as a potential checklist, so
6 then you're thinking about, well, that's like excessive
7 body heat is a potential risk, lack of (inaudible). We
8 haven't done anything yet to justify whether those other
9 bits are ticked, so yes, it might be there because it's
10 trained -- they're often trained hand in hand with the
11 intoxication and the mental health crisis risks. Here
12 it's about ABD and positional asphyxia, so they're
13 trained as interweaving issues but then they could be
14 also stand-alone.

15 Q. Right. If a reasonable officer was seeking to adopt
16 a minimum level of force, what options would be open to
17 that officer at this time?

18 A. This would be looking for trying to get a containment
19 on -- but you would need the additional officers. That
20 would then be a minimal level of force to contain.

21 Q. And if a reasonable officer was endeavouring to observe

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1 the principle of preclusion, what would that reasonable
2 officer try first?

3 A. Well, in order to do -- it would be the verbals and the
4 distance because in order to do any sort of "Hey" --
5 because sometimes if the person is in crisis they're not
6 aware that the person is there, unless you physically
7 touch them to go "hey", but then you don't want an
8 officer to be going into that close space to be able to
9 touch a person until you know whether there is a knife
10 or not there, or whether there's sufficient officers be
11 to involved, so certainly at this point I would be
12 thinking the reasonable officer would be still thinking
13 about keeping their distance until there's sufficient
14 officers to try and be safer in the approach because if
15 no dog is coming, then at some point they're going to
16 have to go into that personal space in order to rule out
17 the concept of the knife.

18 Q. We have heard from Martin Graves in relation to this
19 scenario and I want to see if you agree with his views.
20 He says:

21 "At this point I would be looking at the information

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1 in relation to what they knew before they arrived,
2 specifically if they believed the individual is in
3 possession of a knife, but it's a cold morning, the
4 person's wearing a T-shirt ..."

5 I'm reading this short:

6 "It's raining, their demeanour, their look indicates
7 to the officer there's possibly intoxication of some
8 description, thinking around how might this person
9 respond to me. I might get out of the vehicle and
10 approach, they might not like the police, they don't
11 want to talk to us, they don't want to do anything, try
12 to talk to them, see what's wrong with them. They're
13 obviously, you know, intoxicated or possibly
14 intoxicated, I need to establish that, and sometimes
15 that's only available to be able to talk to the
16 individual just to verify the fact."

17 Do you agree with what --

18 A. I do agree with that, yes.

19 Q. -- Martin Graves says about that. And he has described
20 it as:

21 "You've got level 1 profiled offender behaviour

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1 here."

2 A. Yes.

3 Q. "And then they're approaching the vehicle, they're
4 getting out of the vehicle, they can assess the vehicle,
5 and then you would go to level 2, you would engage that
6 individual, try to engage that individual in
7 conversation, it could be something as simple as 'Stand
8 still', 'what's up?', 'What are you doing?', 'hello',
9 anything like that and see what sort of response I get.
10 Do I get a no response, some physical or verbal response
11 from that attempted communication, so you've got 1 and 2
12 very quickly together. Do you agree with that?

13 A. Yes.

14 Q. Thank you.

15 I would like to move on to a different scenario
16 where officers have embarked on using strong verbal
17 commands and those commands are not complied with by the
18 subject. So the subject is walking towards the officers
19 when they get out of the vehicle, they park in his path,
20 he is not aiming for them as such, he continues walking
21 and he doesn't move or divert away from them.

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1 Again, thinking about the categories of profiled
2 offender behaviour, where would you place the behaviour
3 that I have described?

4 A. Well, it's definitely level 2, as in the resistance
5 there, but again, a key thing would be do they actually
6 understand what is expected of them to be doing because
7 a lot of the time, especially if someone is in crisis,
8 they might not even be aware that the police are there,
9 or that they are police, or if they're aware someone is
10 there, what they're even saying or wanting of them, so
11 I think there there would be an issue of how can we
12 demonstrate that they actually understand that we want
13 them to stop and engage.

14 Q. Is the -- for a reasonable officer, we see these
15 categories, you have said they would be aware of those,
16 would they also be considering the mindset of the
17 person, or the reason behind the behaviour?

18 A. Yes.

19 Q. And that would be part of the information they feed into
20 the risk assessment?

21 A. Yes.

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- 1 Q. And so for the description I have given you of the
2 subject's behaviour, how would a reasonable officer
3 categorise that?
- 4 A. Certainly level 2.
- 5 Q. And the question would be asked do they understand, is
6 that what you said?
- 7 A. Or they're looking for some feedback to them about does
8 this person actually understand we're the police and
9 we're wanting them to engage.
- 10 Q. What if they don't get that feedback?
- 11 A. Well, then it might not be so much that it's -- because
12 we talked about profiled offender behaviour, but if the
13 person -- the person might not be an offender for
14 offender behaviour, it might be that they're actually in
15 a medical emergency, so they can't physically respond.
- 16 Q. And what would a reasonable officer consider
17 an appropriate response to level 2 behaviour? Do you
18 want to go -- we can go down to 4.7 and see the
19 reasonable officer response?
- 20 A. I think here we're looking most are at the verbal
21 interaction to try and get the person to look at them,

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1 acknowledge them and show that they're either able to
2 acknowledge their presence --

3 Q. Right, if we look at level 2 "Tactical
4 communications" --

5 A. Yes.

6 Q. -- are you -- your response you have just given us --

7 A. Tactical communications, yes.

8 Q. We have heard that these different levels are not in
9 neat, clearly defined boxes, and there can be a range of
10 options within each level?

11 A. Yes.

12 Q. Describe to us the range of options that are open to
13 a reasonable officer in level 2 tactical communications?

14 A. So at one extreme you've got the nurturing
15 communication, as in "I'm a police officer, I want to
16 help you, do you need help", and at the other end you've
17 got the scenario of the didactic, "Stop, down on your
18 knees", so it's a lot more didactic communication there,
19 but ultimately if you're trying to communicate with
20 someone you have to be able to send a message that that
21 person can receive so the methodology of the sending is

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1 important as well because things that will affect that
2 message being received will include things like
3 intoxication and crisis.

4 Q. And is it a matter for the discretion of the reasonable
5 officer to tailor their style of communication with the
6 needs of the subject -- the needs of the circumstances
7 that present themselves?

8 A. Yes, because the example I gave earlier about the
9 80-year-old lady who has gone missing from the care
10 home, the rest of the circumstances could be the same,
11 she is walking down the road in a nightdress, reports of
12 her having had a knife, lashing out at cars, that person
13 then might need a different tactic or officers might
14 give a different approach to that person than a young
15 male who looks physically strong and healthy, but the
16 exact same circumstantial conditions other than their
17 demographics are different.

18 Q. And why would the response from the officer be different
19 if the circumstances were the same?

20 A. Partly because of the threat that they would fear as
21 well if it goes wrong because they might then be

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1 thinking, "I can deal with a frail 80-year-old person
2 who has gone missing from the care home", but then they
3 might think "I can't actually deal one-on-one with
4 a young, fit, strong person", so those demographics will
5 have differences as well.

6 Q. We have heard evidence that in using the National
7 Decision-Making Model and in providing information into
8 that to carry out the risk assessment, that there are
9 many factors that can be fed into that --

10 A. Yes.

11 Q. -- but one of them can be your own skills, your own
12 experience, your own capability, compared to the
13 subject?

14 A. Yes.

15 Q. The training you have had, the equipment you have
16 available, or the equipment you don't have available?

17 A. Yes.

18 Q. The specialist resources that you have available or you
19 don't have available?

20 A. Yes.

21 Q. Is that all correct?

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- 1 A. Yes, definitely.
- 2 Q. When we consider this scenario that we're looking at, to
3 what extent would a reasonable officer consider using
4 their CS or PAVA spray?
- 5 A. Well, CS and PAVA is a defensive tactic at level 4,
6 which then would be in response to self-defence, so
7 either defence of themselves, or defence of another
8 person.
- 9 Q. So let's look at level 4. We were on -- we were looking
10 at level 2, tactical communications.
- 11 A. Yes.
- 12 Q. Level 3 is control skills and we will look at that in
13 a moment. Defensive tactics are:
- 14 "... perceived to be strikes, whether delivered by
15 means of empty hand techniques or baton strikes, but
16 also include the more robust defensive handcuffing
17 techniques and the use of CS Incapacitant Spray."
- 18 A. Yes.
- 19 Q. So the use of that spray is a level 4 --
- 20 A. Yes.
- 21 Q. -- response?

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1 A. Yes.

2 Q. And can you explain what would the view of a reasonable
3 officer be in using a level 4 defensive tactic by using
4 their spray in those circumstances?

5 A. Yes, I think you would be looking at --

6 Q. Sorry, could I have one minute.

7 (Pause).

8 Are you happy to answer this question?

9 A. Yes.

10 Q. Sorry.

11 A. You would be looking at use of spray if you felt there
12 was an imminent attack about to happen on you by that
13 person, or on your colleague by that person, and you're
14 using it then to defend your colleague or yourself or
15 a member of the public who is in imminent danger of
16 being attacked and preclusion-wise, you haven't got
17 a chance to, like, get in front of them and try and stop
18 them.

19 Q. I was going to ask you in that -- if we go back up the
20 page we can see that -- sorry, yes. Level 3, "Control
21 skills", what would that envisage?

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1 A. So this is where you might put yourself in front of
2 people to separate them and push people back, so
3 typically, for example, in a domestic violence situation
4 where you might turn up and the two parties are arguing,
5 then, you know, you might get involved there and
6 verbally and with hand gestures to separate the two into
7 separate rooms, but again, you haven't physically took
8 hold of anyone or restrained them, but you've got them
9 separated now into different rooms, simply by using your
10 hands or at worst a touch or a tap to say "Come on, this
11 way", you know "This way" (indicating).

12 LORD BRACADALE: Ms Grahame, I see that the stenographer has
13 given up. We really ought to have had a break for the
14 stenographer earlier but I think that might be
15 a convenient point, would it, to stop?

16 MS GRAHAME: I would be obliged if that was possible.
17 I don't have my junior here today and it would be
18 an opportunity for me to reflect on some questions.

19 LORD BRACADALE: All right, we will stop there and --
20 Ms Mitchell?

21 MS MITCHELL: (Mic turned off).

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1 LORD BRACADALE: Yes, well, Ms Caffrey can go, I take it?

2 MS MITCHELL: Yes.

3 LORD BRACADALE: Ms Caffrey, you can leave now and if you
4 come back at 10 o'clock tomorrow morning.

5 A. Okay, thank you, sir.

6 (The witness withdrew)

7 LORD BRACADALE: Yes, Ms Mitchell, do you want to come to
8 the table?

9 MS MITCHELL: Yes, I'm obliged to the Chair for allowing me
10 this opportunity.

11 The Chair will have heard during the course of the
12 hearing this afternoon there was some noise from the
13 back of the Inquiry room, which appeared to be coming
14 from a telephone. Now, that sounded not like
15 a telephone might go off like a ringing tone, or perhaps
16 a ping because they have forgotten to put off the tone
17 or something, but it sounded actually as if something
18 was being listened to or a noise sounded like -- the
19 Chair can make their own inquiries, but it sounded like
20 football.

21 Now, I wonder if the Chair can make a direction to

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1 ensure that all parties, when they are in the Inquiry,
2 are using their mobile phones for reasons of
3 communication between perhaps other people in their
4 group and for no other reason. Clearly of all the
5 witnesses that come to court and all the work that is
6 being done -- sorry to the Tribunal -- it's highly
7 important that we have the opportunity to clearly focus
8 and concentrate on that and this sort of interruption is
9 clearly not what we, or indeed the family, wish for.

10 LORD BRACADALE: Well, I shall reflect on that submission,
11 Ms Mitchell. I have had representations in relation to
12 a number of aspects of the activities of legal
13 representatives, so I will reflect on that as one
14 element of that. Thank you.

15 (3.51 pm)

16 (The Inquiry adjourned until 10.00 am on Thursday,
17 1 December 2022)

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